

**TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES**  
**Tuesday, June 15, 2021 at 6:30 pm**

**A. Call to Order:** Chairman Auclair opened the meeting at 6:30 pm.

**B. Roll Call: Present:** Paul Auclair, Amanda Berticelli, Bill Kenny, Lorraine Rardin, Jason Record, Joshua Saunders & Ann Sawchuck, **Staff:** Carla Nixon - Town Planner, Christina Silberman - Administrative Assistant. Town Manager Bill Shane arrived during Public Hearing item 1.

**C. Approval of the Minutes of the May 18, 2021 meeting:** Mr. Saunders moved to approve the minutes as written, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

**D. Staff Site Plan Approvals:**

**1. Construction of a utility shed and parking area for farm use at 48 Blanchard Rd.** Ms. Nixon reported that the owners of this property will be leasing some of their land for farming and they need to put a utility shed on the property in a small parking area.

**2. Placement of fiber optic switching cabinet at 218 Foreside Rd.** Ms. Nixon reported that this is for a small cabinet to be added and she has asked the applicant to fence and buffer the area.

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

**F. Hearings and Presentations**

**1. Public Hearing: Final Major Subdivision Review for a 14 lot (13 homesites) subdivision, Blanchard Oaks, on a 51.78-acre parcel located at 365 Blanchard Rd. Extension, Tax Assessor Map R08, Lot 68A in the Rural Residential 2 (RR2) Zoning District. Applicant/Owner: Chris Axelson. Representative: Travis Letellier, P.E. Northeast Civil Solutions, Inc.**

Chairman Auclair introduced the item and reviewed the project history.

Travis Letellier, P.E.- Northeast Civil Solutions, Inc., reported that the only outstanding items are the DEP (Dept. of Environmental Protection) stormwater and NRPA (Natural Resources Protection Act) permits. Mr. Letellier noted that they have responded to all of the DEP comments and concerns and the plans before the Board reflect the revisions. Mr. Letellier expect the permits on the 25<sup>th</sup> of this month and asked for conditional approval of the subdivision tonight. Mr. Letellier referred to the waiver request that failed at the last meeting and said there is confirmation from the Fire Chief about the road length and he is okay with it. The HOA documents are currently being reviewed by staff.

Chairman Auclair asked about lot five and the impingement on the wetland. Mr. Letellier replied that the latest plan shows a building envelope that does work with the

property. Mr. Letellier said that if lot owners want to impact more of the wetlands than what is shown on the plan, they will have to go back to the DEP for permission.

Mr. Kenny referred to the easement for the open space and said he would like to have it clarified so that the open space is not under HOA control and it is forever. Ms. Nixon said that a revision was submitted this morning so that the easement will be in perpetuity and held by the Town.

Mr. Kenny referred to the Fire Chief's recommendations to have fire alarm systems and key boxes and asked if the applicant plans to do these. Mr. Letellier said they have not discussed these items and it would be up to the property owners. Ms. Nixon noted that these items are not required and this is a standard recommendation. Chairman Auclair said he is not sure the Board has the authority to require these things. Ms. Nixon said she will follow up with the Fire Chief.

Mr. Kenny referred to the Findings of Fact for wildlife habitat and historical resources and said he does not see that these have been met. Ms. Nixon said that the agency letters are not back yet and this can be a condition of approval.

Mr. Saunders referred to recommendations made by Traffic Solutions and asked if the applicant is willing to work with the Town for these to happen. Mr. Letellier replied sure. The Board reviewed traffic concerns.

Chairman Auclair opened the public hearing.

Mike Schwindt, Lands & Conservation Commission (LCC), said the LCC's first review of the project was positive. Mr. Schwindt shared the LCC concerns with the homeowners' association documents. Mr. Schwindt said he has not seen a plan for the management of the common open space. It is unclear if the cutting of trees is allowed in the open space. The issue of agricultural land is inadequately addressed. Mr. Schwindt noted the land was described as non-agricultural because it is forested but the ordinance addresses the soils and potential for agricultural use. The LCC has serious concerns about the protection and management of the open space and they oppose approval of the protective covenants and common easements until they are consistent with the letter and spirit of the ordinance.

Chairman Auclair asked if the HOAs are reviewed by the Town Attorney. Ms. Nixon replied that there is a proposed condition of approval that HOA documents be submitted in a form acceptable to the Town Attorney. Ms. Nixon said that the issues that have been raised have been addressed in a large part and the Town Attorney will review them. Ms. Nixon has shared the LCC comments with the Town Attorney.

Ms. Nixon noted that the issue of farmland was shared with the Engineer earlier and he may have information to add. Mr. Letellier shared information on the soil types and said none of the areas are over five acres and they soils are primarily not prime agricultural land.

Denny Gallaudet, LCC Forestry Subcommittee, noted that a forest at least one acre in size is considered high conservation value along with agricultural land. Mr. Gallaudet said he has a survey that shows 57 percent are Paxton soils, which are high value, and that it would be worthwhile to follow up on what the soils are. Mr. Letellier replied that a

lot of the soils are Paxton soils but are a PFC soil that isn't prime farmland. Mr. Letellier added that there are half-dozen different types of Paxton soils identified.

Mr. Gallaudet continued that from a forestry perspective, this land is as good as you can get in Cumberland County. The forest soils are of the highest possible quality in the State and have a high conservation value. Mr. Gallaudet said it is not clear what land is going into the open space and asked what percent of the open space has the high value soils. Mr. Gallaudet said that if the open space includes a lot of wetlands, that is something that needs to be rethought. Mr. Letellier replied that part of the process for the land to be conserved includes the wetlands and this was their priority when laying out the project and they concentrated the development in the less ecologically sensitive areas and this is the direction they got from the ordinance.

Chairman Auclair read the following letter received today from abutter Shelton Waldrep:

Dear Members of the Planning Board

I write to ask that the Planning Board not approve the final plans for adding seventeen new homes on Blanchard Road Extension without taking action to slow the traffic down on that street. As residents have attested in public hearings, the amount of traffic on this road has increased enormously over the last several years and is about to change significantly in a short span of time. In the twenty years that we have lived here we have also seen that many of our neighbors drive too fast. Police patrols are rare. There is no sign indicating the speed limit; the fact that this road is not an outlet; or any other impediment to using the road as anything other than a racetrack. There are children living on the street but nothing is done to slow the traffic to a safe speed. The Town needs to establish a speed limit for the road of 25 miles per hour, or less; provide optimal signage; and install a speed bump. This is the minimum needed to send a signal to local traffic and wandering visitors to the Fair Grounds that they are entering a neighborhood that asks that they slow down.

Blanchard Road Extension is without public water, natural gas, or sidewalks. This is the least you can do for a neighborhood whose character is about to change irretrievably from overbuilding.

Sincerely, Shelton Waldrep

Jeff Nevulis, 354 Blanchard Rd., expressed concerns with traffic and speed and noted that there is no speed limit sign. Mr. Nevulis requested better signage and said the conditions will be magnified with the additional homes.

Bruce Sherwin, 292 Blanchard Rd., remarked "Good luck putting up a speed limit sign.". Mr. Sherwin said this area is used a lot for walking and asked if there is any plan for a sidewalk here. Chairman Auclair said that this would not be the purview of the Board, it would be a Town issue. Mr. Sherwin said it is dangerous because people speed too fast. Mr. Sherwin is tired of his taxes going up and he is taking this development, if it goes through, and doing a study on how this affects taxes and why. Mr. Sherwin said that with all the development, the taxes keep going up and it doesn't make sense.

Ms. Nixon said Town Manager Bill Shane reported that 25 miles per hour is the default speed limit for subdivision roads and Blanchard Rd. Ext. would need to be checked by MDOT. Mr. Shane assumes the speed limit would be close to 25 miles per hour due to the narrow width. Ms. Nixon added that she asked Mr. Shane about a speed bump and he said that would be a request to the Town Council and a survey of the neighbors would be required. Ms. Nixon referred to an upgrade to Blanchard Rd. Ext., and said that as part of the subdivision review, that has not been shown to be needed. There is an ordinance that talks about the road for the subdivision itself

and the road standards are met for the access road to that subdivision. A traffic study was done and did not find that there had been pedestrian accidents and such to warrant further analysis. Ms. Nixon remarked that everyone in town would say people go too fast and they wish they had sidewalks. Ms. Nixon agreed that this is not the Planning Board's role and said it is the Town Council's role to decide to appropriate money for those types of capital improvements.

Bob Vail, Town Councilor, Cumberland Center, recognized Mike Schwindt and Denny Gallaudet for their efforts. Councilor Vail said this is the first conservation subdivision and it is important to take this slow and easy and make sure it's done right. Every piece of land that can be conserved is important. Mr. Vail referred to the pandemic and said that Cumberland's diversity and ability to grow crops and feed ourselves is in danger. Councilor Vail said we have seen the disruption of oil pipelines and the ability to transport goods and his desire is to be able to feed this community at some point with the land that we have. Councilor Vail said we need to look at everything we do with more than just today's glimpse. Councilor Vail added that we need to be thinking 20, 50 or 100 years out and about what legacy we leave for our children and grandchildren.

Chairman Auclair closed the public hearing.

Mr. Record asked if the Board has any ability to have the applicant pay for upgrades to the public roads such as signage or other creative things that the Town might be able to do. Ms. Nixon said that she doesn't think this has ever happened and she can't answer.

Mr. Kenny said he is leaning toward not approving the project with a condition of approval because the HOA is so muddled and the Board ought to go slow and get the input back from the Town Attorney.

Mr. Saunders said he is okay doing a condition of approval for the HOA and if the Town's attorney says it is okay and meets a condition of approval, that is as good as the attorney coming to a meeting and saying the documents meet their approval.

Mr. Record asked if, with the HOA docs, we can say it is subject to Planning Board approval as well as Town Attorney approval because Mr. Schwindt has concerns that might not just be the letter of the law. Ms. Nixon said that the condition of approval could be worded in such a way that it's clear that it's important that the intent of the ordinance has been met. Ms. Nixon said that the Town Attorney will look at how the easement is written and there is a condition of approval that says the plan approval is subject to the attorney approval of the documents. Ms. Nixon added that if the attorney says the documents are in a form that is legal and conforms with our ordinance, it would be challenging for the Board to say it is not. This could be grounds for an applicant to say that is not what your ordinance says.

Chairman Auclair asked Mr. Schwindt if the review by the attorney would be accepted by the LCC. Mr. Schwindt said that the Conservation Subdivision Committee did not talk about the types of land when drafting the ordinance but talked about prime land – first, second or third class. Mr. Schwindt continued that none of the discussion tonight talked about any of the classes of prime land. Mr.

Schwindt said if the issue is the Town Attorney signs off on the documents, that is up to the Town Council to say whether or not they will go along with that. Mr. Schwindt said that there is more than one way to interpret a law and he wants to follow both the letter of the law and the spirit of what the conservation subdivision is about. Mr. Schwindt added that if the Town signs off on this, who is he to say anything. Mr. Schwindt will look at the language and propose changes to the ordinance that he feels are necessary.

Chairman Auclair noted that the Town has an ordinance and if the Town Attorney thinks the HOA conforms with the ordinance, that is reasonable. Mr. Kenny said the applicant is supposed to have a management plan approved by the Town Council and asked if the condition of approval should say they can't go ahead unless the Town Council has approved the management plan. Ms. Nixon said the Town Council accepts an easement offered to the Town for the ownership of the open space and the language says the applicant submits a plan for the management of the open space but this is if the homeowner's association is keeping it. Ms. Nixon continued that if the Town is taking on the open space, the Town may have a different idea of what the management should look like and we just have to trust the process. Ms. Nixon said if the Board is not comfortable with doing this, they can table the item and bring it back next month.

Mr. Kenny asked if the Town could ask the Town Attorney the question of the management plan going before the Town Council. Ms. Nixon said that this can be a condition of approval. Mr. Kenny said he would like to have this specifically reviewed because he is concerned about having a management plan.

Ms. Berticelli said the Town Attorney will review for legal sufficiency of the ordinance and it is appropriate to ask specifically about a particular part to make sure the Board gets clarity. Mr. Berticelli referred to the soil findings and asked if there is a perceived discrepancy in the soils testing, what happens and which information is the Board supposed to use when there is challenging information. Ms. Nixon replied that the Town did not ask that a high intensity soils survey be done and if the Board wants to go back on the waiver, she thinks they can do so. Ms. Nixon said that she thinks the applicants have looked at aggregate mapping of soil by region. The applicant did submit a plan the showed the soil types superimposed on the plan, which is what the ordinance asks for. Ms. Nixon said if what the applicant provides and what the LCC provides conflict, the Town would have to work it out and she isn't sure how to address that.

Mr. Saunders said he was on the Board when the Conservation Subdivision was adopted and he does not think it is inconsistent to include wetlands in the conservation open space. The Board talked a lot in workshops about high value conservation areas and never was there anything mandatory to be included in the conservation area. The Board was purposely left the flexibility to determine what would go into the open space. The Board did try to identify the things they would like to see included in the open space but there was never any requirement that anything had to be included. Mr. Saunders said the Board didn't get into the

specificity of doing soils analysis for the purpose of determining what the high value conservation areas are.

Mr. Record noted that the net residential density calculation starts by taking out the unbuildable areas. Mr. Gallaudet replied that this is a precedent and the intent of the conservation subdivision ordinance is to protect prime lands. Mr. Gallaudet said his hope is to get as many of the high value lands into the open space as possible and not leave the leftovers in the open space.

Mr. Saunders moved that due to the unique characteristics of the project and the property that the Board grant a waiver to the dead-end road length, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

The proposed findings of fact were reviewed. Mr. Saunders moved to adopt the Findings of Fact as amended, seconded by Ms. Berticelli and **VOTED, 7 yeas, unanimous - 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 flood plains;
- B. The nature of soils and subsoil and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

***The 13 lot residential subdivision is not located in a mapped floodplain. Each lot will have a private septic system and passing soils tests for each of the proposed lots have been provided. The residential development will not result in undue air pollution. Streams will not be used for the disposal of effluents. A nitrate plume analysis has been completed and shows no offsite impacts to groundwater. 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 lots will be served by private wells. A hydrogeologic evaluation report outlines the water usage on the property and calculates the amount of recharge the property will contribute to the underlying aquifer. The report concludes that there will be little, if any, drawdown to the aquifer due to the 13 new wells, one for each lot. The Town Engineer has reviewed and approved the findings of the hydrogeologic report. Based on the information provided, the standards of this section have been met.***

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

***The subdivision will not utilize public water. Based on the information provided, the standards of this section have been met.***

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

***The applicant has submitted an erosion and sedimentation control plan that has been reviewed and approved by the Town Engineer. An MDEP Stormwater permit is required which will include details on erosion and sedimentation control. With the proposed condition of approval, 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 assessment dated April 26, 2021, was prepared by Traffic Solutions. The assessment shows that the proposed 13 single family homes can be expected to generate a total of 123 trips during a typical weekday. The Maine DOT Accident Records Section crash data for the period 2018 – 2020 shows that the defined study area is not a high crash location. Based on the information provided, the standards of this section have been met for preliminary approval.***

***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; ***Each home will have a private septic system. A preliminary soil test report was conducted on April 22, 2021. The report dated March 26, 2021, shows that the soil is suitable for subsurface wastewater disposal. Soil test pit locations are shown on the plan. A complete wastewater disposal system design (HHE-200) is needed for a permit to install the system once building locations, building sizes and site development are conceptualized. Based on the information provided, the standards of this section have been met.***

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

***Cumberland provides curbside trash collection and recycling through a contracted waste hauler. The addition of 13 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;

***The area of proposed developments has been designed to impact as little of the protected natural resources as possible and over 20 acres of the property will be preserved as part of the approval. Letters are required from state agencies stating that no areas of the site contain significant wildlife or habitat areas or that significant impacts to historic or protected natural resources will occur. With the proposed condition of approval, the standards of this section have been met.***

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

***The plans have been reviewed by the town planner, the town engineer and town department heads. Review comments are being addressed by the Applicant's engineer. With the proposed condition of approval, 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, land use attorneys and a wetland scientist.**

**Financial capacity: The project is estimated to cost \$540,000 as shown in an estimate sheet dated 1/13/21 prepared by Mid-Coast Excavating. There is a letter dated April 21, 2021 from Ballentine Partners stating that Chris Bowden holds in excess of \$800,000 in liquid securities that will fund the completion of the project. Additional information on the current balances in the applicant's investment accounts was submitted which shows the necessary funds to construct the project are available.**

**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 project will involve the filling of a small portion of the overall wetlands on site and there will be a stream crossing. All work within these areas needs to be permitted by the Maine DEP. With the proposed condition of approval, 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;

**A hydrogeologic evaluation was conducted that concludes there will be little if any drawdown to the aquifer due to the 13 new wells. The report concludes there will be little effect on the groundwater quality due to the private septic systems that will be used within the development. 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 development is not located within a 100-year flood plain. 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 Permit application has been submitted to MEDEP. A copy of the stormwater management report was provided in the packet. Receipt of the MEDEP Stormwater Permit is required for final approval and is listed as a proposed condition of approval. The Town Engineer has reviewed the stormwater management plan and has made several comments which will need to be addressed. With the proposed condition of approval, 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 have been mapped and shown on the plan. Impact to the wetlands has been minimized to the greatest extent possible. A wetlands permit is required from the Maine DEP. With the proposed condition of approval, the standards of this section have been met.**

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

***There are two streams on the parcel. A Maine DEP Permit by Rule has been applied for. With the proposed condition of approval, the standards of this section have been met.***

The proposed conditions of approval were reviewed. Mr. Saunders moved to approve final major subdivision review for a 14 lot (13 homesites) subdivision called Blanchard Oaks on a 51.78-acre parcel (44.14 acres for subdivision) located at 365 Blanchard Rd. Extension, Tax Assessor Map R08, Lot 68A subject to the standard condition of approval and the twelve conditions of final plan approval, seconded by Ms. Berticelli and **VOTED, 7 yeas, unanimous - motion carries.**

**STANDARD CONDITION OF APPROVAL:** This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted 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. A preconstruction conference shall be held prior to the start of construction.
2. If there are any public improvements, a performance guarantee in an amount and form acceptable to the Town Manager will be required prior to the preconstruction conference.
3. All clearing limits shall be flagged and approved by the Peer Review Engineer prior to the preconstruction conference.
4. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
5. All legal and technical review fees shall be paid to the Town prior to the preconstruction conference.
6. Any required local, State or Federal permits or letters shall be submitted to the Town Planner prior to releasing the plat for recording.
7. An electronic copy of the as-built plans shall be submitted to the Town Planner prior to the release of any remaining inspection fees.
8. All review comments made by the Town Planner and Town Engineer shall be addressed prior to releasing the plat for recording.
9. The required HOA documents shall be submitted in a form acceptable to the Town Manager and Town Attorney to specifically include meeting the standards of Sections; 250-7, 250-8 and 250-9 regarding the common open space of the subdivision.
10. A copy of the recorded HOA documents shall be provided to the Town Planner prior to the preconstruction conference.
11. A list of all required trails and lighting shall be provided along with a timeline for construction. These items shall be added to the list of required improvements and include the cost estimates for each.
12. The applicant shall work with the Town to ensure that the recommendations made in the Traffic Solutions letter dated June 10, 2021, are completed.

**2. Public Hearing: Major Site Plan Review for a 15,000-sf building to be located on Route 1 in the Office Commercial South (OC-S) zoning district within the Heritage Village Subdivision. The 2.55-acre parcel is shown on Tax Assessor Map R01, Lot 11-3. Applicant: Ryan Peters, Lakeside Concrete Cutting and Abatement Professionals. Representative: Curtis Y. Neufeld, P.E., Sitelines Civil Engineers.**

Chairman Auclair introduced the item. Ms. Nixon said she has met with Mr. Neufeld and talked about the design of the building and they've been very cooperative trying to meet the intent of the Route One Design Standards.

Mr. Neufeld, Site Lines, said Ryan Peters is here tonight and noted that Benjamin Murray of A.E. Hodsdon helped with the architecture. Mr. Neufeld provided history of the project. The applicant plans to use a shared drive and they have spoken with the adjacent lot owner and provided documentation to the Town Planner to indicate that the adjacent lot owner is okay with everything. The utility stubs are already in place.

Mr. Neufeld displayed some aerial views of the site and described the location and access to the site. Mr. Neufeld displayed the site plan and described the building and the business. The primary access will be opposite Hawks Ridge. Mr. Neufeld identified the location of a connection that could go out to Sky View Dr. There will be office space and garage bay space. There are two businesses, concrete cutting and abatement professionals and there is a small fleet of vehicles. Some employees will come and leave a vehicle and take a vehicle out. There are about ten permanent office staff. There are sixty parking spaces throughout the site.

Mr. Neufeld identified the location of an underground soil filter to collect runoff and noted the terrain rises to the rear of the site. The trail that is part of the larger system is shown on the plan. There will be public water and sewer. Mr. Neufeld referred to a slope at the back of the property and identified the location of a fence that will go there and will extend on the neighbor's parcel and the neighbor is okay with this. Mr. Neufeld described the drainage and the landscaping. Mr. Neufeld displayed portrayals of the building appearance.

Mr. Saunders asked what the hours of operation are for the business. Mr. Neufeld said it will be standard hours, employees may arrive between 6 and 7 am. Mr. Saunders referred to a proposed finding of fact indicating that deliveries will be confined to daylight hours and said he is not sure this is appropriate. Mr. Saunders said the purchase and sale agreement in the packet was not signed and asked if Ms. Nixon has a signed copy. Mr. Neufeld replied not yet. Mr. Saunders said he doesn't know if the Board can hear this if they don't have evidence of right, title and interest. Ms. Nixon explained that the property will be owned by one entity and leased to Lakeside Concrete and both of these companies have the same sole shareholder (Ryan Peters).

Ryan Peters said he is the owner of Lowland Pearls that is buying the property. The offer to purchase the land is contingent on the Planning Board's approval to build the project. Mr. Peters said there is a signed purchase and sale agreement with Beacon Properties to sell land and his realtor has a copy with the signatures. Mr. Saunders suggested that the Board go forward and deal with this as a condition of approval and if the attorney says it can't be a condition of approval, the applicant is going to have to come back to the Board. Mr. Shane announced that the Town Attorney has said it is okay to have it as a condition of approval.

Chairman Auclair opened the public hearing.

Tom Foley, 29 Granite Ridge Rd., True Spring Farm Condominium Association, said they welcome new neighbors on Route 1. Mr. Foley asked what the function of the

business is and what a typical day of operation looks like for this business. Mr. Peters replied that they are a construction company that services commercial, residential and industrial. The business is demolition and there is a large labor staff. They remove asbestos, mold and lead and offer consulting and training services. They are licensed with MDOT. Ten people in the office will estimate/schedule the work and do other office work and one person will be in the warehouse for the day. They have up to four deliveries a week. Employees will come between 5 to 7 am and get a work truck to go to a job site. Typically work will be between 6 and 4:30.

Mr. Foley asked if the loading bays will be used to store asbestos or potentially hazardous materials. Mr. Peters replied that asbestos would be brought back from the job site in a sealed container and would be moved to a secured shipping container. When the container is full, it is hauled away. Mr. Foley asked if the zoning regulations allow for the storage of hazardous waste. Ms. Nixon replied that the use is described as contractor space and office space and the definition does include storage but does not indicate hazardous or non-hazardous. Mr. Peters clarified that asbestos is not considered hazardous.

Chairman Auclair closed the public hearing.

Mr. Record asked if the expectation is that there will be one storage container before it goes to the facility or would there be two, three or four sitting there for a long time. Mr. Peters said they do not typically store construction debris and he is not comfortable putting a limit on how many containers. Mr. Record asked where the containers would be and Mr. Neufeld identified the location of an enclosed dumpster pad and a small shed. Mr. Neufeld noted that things that might come from a job site are sealed before getting to the site and there would never be an open can of asbestos related material or anything like that. Chairman Auclair pointed out that the risk of asbestos exposure is for people that worked in the industry for years and years and he doesn't see any issue with sealed containers.

Mr. Saunders asked if anything will happen for loud noise there. Mr. Neufeld replied no.

Mr. Kenny asked if they will use open dumpsters or containers. Mr. Peters said they will use both, a sealed container would be used for asbestos and a dumpster would be used for construction material.

Mr. Saunders moved that due to the unique characteristics of the property and the project that the Board grant a waiver from a high intensity soil survey, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project that the Board grant a waiver from a hydrogeologic evaluation, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project that the Board grant a waiver from a traffic study as Sevee and Maher Engineers did review this waiver request and recommends approval of it based on historical traffic permitting, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the unique characteristics of the project that the Board grant a waiver from the market study, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Chairman Auclair reviewed the findings of fact. Mr. Saunders moved to adopt the proposed findings of fact as amended, 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.

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

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

**The proposed development of an office building on an approved subdivision lot is an appropriate utilization of the site. There are letters on file from State agencies that were provided during the subdivision review process in 2015 that show there are no wildlife habitats. MDEP is reviewing the plan for an amended Site Location of Development amendment permit. Receipt of this permit is a proposed condition of approval. Based on the condition of approval, the Board finds the standards of this section have been met.**

#### **B. Traffic, Circulation and Parking**

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

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

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

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

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

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

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

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

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

(1) No use which generates less than one hundred (1) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

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

**(2) Access way Location and Spacing**

Access ways must meet the following standards:

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

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

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

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

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

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

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

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

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

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

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

Parking Angle	Stall Width	Skew 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

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

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

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

**(5) Building and Parking Placement**

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

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

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

**The entrance location meets the above requirements. Adequate sight distance has been provided at the entrance/exit location. A copy of the Traffic Movement Permit from MDOT has been provided. An MDOT Driveway Entrance Permit was previously provided. There is a sidewalk along the sides of the building that lead to entrances. The placement of the building, parking and overhead garage doors have been appropriately sited to reflect the requirements of the Route 1 Design Standards. The proposed use will have minimal traffic generation since it does not include retail space or services that require customers coming into the building. Based on the above findings of fact, the Board finds the standards of this section have been met.**

**C. Stormwater Management and Erosion Control**

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

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

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

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

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

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

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

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

## **(2) Erosion Control**

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

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

**A stormwater management report (including erosion control) was submitted in the application and reviewed by the Town Engineer who has noted that several adjustments are required. A Maine DEP Site Location of Development Act permit is required and is under review at this time by MDEP. This review by MDEP will include a stormwater review. These items are listed as proposed conditions of approval. Based on the proposed condition of approval, the Board finds the standards of this section have been met.**

## **(D) Water, Sewer, and Fire Protection**

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

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

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

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

**The proposed development will connect to the existing utilities located in the Route 1 right of way. There will be public water for both domestic drinking water and fire protection. The subdivision received approval from the PWD. There will be underground**

electric, cable and telephone/data. There will also be a connection to the natural gas main on Route 1. The building will be sprinkled and equipped with an alarm system. Based on the above findings of fact and pending confirmation from Portland Water District, the Board finds the standards of this section have been met.

#### **E. Water Protection**

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

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

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

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

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

**The site is not located within the Town Aquifer Protection Area. All storage for fuel, chemicals, chemical or industrial wastes, biodegradable raw materials or liquid, gaseous or solid materials will meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's office. The project will be served by public water and sewer. Based on the materials included in the application, the Board finds that the standards of this section have been met.**

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

**The site is not located within a floodplain as shown on the submitted FEMA map. Based on the above finding of fact, the Board finds the standards of this section have been met.**

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

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

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

**The exterior lighting will include pole and building mounted fixtures as well as pedestrian level bollard lights. The catalogue cut sheets show that the fixtures are full cut-off. The photometric plan provided shows that light is cast over the property lines and the Town Engineer has recommended that permission from abutting property owners be obtained.**

Alternatively, the lighting plan could be adjusted. The exterior lights will be off during non-business hours and one hour prior to and following hours of operation. With a proposed condition of approval, the Board finds the standards of this section have been met.

#### **I. Buffering and Landscaping**

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

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

**Buffers in the form of fences, grade changes, and landscaping have been designed to screen service and storage areas. A landscape plan showing a mixture of deciduous and non-deciduous trees and shrubs and perennials has been provided. Due to drainage design, plantings are not proposed around the foundation. Based on the above findings of fact, the Board finds the standards of this section have been met.**

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

**The proposed office building use will not cause noise levels that would be a nuisance for neighboring properties. The backing up of trucks to the loading bays may create noise audible beyond the property lines. Based on the above findings of fact, the Board finds the standards of this section have been met.**

#### **K. Storage of Materials**

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

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

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

**All storage areas and dumpsters are screened by either fencing or landscaping. A shed is proposed to be constructed as an accessory building to store materials containing asbestos until they could be properly disposed of. The location of this storage building is not shown on the plan nor is a dumpster screening detail provided. Both of these items are listed as proposed conditions of approval. With the proposed conditions of approval, the Board finds the standards of this section have been met.**

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

**Technical Ability:** The applicant has retained the services of Sitelines, PA that has extensive experience planning and designing commercial developments.

**Financial Capacity:** Attachment G of the application includes a letter of financial capacity from Bangor Savings Bank.

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

#### **M. Design and Performance Standards**

##### **(1) Route 1 Design Standards: APPLICABLE**

**(2)** Route 1 Design Standards: n/a

**(3)** Town Center District Design and Performance Standards: n/a

**(4)** Village Mixed Use Performance Standards: n/a

#### **Route 1 Design Standards Ordinance Requirements**

##### **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: A subdivision plan was previously approved by the Planning Board which shows the location of this 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: Sitelines, PA provided all required professional services.**

**1.3 Route One Buffer Strip** - Developments should be designed to preserve the naturally forested character of much of the Rt. 1 corridor. A 75' setback is recommended.

**FINDING: This setback is provided for.**

**1.4 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: There is one access point from Route 1 as per the approved subdivision plan. This will be a shared entrance with Lot 4.**

**1.4.1 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: There is one access point from Route 1 as per the approved subdivision plan. This will be a shared entrance with Lot 4.**

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

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

**1.4.3 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: The approved subdivision plan shows a driveway along the rear of Lots 2, 3 and 4. The driveway from Rt. 1 is to be shared with Lot # 4.**

**1.5 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.

**1.5.1 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 location of the building on the site is appropriate.**

**1.5.2 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 building entrances are covered and set off by architectural details.**

**1.5.3 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: All setbacks are conforming and appropriate.**

**1.5.4 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**

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

**FINDING: All ADA requirements have been met.**

**1.6 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 is located to the rear and sides of the building. There is no parking in front of the building.**

**1.6.1 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: There is no parking between the building and Route 1.**

**1.6.2 Landscaping** - A 75' buffer between Route 1 and buildings and parking is intended to ensure that views from Route One are not of expanses of asphalt will be required of each new development that is on Route 1. 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.

**FINDING: The 75' buffer is shown on the plan.**

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

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

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

**FINDING: The plan reflects these recommendations.**

**1.7 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.

**FINDING: Service areas are located to the rear of the building.**

**1.7.1 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: Service areas are not visible from Route 1.**

**1.7.2 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 criteria has been met.**

**1.7.3 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 criteria has been met.**

**1.8 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 site plan shows open areas around the building.**

**1.8.1 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: There are walkways along three sides of the building.**

**1.8.2 Landscaping** - Where there are trees in the 75' 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: Due to necessary grading for stormwater management, some existing trees will be removed, however additional plantings will buffer the building in time.**

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

**FINDING: There are open space areas on the site.**

**1.9 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.

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

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

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

**FINDING: The above criteria has been met.**

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

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

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

**1.11 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: All utilities will be underground from Route 1.**

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

**1.11.2 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: Service will be via underground lines.**

**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 "capes" with dormers, in white clapboard with corner pilasters or columns, and Victorian 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 19<sup>th</sup> 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 19<sup>th</sup> century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

**FINDING: The building design reflects the above criteria by using clapboard style siding in appropriate earth tone colors.**

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

**FINDING: The roofline is flat to accommodate HVAC equipment, however the use of facades in sections of the roofline break up the effect of the flat roof and screen the HVAC equipment.**

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

**FINDING: The windows reflect the above criteria.**

**2.1.3 Detailing** - Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek Revival buildings have corner-boards in the form of pilasters or even rows of actual columns across 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: The detailing reflects the above criteria.**

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

**FINDING: The building materials reflect the above criteria.**

**2.2 Large Scale Buildings - Objective:** Due to their visibility and mass, the design of new large structures (10,000 square feet or greater) have the ability to greatly enhance or detract from Route 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: The building reflects the above criteria.**

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

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

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

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

**2.2.3 Architectural Details** - Large structures should have the same degree of detailing found in well-designed smaller and medium sized buildings along the Route 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: The building reflects the above criteria.**

**2.2.4 Facades and Exterior Walls** - Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 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: The building reflects the above criteria.**

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

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

**2.3 Linear Commercial Buildings - Objective:** Linear commercial structures, such as multi-tenant offices or commercial buildings may be appropriate along Route 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: The building reflects the above criteria.**

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

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

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

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

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

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

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

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

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

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

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

**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.

Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible. Dwellings with ells and additions, and ones with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level “contractor modern” type dwellings do not particularly reflect Maine styles. Similarly, traditional New England building materials such as wooden shingles and clapboards are encouraged. Modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

**FINDING: N/A**

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

**FINDING: N/A**

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

**FINDING: N/A**

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

**FINDING: N/A**

**3. Signs** - 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: TBD with sign permit application**

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

**FINDING: Complies**

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

**FINDING: TBD with sign permit application**

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

**FINDING: TBD with sign permit application**

**3.1.5 Sign Content** - To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign. Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read. The use of variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the

tenants' are not permitted. Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

**FINDING: TBD with sign permit application**

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

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

**FINDING: TBD with sign permit application**

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

**FINDING: TBD with sign permit application**

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

**FINDING: TBD with sign permit application**

**3.3 Sign Illumination** - Only externally lit signs are permitted in the Route 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: Complies**

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

necessary), and sky glow (lighting shining outward and upward washing out views of the nighttime sky).

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

**FINDING: Complies**

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

**4.2.1 Elements of the Lighting Plan -** In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting, describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs. The Planning Board may require a photometric diagram that shows illumination levels from all externally and internally visible light sources, including signage. The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate. Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places. Where proposed lighting abuts residential areas, parking lot lighting and other use-related site lighting should be substantially reduced in intensity within one hour of the business closing.

**FINDING: Complies**

**4.3 Types of Lighting**

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

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

**FINDING: Complies**

**4.3.3 Pedestrian Lighting -** Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated. Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3' to

4' in height and ornamental fixtures of up to 12' in height are encouraged. Fixtures should be a maximum of 1 watts and should not create glare or light trespass onto abutting properties.

**FINDING: Complies**

The Board reviewed the proposed conditions of approval. Mr. Saunders moved to approve major site plan review for a 15,000-sf building to be located on Route 1 in the Office Commercial South (OC-S) zoning district within the Heritage Village Subdivision the parcel being shown on Tax Assessor Map R01, Lot 11-3 subject to the expiration of approval, the standard condition of approval and the fourteen conditions of approval, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

**EXPIRATION OF APPROVAL:** Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the period. Such request must be made in writing and must be made to the Planning Board. The Planning Board may grant up to two one-year extensions to the period if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

**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. A preconstruction conference is required prior to the start of construction.
2. The amended SLODA permit shall be submitted to the Town Planner prior to the preconstruction conference.
3. All review comments by the Town Engineer shall be addressed prior to the preconstruction conference.
4. A performance guarantee in an amount and form acceptable to the Town Manager will be required prior to the preconstruction conference.
5. All clearing limits shall be flagged and approved by the Town Engineer prior to the preconstruction conference.
6. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
7. All legal and technical review fees shall be paid to the Town prior to the preconstruction conference.
8. Any required local, State or Federal permits shall be submitted to the Town Planner prior to the preconstruction conference.
9. An electronic copy of the as-built plans shall be submitted to the Town Planner prior to the release of any remaining inspection fees.
10. A sign permit for the proposed ground mounted sign is required prior to placement of any signage.
11. Exterior lighting will only be on during the actual hours of operation and one hour prior to and one hour following the hours of operation.
12. All storage for fuel, chemicals, chemical or industrial wastes, biodegradable raw materials or liquid, gaseous or solid materials shall meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's office and other regulatory bodies.

13. The recommendations of the Fire Chief should be shown on the plan.
14. Evidence of right title or interest to be provided to the Town prior to the preconstruction conference.

Chairman Auclair called for a five-minute break and then resumed the meeting.

**3. Public Hearing: Sketch Plan Review for Broad Cove Ridge, a proposed 50-unit residential condominium building to be located at 100 U.S. Route One. The 3.16-acre parcel is shown on Tax Assessor Map R01 Lot 13 in the Office Commercial (South) Retail, Restaurant, Multiplex Dwelling, Mixed-Use Overlay District. Applicant/Owner: David Spellman. Representative, Dan Diffin, P.E., Sevee and Maher Engineers.**

Chairman Auclair introduced the item. Ms. Nixon explained that this was originally proposed as a site plan and the Town Attorney said it is subdivision. A major subdivision requires that the project go through the sketch plan step so that is what the Board is doing tonight.

Dan Diffin, P.E., Sevee and Maher Engineers, said he is here representing property owner David Spellman who is working with Snell Construction, LLC on a fifty-unit condo building off Route 1. Mr. Diffin described the 3.16-acre parcel. They plan for 96 parking spaces, 74 outside and 22 in the basement level of the building. The building will be 12,000 square feet with 50 units. Mr. Diffin further described the project.

Chairman Auclair asked about the project description as one-, two- and three-bedroom condos. Mr. Diffin said he will provide real numbers when they come back to the Board.

Mr. Saunders suggested they have something more robust from Katahdin rather than two sentences.

Chairman Auclair opened the public hearing.

Councilor Bob Vail quipped that this is a good project for Portland or South Portland. Mr. Vail referred to the rural character of the community and said that fifty units on a small piece of land raises questions in his mind and the Board should consider how this project fits in with the comprehensive plan. Councilor Vail questioned whether the Town is over taxing the ability for open spaces to be used by the whole community and if this project will tip the scale. Councilor Vail asked about the capacity of Twin Brooks, Knights Pond and Rines Forest and said if the Board can't answer the question, perhaps the Board should come to the Council to say they don't have the ability to ask these questions and maybe the ordinance committee or the next comprehensive plan should look at those issues. Councilor Vail noted that he is not demeaning the project but he is trying to raise awareness to what the impacts are when we say we want to maintain a rural community.

Chairman Auclair said that this is in an area that is commercial and if the Town is designating an area to be office commercial, this does not sound rural to him.

Chairman Auclair asked if the Board is prohibited or authorized not to allow something like this that has been stipulated by ordinance to be allowed. Chairman Auclair said that this project seems a reasonable alternative. Councilor Vail said if you are moving to

Cumberland, you have an expectation of moving into a rural community and it's not in some respects.

Ms. Rardin asked where are those kind of entry level housing options for people that want to live in Cumberland but can't touch the housing market and is the condominium unit an option for these folks to join the community. Ms. Rardoin added that it is also an option for older folks that are downsizing that want to stay in Cumberland. Ms. Rardin said this is a good discussion point that does speak back to the Comprehensive Plan and where will the Town be in the next five or ten years.

Mr. Shane reported that the Council changed this zone to allow this type of density on this section of Route 1 because it is very difficult to get any kind of return on investment for the small parcels that exist there. Mr. Shane reminded the Board that they have to follow the ordinance. Mr. Shane added that this is a really good project for the community.

Janey Hotham, Middle Rd., said she was part of the community discussion back when Foreside Village development went in. Ms. Hotham said she hears the Board say this is commercial but it is a multiplex with residential units and she asked about the limited number of houses that could be built in one year. Ms. Hotham said she sees young families being in the condominiums and she worries where the kids will play and about the space in the schools. Ms. Hotham said with fifty units and what she saw going on Blanchard Rd. Ext. and in North Yarmouth she feels like there is not a lot of oversight for what is happening to one of the things that's really a treasure in the community. Ms. Hotham said she looked at the Comprehensive Plan and the section on school facilities is less than 100 words and is not very descriptive or accurate. Ms. Hotham added that if the Planning Board can't look at a project and see what's going to happen to the schools than she feels like this is an oversight.

Chairman Auclair closed the public hearing.

Mr. Record said he agrees with a lot of the comments and there is a disconnect between development and the schools where it hurts the most. There is no vehicle to stop this and the Board's hands are tied. Chairman Auclair referred to a moratorium as a mechanism for the Town Council to stop subdivision. Ms. Berticelli acknowledged that there is work to be done and her concern is that it is unduly burdensome to bring up these topics and put them in the project review because it is completely out of the applicants' purview during this stage. Ms. Berticelli referred to Mr. Record's point from a few months ago that the Planning Board could be doing more to make sure to bridge the gaps between the concerns from the Planning Board stage and the Town Council stage.

Mr. Saunders moved that the Board has received the sketch plan and found it to be satisfactory, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

**4. Public Hearing: Recommendation to the Town Council on amendments to the Cumberland Zoning Ordinance, Section 315-6 (Rural Residential Districts); Section 315-7 (Low Density Residential District); Section 315-8 (Medium Density Residential District); 315-9 (Village Medium-Density Residential District) to**

**increase the maximum number of children allowed in Day-care Centers and nursery schools from 20 to a maximum of 40, subject to site plan review and Section 315-47.**

Chairman Auclair introduced the item. Town Manager Bill Shane reported that the Ordinance Committee and the Town Council struggled with this a little, primarily because of the high demand for daycare and nursery schools in the area. Mr. Shane said that nobody could come up with a good answer about how the number 20 was established. The proposal is to cap the number of children at 40. State licensure approves how many children a facility is licensed for. Mr. Shane said the Town heard from a lot of members of the community that support expanding this use. All of the daycares will have to come into compliance with the site plan and the daycare section of the ordinances. If a daycare wants to expand, they will be subject to site plan review and will need to show that they meet the standards. Discussion ensued about the maximum number of children and the requirement for site plan amendment approval. Mr. Shane noted that he would check with the Town Attorney to ask about nursery schools/daycare centers coming for approval if nothing changes in the site plan except for the number of children.

Chairman Auclair opened the public hearing.

Jamie Storey Kiesow, owner - Storey Time Learning Center and Aftercare, Middle Rd., introduced Director Donna Kane and said they currently have 20 children in their program based on the Town allowance. Ms. Kiesow said that based on the current floor plan, the State license is for 32 kids. Ms. Kiesow explained the need to expand her center and answered questions from the Board.

The Board discussed the effects of an increase in children relative to the site plan criteria.

Mr. Saunders noted that the proposed amendment does not include the Town Center District, and he suggested this be added to the recommendation.

Ms. Rardin suggested the Town send letters to the current centers advising them of the changes and the review process.

Ms. Sawchuck referred to the Zoning Ordinance section 315-47 and asked if this would allow the Board to apply additional conditions.

Chairman Auclair read the following letter from Isabel Schonewald, 129 Middle Rd.:

Good afternoon members of the Town of Cumberland Planning Board-

I am unable to attend the Planning Board meeting this evening, June 15, 2021, so I am sending this email to offer comments on Agenda Item F.4 - Public Hearing regarding daycare centers and nursery schools.

My name is Be (Isabel) Schonewald and I have resided at 129 Middle Road in Cumberland for over 28 years. I recognize the current need for high-quality child daycare and after-school care. In general terms, I do not take exception to the intent of the proposed changes to the zoning ordinance that allows daycare/after-school care centers to apply to increase the number of children allowed at a facility. I suspect that State regulations set limits on the maximum number of children who can attend a daycare center based on the facility's indoor (square

footage) space, which may result in not all Cumberland facilities being able to increase their capacity despite changes to the Town ordinance.

I am pleased that the proposed changes to the zoning ordinance set forth that applications to increase the capacity of a daycare/after-school care center are subject to site plan review. Since increasing the capacity of a facility has the potential to adversely impact traffic safety on public roads, as well as result in nuisance noise, visual impacts, and/or light "pollution," ***I strongly encourage the language of the amended zoning ordinance be clarified to require either a "major staff review" or "planning board site plan review" as set forth in Chapter 229 - Site Plan Ordinance of the Town of Cumberland, Maine.*** I encourage this clarification so that:

1. The police chief can assess traffic safety issues; and
2. Neighbors within 500 feet of a daycare/after-school care center will be promptly notified of a pending application and be given the opportunity to comment prior to the Town Planner or Planning Board issuing their decision on the application.

Thank you for your consideration of my thoughts and suggested clarification of the ordinance language.

Regards- Be

**ISABEL V. (BE) SCHONEWALD, P.E.**

Chairman Auclair closed the public hearing.

Mr. Record said that the letter is spot on and he is in favor of this going forward. Mr. Record thinks that for daycares that already exist and are making this transition, it is fair to let abutters know and have a process. Mr. Record suggested adding some verbiage in the amendment for the proper mechanism for this and notifying the abutters.

Ms. Silberman confirmed that Storey Time's site plan approval does limit them to 20 children. Mr. Record asked if the other daycares' site plan approvals limit the number. Mr. Record said his concern is the jump from 20 to 40 because abutters are not going to be happy and there should be a process.

Ms. Berticelli asked if the Town has to pick a number or can the language say the number is "consistent with State licensing". Ms. Berticelli said that she is uncomfortable that a business is bound by an admittedly arbitrary figure and cannot run based on a figure that the State Licensing Board issued. Ms. Berticelli doesn't think the Board will solve anything by picking another arbitrary number when the Board can come up with language to relate to the State licensing figure. Mr. Record noted that the Town wants to limit large centers. Chairman Auclair suggested that the number could be based on Maine licensure and site plan review. Mr. Saunders noted that the limited number allows the Town to not have a large facility with 200 kids and said that if the Town didn't have this number, a large center would be allowed.

Ms. Kiesow reported that there are different types of licensing through the State, small or large. Ms. Kiesow's facility is licensed as a small childcare facility. A small facility can only be licensed for up to 50 children but the space would have to allow for 50 children. Ms. Sawchuck suggested changing the recommendation to 50.

Mr. Saunders said the Board is making a recommendation to Town Council and between now and when it goes in front of the Council, the Town can look at the site plan reviews to see if there are issues and, if there are issues, the Town Council can figure out how to deal with it.

Mr. Record moved to recommend to the Town Council the amendments to Cumberland Zoning Ordinance Section 315-6 (Rural Residential Districts); Section 315-7 (Low Density Residential District); Section 315-8 (Medium Density Residential District); 315-9 (Village Medium-Density Residential District); and to Section 315-21 (Town Center District) to increase the maximum number of children allowed in Day-care Centers and nursery schools from 20 to a maximum of 40, subject to site plan review and Section 315-47, seconded by Mr. Saunders. The Board discussed changing the maximum number to 50. Mr. Record moved to amend his motion to increase the maximum number to 50, seconded by Mr. Saunders and **VOTED, 7 yeas, unanimous - motion carries.** The amended motion to recommend to the Town Council the amendments to Cumberland Zoning Ordinance Section 315-6 (Rural Residential Districts); Section 315-7 (Low Density Residential District); Section 315-8 (Medium Density Residential District); 315-9 (Village Medium-Density Residential District); and to Section 315-21 (Town Center District) to increase the maximum number of children allowed in Day-care Centers and nursery schools from 20 to a maximum of 50, subject to site plan review and Section 315-47 was then **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Kenny noted that the Board normally does not take up new business after 10:00 pm and moved to table item five and item six on the agenda to next month, seconded by Mr. Saunders and **VOTED, 7 yeas, unanimous - motion carries.**

**5. TABLED Public Hearing: Recommendation to the Town Council on Amendments to the Cumberland Subdivision Ordinance Chapter 250, Section 250-6.D.7 (Conservation Subdivision Standards); and to Section 250-8.D and E (Prohibited uses of common open space); and to Section 250-9 (Ownership, management, legal protection and maintenance of common open space in a conservation subdivision) A(1) and B(1)(b) and 250-13 (General subdivision procedures) B.1; and to Section 250-14 (Procedure for subdivisions in the RR1 or RR2 Districts) A and D; and to Section 250 Appendix D.D (Completion Checklist).** This item was tabled until the next meeting.

**6. TABLED Public Hearing: Recommendation to the Town Council on Amendments to the Cumberland Site Plan Ordinance (Chapter 229) Section 229-6 A (Major Staff Review) to change the number of copies of an application packet to 2 full-size paper plan sets and an electronic application packet.** This item was tabled until the next meeting.

**G. Administrative Matters/New Business:** Mr. Record asked for an update on growth.

**H. Adjournment:** Mr. Record moved to adjourn the meeting at 10:21 pm, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion passes.**

**A TRUE COPY ATTEST:**

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**Paul Auclair, Board Chair**

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**Christina Silberman, Admin. Asst.**