

**CUMBERLAND PLANNING BOARD MEETING MINUTES**  
**October 18, 2022**

**A. Call to Order:** Vice Chair Bingham opened the meeting at 7 pm and reported that Board members Lorraine Rardin and Jason Record and Town Planner Carla Nixon are absent tonight.

**B. Roll Call: Present:** Paul Auclair, Peter Bingham, Bridget Perry, Joshua Saunders & Ann Sawchuck, Town Manager William Shane & Admin. Asst. Christina Silberman. **Absent:** Lorraine Rardin, Jason Record & Town Planner Carla Nixon.

**C. Approval of the Minutes of the September 20, 2022, meeting.** Mr. Saunders moved to adopt the minutes as written, seconded by Ms. Perry and **VOTED, 4 yeas, 1 abstained (Auclair), motion carries.**

**D. Staff Site Plan Approvals:** None.

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

**F. Hearings and Presentations:**

**1. Public Hearing: Amendment to an approved Site Plan for Lakeside Concrete Cutting, Inc., located at 6 Environmental Dr., Tax Assessor Map R01, Lot 11-3 for; relocation of a dumpster pad, revised parking layout, removal of a proposed shed, revisions to the Water Service and grading changes. Owner: Lola in Pearls, LLC. Representative: Joseph J. Marden, P.E., Sitelines Civil Engineers Land Surveyors.**

Vice Chair Bingham introduced the item.

Town Manager Bill Shane reported that he spoke with Town Planner Carla Nixon and with Peer Review Engineer Dan Diffin this afternoon regarding the application and confirmed that all review comments have been addressed. Mr. Shane noted that the revisions to the water line were accepted by Portland Water District.

Joe Marden, PE - Sitelines, reported that changes are to the location of the dumpster pad, minor grading and to the water service and the proposed shed is no longer needed. Mr. Marden said review comments were in regard to screening of the dumpster pad with minor notes on the grading revisions. Mr. Marden said the dumpster pad will be fully enclosed with a cedar stockade fence on all four sides and gates on either end.

Mr. Marden addressed highlighted sections of the prepared findings of facts. The screening of the dumpster pad has been addressed and will be done with an acceptable material. Dumpster emptying is noted to be done between the hours of 7 am and 7 pm and Mr. Marden asked for flexibility with this. Mr. Marden said the landscaping and noise comments have been addressed.

The Route One Design Standards address the shared drive along back of the lots with a finding indicating it is intended for use by personal vehicles and not large trucks. This was determined at a previous meeting. Mr. Marden said the applicant will comply with this or will come back to the Board if they want to present an alternative.

Mr. Auclair referred to a comment regarding reduction of the impervious area that may need an amendment from the DEP. Mr. Marden said this requires that a minor revision be submitted to DEP.

Mr. Auclair asked about the requested waiver for the dumpster. It was determined that this waiver is not needed because the dumpster will be screened.

Mr. Saunders referred to the dumpster being emptied and said the applicant can make their best effort to have this done between 7 am and 7 pm but that may not hold any weight with the company that will be doing it. Mr. Shane said that the finding has not been amended and this is the same problem with Town Hall and the schools. Mr. Shane said all the Town can ask for is to be respectful. Mr. Saunders suggested that the Board strike the hours from the finding under item J for noise.

Mr. Auclair referred to the truck turning diagrams and said it looks like there will be really tight turns. Mr. Marden explained that they used truck turning software to confirm that the trucks are able to make these turns.

Vice Chair Bingham opened the public hearing. There were no public comments and Vice Chair Bingham closed the public hearing.

The Board began discussion of the proposed findings of fact.

Dr. Sean McCloy asked to speak.

Vice Chair Bingham reopened the public hearing.

Dr. McCloy, owner of an abutting parcel, referred to the finding that addresses the vehicle movement on the common easement that states it is intended for personal vehicles and not large trucks and asked if there is any change to this language. Mr. Shane replied that the applicant's engineer has agreed that they will comply with the standard.

Vice Chair Bingham reclosed the public hearing.

The prepared findings of fact were reviewed. Admin. Asst. Christina Silberman provided the revised language for the highlighted findings.

Vice Chair Bingham asked how the Board wishes to review the Route One Design Standard findings.. It was noted that the language on page 11 (section 1.4.3 - Driveways between Parcels) was highlighted to ensure the applicant is aware that the use is for personal vehicles and there are no changes to this language. The highlighted language on page 13 (section 1.7 - Service Areas) was amended to reflect that the dumpster pad will be screened to meet the standard.

Mr. Saunders moved that based on review of the minor change to the Route One Design Standards, the Board waives the reading of the Route One Design Standards, seconded by Mr. Auclair and **VOTED, 5 yeas – unanimous, motion carries.**

Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Auclair and **VOTED, 5 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:** 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. Based on the above findings of fact, the Board finds the standards of this section have been met.**

**B. Traffic, Circulation and Parking**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(d)** All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by

fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

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

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

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

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

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

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

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

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

#### **(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. 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. An MDOT Entrance Permit has been submitted. 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 and approved by the Town Engineer for the original approval. Based on the above findings of fact, the Board finds the standards of this section have been met.**

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

- (1) **Water Supply Provisions:** The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
- (2) **Sewage Disposal Provisions:** The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.
- (3) **Utilities:** The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.
- (4) **Fire Protection:** The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance. **The proposed development will 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. 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, 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 includes 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 exterior lights will be off during non-business hours and one hour after and following hours of operation. Based on the above findings of fact, the Board finds the standards of this section have been met.**

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

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

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

**The dumpsters will be screened with a cedar stockade fence. Based on the above findings of fact, the Board finds the standards of this section have been met.**

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

**There are two proposed uses for the project. One is for professional office space and the other is for contractor's space. Neither use is anticipated to create a nuisance for neighboring properties. Based on the above findings of fact, the Board finds the standards of this section have been met.**

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

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

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

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

**The dumpster will be screened as required by this standard and the Route 1 Design Standards. Based on the above findings of fact, the Board finds the standards of this section have been met.**

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

**Technical Ability:** The applicant has retained 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 100 Design Standards

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

(3) Town Center District Design and Performance Standards

(4) Village Mixed Use Performance Standards.

#### **Route 1 Design Standards**

##### **1. Site Planning and Design**

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

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards and other site features should maintain a safe separation between vehicles and pedestrians. **FINDING: A 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. This driveway is intended for use by personal vehicles and not large trucks. 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: Standard met.**

**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. Two dumpster pads, 1 asbestos 1 construction debris will be screened to meet requirement **FINDING: Service areas are located to the rear of the building, the dumpsters will be screened with a cedar stockade fence.**

**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: A plan showing the type of fencing and/or landscaping around the dumpster is required.**

**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: Usable open space has not been shown on the plan.**

**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: To be done.**

**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: Met**

**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 Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings.

**2.1 General Architectural Form:** Traditional New England buildings look like they do because of the climate, the materials and technologies available for building and the styles and fads of the 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: Met.**

**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: Met**

**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 scrollwork 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: Met**

**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: Met**

**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: Met**

**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: Met**

**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: Met**

**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: Met**

**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: Met**

**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: Met**

**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: Met**

**2.3.2 Facade 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: Met**

**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: Met**

**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: Met**

**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: Met**

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

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

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

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

**2.5 Residential Structures: Objective:** Cumberland’s future housing stock in the Route 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. Signage:** Signs play a central role in providing much-needed information and setting the tone for the Route 1 corridor. They inform motorists and pedestrians and have a direct effect on the overall appearance of the roadway. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.

**3.1 Sign Design: Objective:** Commercial uses along Route 1 in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

**3.1.1 Signage Plan:** For development proposals requiring one or more signs, the applicant shall provide a detailed signage plan as part of Site Plan or Subdivision review. The signage plan should show the location of all signs on a site plan drawing and on building elevations, as well as sign construction details, dimensions, elevations, etc., and accurate graphic representations of the proposed wording. **FINDING: 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 wayfinding 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 Facade 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 watt and should not create glare or light trespass onto abutting properties. **FINDING: Complies**

The Board discussed the proposed conditions of approval and there were no changes.

Mr. Saunders moved to approve amendment to an approved Site Plan for Lakeside Concrete Cutting, Inc., located at 6 Environmental Dr., Tax Assessor Map R01, Lot 11-3 regarding the relocation of a dumpster pad, revised parking layout, removal of a proposed shed, revisions to water service and grading changes subject to the Expiration of Approval, the Standard Condition of Approval and two (2) draft Conditions of Amendment Approval, seconded by Ms. Perry and **VOTED, 5 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 Amendment Approval:**

1. 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.
2. 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.

**2. Public Hearing: Recommendation to Town Council on amendment to the Cumberland Code of Ordinances, Chapter 315-Zoning, Section 28 to add a new overlay district, 6 - Public Safety Telecommunications Overlay District, to include the parcels at Tax Assessor Map R03, Lots 25 & 26 and Map R07, Lot 34A, to establish areas where telecommunications facilities that are necessary for the proper communication by and between the various public safety agencies and organizations of the Town may be located.**

Vice Chair Bingham introduced the item.

Mr. Shane reported that a study for a better radio system was conveyed with a grant by the Police Department. Town first responders have dealt with numerous radio issues over several decades. Mr. Shane said that a radio path expert has located towers to help the Town with portable radio coverage. Mr. Shane explained that when an officer is in a cruiser, the radio coverage is adequate. When an officer gets out of the cruiser, he relies on a portable radio and there are a multitude of dead spots in our community. Public safety

personnel are at risk when they cannot communicate with each other and other agencies. The study found that Cumberland needs to add two towers, one off Middle Rd. and one in the western section of Town. This would create a new system which would provide 99% radio coverage for the Town. Mr. Shane said this new overlay is the first step. The Town is working with outside agencies for a public and private partnership to build the towers. The Town would have space on the towers once they are built. Mr. Shane said there is a potential vendor for one tower.

Town ordinance, section 315-72, written in December of 1999, restricts the height of towers to 100 feet with an extra 20 feet. Mr. Shane said the current SBA tower on Middle Rd. is 180 feet tall and went up in 1995. New towers of a similar height (180') are needed for this to work. The Town does not want a proliferation of towers throughout the community and has worked with the Town Attorney to propose this overlay district on specific Town owned properties with specific design standards.

Mr. Auclair said the language mentions a structure height of 180 feet but the antenna is not included as part of the structure. Mr. Auclair asked if the antenna can be higher than 180 feet. Mr. Shane replied yes, but it cannot be over 200 feet or it would have to be a lit tower. Mr. Auclair referred to language referring to the fall zone and suggested that the fall zone calculation should include the height with the antenna.

Mr. Saunders asked why the Town is waiving the co-location requirement referencing proposed paragraph E. Mr. Shane replied that the towers will be co-located and he is not sure why there is this language. Mr. Saunders recommended striking paragraph E from the proposed language.

Vice Chair Bingham opened the public hearing.

Town Councilor Shirley Storey-King referred to correspondence from Chebeague & Cumberland Land Trust Executive Director Penny Asherman and asked if there will be space available for the public to go onto the land. Mr. Shane replied yes and said it will be improved.

Vice Chair Bingham closed the public hearing.

Mr. Saunders moved to recommend to Town Council that they approve the amendment to the Cumberland Code of Ordinances, Chapter 315-Zoning, Section 28 to add a new overlay district, 6 - Public Safety Telecommunications Overlay District, to include the parcels at Tax Assessor Map R03, Lots 25 & 26 and Map R07, Lot 34A, to establish areas where telecommunications facilities that are necessary for the proper communication by and between the various public safety agencies and organizations of the Town may be located as written except striking paragraph E, seconded by Mr. Auclair and **VOTED, 5 yeas – unanimous, motion carries.**

### **3. Public Hearing: Recommendation to Town Council on amendment to the Official Zoning Overlay Map of the Town of Cumberland to add a new Public Safety Telecommunications Overlay District.**

Vice Chair Bingham introduced the item.

Mr. Shane explained that the amendment to add a new Public Safety Telecommunications Overlay District will require that the Overlay Zoning Map is amended also.

Vice Chair Bingham opened the public hearing. There were no public comments. Vice Chair Bingham closed the public hearing.

Mr. Saunders moved to recommend that the Town Council approve the amendment to the Official Zoning Overlay Map of the Town of Cumberland to add a new Public Safety Telecommunications Overlay District, seconded by Ms. Perry and **VOTED, 5 yeas – unanimous, motion carries.**

#### **4. Public Hearing: Recommendation to Town Council on amendments to the Cumberland Code of Ordinances, Chapter 242-Stormwater Management to add new Articles III & IV.**

Vice Chair Bingham introduced the item.

Mr. Shane explained that the proposed changes will establish performance standards to control construction sites and bring Town ordinances into compliance with Federal requirements.

Vice Chair Bingham said that the amendments are related to a presentation the Board heard in June.

Mr. Auclair asked if language for the “enforcement authority” would be Code Enforcement and Mr. Shane answered yes.

Mr. Saunders noted that without an Engineer to review this kind of information, the Planning Board doesn’t know the technicalities.

Mr. Auclair noted a typo and an issue with information in one of the tables.

Vice Chair Bingham opened the public hearing. There were no public comments closed. Vice Chair Bingham closed the public hearing.

Mr. Saunders moved that the Board recommend that the Town Council approve the amendments to the Cumberland Code of Ordinances, Chapter 242-Stormwater Management to add new Articles III & IV, seconded by Ms. Perry **VOTED, 5 yeas – unanimous, motion carries.**

#### **5. Public Hearing: Recommendation to Town Council to amend the Cumberland Code of Ordinances, Chapter 250-Subdivision of Land, Sections: 3; 6.D.7; 8.D; 9.A.1; and 13.B.1 re: conservation subdivision requirements; Sections: 41 & 44 re: stormwater management; and to add Sections 38.F-Foundation Drains & 38.G-Monumentation.**

Vice Chair Bingham introduced the item. Mr. Shane outlined the reasons for the proposed amendments.

Mr. Saunders said he is opposed to the language for the amendment in section 6 that states “prime agricultural lands of at least five contiguous acres whether or not in common ownership must be included” in the conservation area. Mr. Saunders said this language would require that any prime agricultural lands of five contiguous acres must be included even if the Board feels another high-value conservation area is more important.

Vice Chair Bingham opened the public hearing.

Town Councilor Bob Vail referred to Mr. Saunders concern regarding the amendment to section 6 and said the intent is not to tie the hands of the Planning Board. Councilor Vail spoke in favor of the addition of the language for foundation drains and monumentation.

Vice Chair Bingham closed the public hearing.

Mr. Auclair said he is also not in favor of the language for the amendment to section 6.

Mr. Saunders moved to recommend that the Town Council amend the Cumberland Code of Ordinances, Chapter 250-Subdivision of Land, Sections: 3; 6.D.7; 8.D; 9.A.1; and 13.B.1 re: conservation subdivision requirements; Sections: 41 & 44 re: stormwater management; and to add Sections 38.F-Foundation Drains & 38.G-Monumentation as presented except to strike the language “must be included” in section 6.D.7, seconded by Mr. Auclair and **VOTED, 5 yeas – unanimous, motion carries.**

**6. Public Hearing: Recommendation to Town Council on an amendment to the Cumberland Code of Ordinances, Chapter 229-Site Plan Review, Sections: 2; 10.C.1; 10.C.2.b & c; and Appendix C related to stormwater management amendments.**

Vice Chair Bingham introduced the item. Mr. Shane reported that the proposed amendments are related to State stormwater requirements.

Mr. Auclair referred to the timing for the changes to low impact development that will take effect in 2024. Mr. Shane said the changes would come into effect after the Town Council meeting next Tuesday if the Town Council approves them.

Vice Chair Bingham opened the public hearing. There were no public comments and Vice Chair Bingham closed the public hearing.

Mr. Saunders moved to recommend that the Town Council amend the Cumberland Code of Ordinances, Chapter 229-Site Plan Review, Sections: 2; 10.C.1; 10.C.2.b & c; and Appendix C related to stormwater management amendments as presented, seconded by Ms. Perry and **VOTED, 5 yeas – unanimous, motion carries.**

**G. Administrative Matters/New Business: None**

**H. Adjournment:** Mr. Auclair moved to adjourn the meeting at 8:11 pm, seconded by Mr. Saunders and **VOTED, 5 yeas – unanimous, motion carries.**

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Jason Record, Planning Board Chair

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Christina Silberman, Administrative Asst.