

**TOWN OF CUMBERLAND  
PLANNING BOARD MEETING MINUTES  
Tuesday, September 18, 2018 - 7:00 pm**

**A. Call to Order:** Chairman Moriarty opened the meeting at 7:00 pm.

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

**C. Approval of Minutes of the August 21, 2018 Meeting:** Mr. Auclair noted minor changes to the prepared minutes. Mr. Saunders moved to approve the minutes of the August 21, 2018 meeting as amended, seconded by Mr. Kenny and **VOTED, 7 years, unanimous - motion carries.**

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

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

**F. Hearings and Presentations:**

***1. Public Hearing: Major Site Plan Review for Lot #5 at Cumberland Foreside Village, Route 1, Tax Assessor Map R01, Lot 11-5 for a 15,970 sf building.***

*Applicant: Belted Cow Realty, LLC; Representative: Tom Greer, P.E., Walsh Engineering.*

Chairman Moriarty introduced the item.

Ms. Nixon noted that the applicant is lacking their DEP amendment approval and the Board may want to propose conditional approval. Mr. Greer explained that there is DEP approval and they are in the process of amending this. The original approval in 2006 had a planning permit from DEP with conceptual plans drawn for each one of the lots. The approval was for a certain amount of impervious surface allowed and stormwater treatment. DEP has found that planning permits don't work very well because the plan has changed slightly and has to be reviewed again. The amended plan has been submitted to DEP. DEP is having staff issues and Mr. Greer cannot say when the amendment will be approved.

Mr. Sherr referred to the DEP stream crossing restrictions and asked if there are any stream crossings with the permit that would have to be completed before the October 1<sup>st</sup> deadline. Mr. Greer replied no, the lot is mostly upland with a small wetland area near Route 1. Mr. Sherr confirmed that the developer could conduct work during the winter once the DEP amendment permit is approved. Mr. Greer said they hope to get approvals so that they can get prices from contractors and hope to start construction around the first of the year.

Mr. Greer showed an aerial map of the area and described the project location. Mr. Greer showed the grading plan and explained that the proposal is to construct a 24' wide access drive that will come off Route 1 on the right side of the site and up a fairly

steep grade of 3-4% to access the parking area. The parking will be in the back for the most part. The building will be approximately 15,800 sf with pitched roofs.

Mr. Greer noted that there will be a truck loading bay at the far end of the building. The loading bay area will be very tight and there will be a sign to tell trucks how to access the area. The project will have as minimum an amount of paving as possible. The loading bay is for the Belted Cow and will have roughly six deliveries a year.

The plan is for 53 parking spaces. Mr. Greer said they are asking for a waiver from the standard. There could be some additional parking spaces along the left side of the building if there is overflow. This area is not striped and the applicant does not intend to use the area for parking. Based on the number of employees for Belted Cow and the first tenant, they will be well below the parking spaces required by the Ordinance and there will be a significant amount of parking available for the two future tenants.

Mr. Greer pointed to the rear of the grading plan and reported that there is a rock cut here with a roughly 10' drop. This allows the developers to be as efficient as they can in placing the site. Mr. Greer identified the proposed location of the underdrain soil filter between the building and Route 1. All of the stormwater that comes off the site will be treated and discharged to the Route 1 area.

Mr. Greer noted that there is a path along the front of the site that was recently constructed. There will be a striped pedestrian crossing with signage where the path will cross the entryway to allow for safe crossing at this location.

Mr. Greer showed a cross section plan of the site showing the elevations and said that Route 1 is well below the project site. There is an incline of six to eight feet from Route 1 to the floor of the project building. The trees along Route 1 will remain and additional trees will be planted on the berm that produces the 25' buffer. Mr. Greer outlined the cross section plan. There will be room between the edge of the parking area and the rock face for snow storage, grading and drainage. There will be a 50' buffer between the site and the homes in the back that is vegetated with trees. Mr. Greer explained that the base of the houses behind the project site sit above the roof of the proposed building. The back yards of the houses will look down at the site from a significant height through a vegetated area. The parking lot lights are below the elevation of the building and well below the houses.

Mr. Greer reported that there are ledge outcrops where the building location will be. There is a blasting plan in place that requires the contractor to do a pre-blast inventory of all of the homes within 500' of the project. Mr. Greer noted that there has already been significant blasting in the area to build the homes and apartments and they will continue with the same blasting standards. The blasting plan has been submitted to DEP and Mr. Greer does not anticipate any changes in the plan.

Mr. Greer displayed a landscape plan that was put together by Mohr & Seredin and said it took into account the buffer standards across the front of the site. Mr. Greer reviewed the proposed landscape plan.

Mr. Greer displayed the floor plan for the building and outlined the layout. The unit at the far end will be used by Belted Cow and they will have five to six employees

packaging goods that they sell and doing administrative procedures. The next unit will be for a personal fitness trainer. The rest of the building is for lease and will be divided into two units 4,000 to 5,000 square feet in size and Mr. Greer expects these will be for office use. Mr. Greer displayed renderings of the exterior of the building. The color will be cobblestone which is a muted earth tone. The building is well designed and fits the character of both the occupants of the building and the neighborhood.

Mr. Greer said that the Cumberland Foreside Village Subdivision plan was originally approved in 2006 and showed a concept for this lot and did have a driveway that came out onto Route 1. The driveway on the original plan was shown to the right of the proposed driveway for this project because when Casco Bay Drive was split off, it was moved to the other side of the boundary line.

Mr. Greer reported that Bill Bray conducted a traffic analysis. This project complies with the existing traffic permit. A Highway Entrance Permit has been submitted to DOT and Mr. Greer expects this to be issued shortly. The DEP permit is outstanding. Mr. Greer hopes to get approvals so the developer can complete the bidding/hiring of the construction company and do the pre-blasting survey.

Chairman Moriarty asked if the applicant had a DOT Entrance Permit previously that has lapsed. Mr. Greer said that there may have been a previous permit but it would have been for a location on the other side of the current boundary line. Mr. Greer said that the plan for the Town's lot (that has been sold back to the developer) was to have senior housing but that did not go forward. The original plan was to use the drive for senior housing to also access lot 5 and go across the back of the properties. Mr. Greer said that a new permit is needed.

Chairman Moriarty asked where Mr. Greer stands with the Peer Review input. Mr. Greer said that he thinks he has responded to all of the comments and these were sent to Ms. Nixon last week.

Mr. Greer noted that they are asking for waivers on the parking, a hydrogeology study and a market study.

Mr. Saunders asked if the sheet showing the driveway is in the Board's packet. Ms. Nixon had a copy of this sheet (dated 6-25-2006) and shared it with the Board. Mr. Saunders asked how the Board reconciles this to the 4<sup>th</sup> amended subdivision plan that shows the access across the back of the lots. Mr. Greer said that the access along the back remains in place. Lot 5 and lots 3 and 4, if developed, will have access across the back and out to Skyview Dr. Mr. Saunders asked if the subdivision plan needs to be amended. Mr. Greer said that the subdivision plan doesn't show the site development. The subdivision plan shows the lot divisions and the easements. It would not necessarily show all of the driveways and access which come under the site plan review and not under the subdivision review. Mr. Sherr said the Board needs to ensure that the common access easement across the back of the lots remains and Mr. Greer said it does remain.

Mr. Saunders said that in the Route 1 Design Standards there is a piece about loading docks and the preference is to have loading docks in the back unless abutting residential areas and then it should be buffered from being visible from Route 1. Mr.

Saunders asked if the loading dock will be buffered and not visible from Route 1 and Mr. Greer said yes and he outlined the buffering plan.

Mr. Saunders noted that there is a question about the financial capacity letter and said that he is okay with it as long as the advisor had an idea of the cost. Mr. Greer said the advisor is aware of the cost and they cannot go forward until a performance guarantee is put in place.

Mr. Kenny asked about the parking spaces and asked how the Board knows what there will be for tenants in the rest of the building and what they will need for parking. Mr. Greer said they are asking for a waiver of the parking standards but noted that at the far end of the building additional parking could be put in but would make truck deliveries more difficult.

Mr. Auclair referred to the 50' buffer in the back and said these look like deciduous trees. Mr. Greer replied that the trees are a mix and the ordinance requires a 25' buffer. Mr. Greer noted that there will be a 4' safety fence along the top of the rock cut with the 10' drop. Mr. Auclair referred to the line of sight and said under the findings 1-7-2 refers to a 75' buffer. Mr. Greer explained the buffer from Route 1 with the right of way is 75'. Mr. Greer identified the area where the water line was put in by Portland Water District who requires a 25' opening.

Chairman Moriarty opened the public hearing.

Dr. Sean McCloy, 15 Skyview Dr., said he has started development on his lot, #2. Dr. McCloy said that Skyview Drive has not yet been completed by Developer Peter Kennedy that was proposed to be done by 2017. Dr. McCloy said he has tried reaching Mr. Kennedy but has not been able to. Dr. McCloy asked if the common easement will fall under the purview of Mr. Kennedy as well. Dr. McCloy said he was made aware that lots 3 and 4 as listed with the realtor show curb cuts to Route 1 and the common easement in the back is no longer necessary. Dr. McCloy said that he is having some trouble with Mr. Kennedy about Skyview Dr. and he is not sure if Mr. Kennedy is involved with lot 5 and cautioned the Mr. Greer if so. Mr. Greer replied that this lot does not require anything from Mr. Kennedy. Mr. Greer said that lots 3 and 4 will have an access drive that will come in from Route 1 across from Falcon Dr. Mr. Greer said that the access easement across the back is still in place. Ms. Nixon confirmed that the easement is still in place. Dr. McCloy asked if it could be optional for purchasers of lots 3 and 4 to have access from Route 1 or from the common easement. Mr. Greer said lots 3 and 4 will have a common access from Route 1 and will have access from the back with the easement. Mr. Greer said there is a small gap at the end of Dr. McCloy's parking area. Mr. Shane noted that the common easement access will have to be constructed and it is part of the Planning Board's subdivision approval. The interconnectivity will prevent drivers from having to go out to Route 1 if they want to visit other businesses in the subdivision. Mr. Shane said the Town is working with Mr. Kennedy on the piece that Dr. McCloy has mentioned.

Susan McKenney, 21 Nautical Dr., asked if the trees that were removed for the Water District will be replanted. Mr. Greer said that in the front of the site there is a 20' swath where the trees were cut in order to extend the water across the street into the location.

Portland Water District has made it clear that there should be no trees within 10' of the service. There will be buffering on the project site but the area in the right of way will remain as it is today. Mr. Greer showed an overhead photo of the area showing the gap taken last May and noted the water service was installed last year.

Elaine Clark, 19 Nautical Dr., said that the application calls for two different uses in the building, light manufacturing and office. Ms. Clark asked which use is for the Belted Cow. Mr. Greer replied that the Code Enforcement Officer classified Belted Cow as an office use so there will be office use throughout. The fitness trainer will be a different use as a personal trainer. Chairman Moriarty confirmed that the remainder of the building will not be light manufacturing and Mr. Greer agreed.

Ms. Clark said there is a lot of concern about blasting. There was a meeting last week with the owner of the site and Ms. Clark and other homeowners would like to ask for a light charge on the blasting. Ms. Clark is confused about whether the driveway is an amendment to the fourth subdivision plan. Mr. Greer said that the pre-blasting survey will survey all of the homes to document what was there before. The pre-blast survey includes an outside inspection and they will ask if the owner would like the inside of the house inspected which is optional. Mr. Greer said that what really protects the foundations is the manner in which they do the blasting and he explained the process.

Chairman Moriarty asked Ms. Nixon if an amendment to the subdivision plan is required. Ms. Nixon said that Mr. Greer is correct in that a site plan is usually when you get a more developed plan for a business that is going on a site. The subdivision plan typically does not show locations of entrances. Ms. Nixon surmised that in this case, the Planning Board may have asked that the entrances be shown because of concern about having too many curb cuts on Route 1 as part of the Cumberland Foreside Village subdivision plan. Ms. Nixon said that she is unsure about whether the subdivision plan needs to be amended or not and she could run it by the Town Attorney. Chairman Moriarty added that his sense is that this is not an amendment to the subdivision plan. What Mr. Greer has done is to shift the driveway over to a small degree. Mr. Greer said that the driveway location will be reviewed by the DOT and the location was part of the traffic study.

Chairman Moriarty closed the Public Hearing.

Mr. Saunders referred to the waiver request on parking and said his preference would be to address the parking issue with a condition of approval instead of with a waiver. Mr. Greer said this would be fine.

Ms. Sawchuck asked if all of Ms. Nixon's comments have been answered. Ms. Nixon reviewed her comments and confirmed her concerns have been addressed.

Mr. Sherr referred to the wetland study and asked if they need a waiver if they are not going to do the study. Ms. Nixon said that they have provided wetlands information but it is dated information from when the subdivision was approved. Mr. Sherr asked if there should be a waiver for updated information. Mr. Saunders said that he is leery of setting a precedent by not requiring a waiver. Mr. Greer requested a waiver for providing an updated wetlands map.

The Board reviewed the requested waivers.

Mr. Saunders moved that due to the particular nature of the project and the site that the Board waive the requirement for a high intensity soil survey, seconded by Mr. Auclair and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the particular nature of the project and the site that the Board waive the requirement for a market study, seconded by Mr. Auclair and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the particular nature of the project and the site that the Board waive the requirement for a hydrogeological evaluation, seconded by Mr. Auclair and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the particular nature of the project and the site that the Board waive the requirement for updated wetland information prior to final approval, seconded by Mr. Auclair and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders referred to the Town Engineer's recommendation for waiving the location and type of outdoor furniture and features and said the applicant doesn't seem to want this waiver and he doesn't know why the Board would want to waive it. If this information is not on the plan and the applicant wants to add it in the future, they will have to come back to the Board. If the Board waives this then the applicant can put whatever they want wherever they want it. Mr. Sherr agreed.

Chairman Moriarty reviewed the findings of fact.

Mr. Saunders moved to adopt the Site Plan 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.

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

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

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

## **10.2 Traffic, Circulation and Parking**

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

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

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

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

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

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

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

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

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

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

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

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

**10.2.2.1** Private entrance / exits must be located at least fifty (50) feet from the closest 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**10.2.5 Building and Parking Placement**

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

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

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

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

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

### **10.3 Stormwater Management and Erosion Control**

#### **10.3.1**

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

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

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

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

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

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

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

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

#### **10.3.2 Erosion Control**

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

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

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

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

### **10.4 Water, Sewer, Utilities and Fire Protection**

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

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

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

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

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

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

## **10.5 Water Protection**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **10.9 Buffering and Landscaping**

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

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

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

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

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

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

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

#### **10.11 Storage of Materials**

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

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

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

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

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

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

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

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

Chairman Moriarty referred to the Route 1 Design Standards and said he does not feel that the Board needs to review these one by one. Mr. Greer noted that the site is within a Contract Zone and he does not think the project has to adhere to the Route 1 Design Standards. Mr. Greer said that the Board will see from Ms. Nixon's review that the project does comply with the Route 1 Design Standards as much as practicable. Ms. Nixon noted that the project would have to comply with the requirements in the Contract Zone Agreement which are very similar but not as comprehensive. Chairman Moriarty asked if the motion should be that the Developer must comply with the Contract Zone design standards. Ms. Nixon said this would be fine. Mr. Saunders noted that the Board is not adopting the Contract Zone design standards and asked if there should be a proposed condition of approval to comply with the Contract Zone Agreement. Ms. Nixon said no, she thinks that these are findings and the Board can say that the site plan conforms to the Contract Zone design standards. Ms. Nixon said that the problem is that she did the findings based on the Route 1 Design Standards which are far more comprehensive than the few in the Contract Zone Agreement. Ms. Nixon said it is not a condition of approval because the site has already been designed.

Mr. Saunders moved to waive the reading of the Findings of Fact for the Route 1 Design Standards which the Board will use in lieu of the Contract Zone Agreement Standards, seconded by Mr. Auclair. The Board further discussed the Route 1 Design Standards versus the Contract Zone Agreement Standards and the general consensus was that the Route 1 standards are more stringent and the findings are based on these so the Route 1 standards will be used. The motion was then **VOTED, 7 yeas, unanimous - motion carries.**

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

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

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

## **1.2 Site Planning and Design**

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

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

**FINDING: This project is on an approved subdivision lot.**

## **1.2 Professional Design**

Developers shall have their site plans designed by licensed professionals (civil engineers, architects or landscape architects) as required by State of Maine professional licensing requirements to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

**FINDING: The applicant used licensed professional consultants in the design of the project.**

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

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

**1.3.1 Route 1 Curb Cuts:** To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route 1 should be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Route 1. This practice will increase motorist, bicycle and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area.

Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Route 1's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility.

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

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

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

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

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

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

**FINDING: The site plan illustrates the above requirements.**

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

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

**FINDING: N/A**

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

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

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

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

**1.4.2 Building Entrances:** The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area.

At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it.

Where building entrances do not face Route 1, the Route 1 façade should still be made interesting and attractive to drivers on Route 1.

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

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

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

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

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

**FINDING: N/A**

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

**FINDING: All ADA requirements will be complied with.**

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

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

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

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

**1.5.2 Landscaping:** A 25' landscaping easement to the Town of Cumberland will be required of each new development that is on Route 1. This easement will provide an area for the Town to install curbing, if needed, a sidewalk and the planting of trees. Beyond this easement, the developer will provide adequate landscaping to insure that views from Route 1 are attractive and to buffer the presence of the parking and buildings.

Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide. Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Tree plantings between rows of parking are very desirable. Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones.

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

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

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

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

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

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

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

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

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

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

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

**1.6.2**

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

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

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

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

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

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

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

**1.7 Open Space: Objective:** In order to provide an attractive, hospitable and usable environment, future development along Route 1 should have generous amounts of open space and attractive site details for such elements as pavement, curbing, sitting and other public areas, landscaping, planters, walls, signage, lighting, bollards, waste receptacles and other elements in the landscape.

**FINDING: The subdivision plan provided for areas of open space. There is one such area adjacent to this development.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **1.9 Erosion, Sedimentation and Stormwater Management**

**Objective:** Protecting the natural environment in Cumberland is as much a priority in these design guidelines as protecting the visual environment. A developer should take every measure possible in

the construction and operation of a project to ensure that little or no adverse impact to the natural environment occurs. These measures should be as visually attractive as possible.

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

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

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

**FINDING: Utilities will be underground.**

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

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

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

**FINDING: Utilities will be underground from Route 1**

**2. Building Types:** The purpose of these guidelines is to encourage architectural styles within the Route 1 corridor that draw their inspiration from traditional New England examples. “Vernacular” or commonly used styles that are well represented in Cumberland are center-chimney Federal buildings in brick or clapboard, 1 and a half story Greek Revival “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: These elements have been incorporated into the design of the building.**

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

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

□

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **2.2.3 Architectural Details**

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

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

#### **2.2.4 Facades and Exterior Walls**

Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 1, other roadways or pedestrian areas, or when they abut residential areas. Breaking up the plane of the wall can reduce this sense of overwhelming scale. Where the plane of the wall is broken, the offset should be proportionate to the building's height and length. A general rule of thumb for such projections or recesses is that their depth shall be at least 3% of the façade's length, and they shall extend for at least 20% of the façade's length.

Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters and similar architectural details, as well as patterns in the surface material and wall openings. All façade elements should be coordinated with the landscape plan.

Facades of commercial buildings that face Route 1 or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

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

#### **2.2.5 Building Entrances**

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

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

### **2.3 Linear Commercial Buildings**

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

#### **2.3.1 Design**

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

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

#### **2.3.2 Façade Design**

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

**FINDING: N/A**

#### **2.3.3 Focal Points**

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

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

#### **2.3.4 Façade Offsets**

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

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

#### **2.3.5 Rooflines**

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

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

### **2.4 Smaller Freestanding Commercial Buildings**

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

#### **2.4.1 Single Use Buildings**

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

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

#### **2.4.2 Franchise Design**

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

**FINDING: N/A**

#### **2.4.3 Mixed Use Buildings**

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

**FINDING: N/A**

### **2.5 Residential Structures**

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

**FINDING: N/A**

### **2.6 Residential Care Facilities**

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

**FINDING: N/A**

### **2.7 Hotels**

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

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

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

**FINDING: N/A**

#### **2.7.1 All Building Types: Awnings and Canopies**

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

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

### **3. Signage**

*Signs play a central role in providing much-needed information and setting the tone for the Route 1 corridor. They inform motorists and pedestrians, and have a direct effect on the overall appearance of*

the roadway. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.

### 3.1 Sign Design

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

#### 3.1.1 Signage Plan

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

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

#### 3.1.2 Sign Location

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

**FINDING: This has been met.**

#### 3.1.3 Sign Design

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

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

#### 3.1.4 Sign Colors

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

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

#### 3.1.5 Sign Content

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

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

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

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

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

### 3.2 Sign Type

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

#### 3.2.1 Building Mounted Signs

Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on

vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18” from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign.

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

**FINDING: N/A**

### **3.2.2 Freestanding Signs**

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

As with façade-mounted signage, design and content standards shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement the associated building. This will entail similar forms, materials, colors and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site.

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

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

### **3.2.3 Wayfinding Signs**

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

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

**FINDING: N/A**

## **3.3 Sign Illumination**

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

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

**FINDING: TBD**

## **4. Lighting**

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

#### 4.1 Good Lighting

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

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

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

#### 4.2 The Lighting Plan

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

##### 4.2.1 Elements of the Lighting Plan

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

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

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

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

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

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

#### 4.3 Types of Lighting

##### 4.3.1 Façade and Landscaping Lighting

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

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

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

#### **4.3.3 Pedestrian Lighting**

Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated.

Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3' to 4' in height and ornamental fixtures of up to 12' in height are encouraged. Fixtures should be a maximum of 1 watts and should not create glare or light trespass onto abutting properties.

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

The Board reviewed twelve proposed conditions of approval. Mr. Saunders moved to approve Major Site Plan Review for Lot #5 at Cumberland Foreside Village, Route 1, Tax Assessor Map R01, Lot 11-5 subject to the Limitation of Approval, the Standard Condition of Approval and the twelve proposed Conditions of Approval, seconded by Mr. Auclair and **VOTED, 7 yeas, unanimous - motion carries.**

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

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

#### **Conditions of Approval:**

1. The MDOT Entrance Permit shall be submitted to the Town Planner prior to the preconstruction conference.
2. All outstanding fees shall be paid prior the issuance of a building permit.
3. A preconstruction conference shall be held prior to the start of construction.
4. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
5. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference.
6. There shall be no indoor or outdoor storage of any hazardous materials.
7. The applicant shall obtain a sign permit from the Town of Cumberland that shows consistency with the Route 1 Standards.
8. The applicant shall comply with all state and local fire regulations.
9. The MDEP SLODA amendment permit shall be submitted prior to the preconstruction conference.
10. All comments made by the peer review engineer shall be addressed prior to the preconstruction meeting.
11. The photometric plan shall be revised to show no light trespass at the property lines.

12. The Applicant has shown parking for 54 vehicles. The number of parking spaces to be utilized by the Belted Cow business shall not exceed 12. The remaining 42 spaces shall be shared by the other businesses that are located in the building.

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

Mr. Sherr moved to take Item #4 out of order and hear it next, seconded by Mr. Auclair and **VOTED, 7 years, unanimous - motion carries.**

***4. Public Hearing: Recommendation to the Town Council on amendment to the Zoning Ordinance, section 315-4, Definitions, and section 315-14, Village Center Commercial (VCC) Zoning District to allow for storage units in the VCC Zone.***

Chairman Moriarty introduced the item and explained that the Planning Board is voting to make a recommendation to the Town Council and this vote is non-binding. It will be up to the Town Council to vote on amending the ordinance.

Mr. Shane explained that Howell Copp approached him several months ago and asked about putting storage units on Route 100 on his property. Mr. Shane described the location of the property near the ice cream shop and the hardware store. Mr. Shane said he spoke with Ms. Nixon about it and they were not sure how it would work. Mr. Shane brought the idea to the Ordinance Committee. The Committee decided to go through the process with getting a recommendation from the Planning Board and to limit storage units to only the VCC zone as a trial. Mr. Shane said that since the proposed language is fairly limited, the Planning Board would have a lot of latitude regarding buffering - especially from residential neighborhoods.

Mr. Shane said that the Ordinance Committee looked at the type of self-storage units that they were thinking of and presented these to Mr. Copp. The Town does have standards and many of the self-storage units today would not come close to what the Town has for standards. Mr. Shane showed an example of the self-storage units in Falmouth on Route 1 with pitched roofs, what appear to be windows and landscaping. Mr. Shane said the Falmouth self-storage units represent more closely what the Town's expectations would be. Mr. Shane said that Mr. Copp shared that part of his concept would be to perhaps put some small business space like the pizza shop across the street in the front with the storage units in the back. Mr. Shane said that when presented with a plan, the Board will see that they would have a lot of ability to make changes during the review process.

Mr. Shane said the purpose of this item is to determine what the Board's thoughts are related to storage units as a use. Storage units are not allowed anywhere in Town currently. Mr. Shane said that there was an attempt to allow storage units in Town maybe 20 years ago and that failed. The Ordinance Committee is limiting the request to just the VCC zone at this time.

Mr. Sherr asked if Mr. Shane has a sense in the VCC zone what the current build out is on the lots and what are the available lots that could be utilized. Mr. Shane said that there are quite a few and a majority of the lots in the VCC zone could do some level of self-storage. Mr. Shane said this brings up the question of whether the Board wants to limit the number of areas where these are allowed. The Board did the same thing with

the location of contractor space. The Town may want to limit the number of storage units because there may not be a lot of taxable value. The Planning Board could give input to the Council to limit the numbers or be specific in the location allowed.

Mr. Saunders asked if the Route 100 design standards apply to lots that are not on Route 100, would they apply to the back lots in the VCC. Mr. Shane said he thinks the standards apply to all of the lots in the VCC and perhaps the VOC1. Ms. Nixon said the language may say lots that front on Route 100. Mr. Shane said it would be easy enough to add language that the Route 100 standards must apply to any storage units regardless if abutting Route 100.

Mr. Auclair said it looks like there is a 50' setback between these buildings and residential areas. Within this 50' is a 25' vegetated buffer. Mr. Auclair asked if these lots are large enough to have this buffer next to residential areas. Mr. Shane said that the lots are deep enough to do this. Mr. Shane said it could be a deal breaker for some of the smaller lots. Mr. Saunders noted a 15' side setback and said this could be next to a residential use. Mr. Auclair suggested having a condition that assures adequate setbacks and buffers from any homes.

Mr. Shane said the other issues that he and Ms. Nixon raised were hours of operation and lighting which could be problematic when abutting a residential use. This could be addressed at the site plan review. Mr. Shane said that what he doesn't want to do is put a use in that is almost automatically set up for failure and couldn't meet site plan criteria so the Town would want to look at this as well. It would be difficult to screen lighting if it is on all night and perhaps the Town could look at some restrictions on accessing the site in the night hours. Storage units typically have roll up doors and all the trees in the world aren't going to prevent the sound of roll up doors going up in the night. Mr. Shane said that the Town does not typically limit hours of operation in the ordinance and these restrictions are typically imposed by the Board as a condition of approval when a site is being constructed. Mr. Shane said there is nothing in the ordinance, except for on Main St., that restricts hours of use.

Mr. Shane said that if this use is not compatible, then the Town should move on.

Mr. Kenny said that some of the storage units he is familiar with have sensor lighting so the lights aren't on all the time. Mr. Kenny is not aware of any storage units that do not have 24 hours access and he doesn't know if it would be financially feasible to restrict hours.

Mr. Auclair said that the ordinance allows hotels, inns, warehouses, etc. and there isn't much in the zone that isn't allowed. There could be a condition that limits operating hours & lighting. Mr. Auclair said he thinks this is a reasonable consideration as long as the Board is careful with the conditions.

Ms. Sawchuck asked if Mr. Copp mentioned the number of units he is considering. Mr. Shane replied no and said this would be up to the Board to decide and it would depend on the density of the lot. Mr. Shane said that on the two lots proposed by Mr. Howell we are probably talking about 100 to 150 units. The units condense pretty quickly and there are all kinds of sizes. Mr. Shane said the number of units isn't as important as the size of the buildings.

Chairman Moriarty opened the Public Hearing.

Tammy Merrill, 199 Gray Rd., noted that her driveway goes through the VCC zone. Ms. Merrill asked the Board to not recommend storage units in the Village Center Commercial Zoning District at all. Ms. Merrill said she thinks there are a lot of problems that come with storage units. Ms. Merrill referred to the ordinance section 315-14, Village Center Commercial District that states "The purpose of the Village Center Commercial District is to provide an area that allows for a mix of commercial uses such as retail sales, restaurants and business and professional offices. Pedestrian and bicycle travel will be safely provided through the use of sidewalks and bike lanes. All development in this district shall be consistent with the Town of Cumberland Route 100 Design Standards." Ms. Merrill said that there are 34 types of businesses that are allowed in the VCC zone. This is quite a lot and Ms. Merrill doesn't think it needs one more.

Ms. Merrill said the Route 100 Design Standards talk about goals for the standards as follows: "Route 100, also known as the Gray Road, is one of the two major entry points to the Town of Cumberland. For many people, traveling along it will be the only exposure to the Town they will have, and the only image they will take away. Development along this corridor has been done in a piecemeal fashion and the result is a mix of commercial and residential uses which provide no sense of unity or style. This last stretch of viable commercial land in the town suggests that greater consideration be given to future development so that the fully built environment will be not only attractive, but safe and functional as well. The first step in this process is to provide to the Planning Board a complete understanding of what each site can support". Ms. Merrill cited the goals of the standards which are to "Encourage high quality, economically viable development that is architecturally appropriate that reinforces Cumberland's sense of place and is responsive to the Town's unique character. Promote uses of the type and density that respond to each site's ability to sustain development, both ecologically and with regard to the efficient provision of adequate public services. Preserve, wherever possible, the rural appearance of the corridor by requiring buffering and landscaping, in addition to preserving open space areas, to reduce the apparent density of development. Foster an attractive, functional and safe environment that is conducive to both commerce and housing, while providing safer pedestrian and cycling opportunities along the corridor. Protect abutting residential properties through sensitive site planning, buffering and building design. Through the consistent and thorough application of these design guidelines, the corridor will develop as an attractive and sustainable environment which will benefit Cumberland's residents and business owners for years to come."

Ms. Merrill said she does not believe that there should be a storage unit facility on Route 100 and it will not benefit the community at all. Ms. Merrill added that the Town needs to be more focused on the businesses such as markets, restaurants, health care facilities, etc., businesses that will bring in home buyers and more businesses will make the community thrive. The Route 100 Design Standards were written eleven years ago. Ms. Merrill said that she does not know what happened because if you drive down Route 100 in West Cumberland right now, she does not see these standards.

Ms. Merrill said that there are specific businesses in residential areas that have been added in the last ten years that do benefit the community that are beautiful and there are plenty that need a lot of work. Ms. Merrill said that there are a lot of vacant lots that need careful consideration of what goes in there and storage units are not part of this. Ms. Merrill said they want to make the community beautiful and she asked the Board to please think about this before they recommend to the Town Council to recommend storage units as the 35<sup>th</sup> use allowed in the VCC zone.

Teri Maloney-Kelly, Maloney's Ridge Way, said that we have a lot of different uses on Route 100. Ms. Maloney-Kelly said that when she looks at the list of allowed businesses, she thinks that a lot of them are far more intrusive than storage buildings. Ms. Maloney-Kelly said that this area of Town is under assault and is changing. With Copp Motors up for sale and Bud's Chevron sooner or later having to make a major investment or change, the possibility of having something like a Cumberland Farms is not unrealistic. Ms. Maloney-Kelly said this would be far more intrusive to the neighborhood.

Ms. Maloney-Kelly referred to Mr. Copp's business in Gray and said it would be a business, as far as how it is presented, that Cumberland should be willing to have come into town and Mr. Copp is a life-long citizen. The concerns with hours and lighting can easily be addressed. Ms. Maloney-Kelly said that storage units do not give her a lot of heartburn. The Town has had to rezone almost every project that has wanted to go in on Route 100. Ms. Maloney-Kelly said that what she loves about our town is that we are willing to take a look at something that isn't working the way it was hoped and to look at other opportunities and what can be done to make them work. Ms. Maloney-Kelly asked the Board to consider recommending this change to the Council.

Cathy Wright, 60 Skillin Rd., said that her concern is that things that people don't want in other parts of Town seem to end up in West Cumberland and this is unfair. Ms. Wright agrees with Ms. Merrill that people that travel through Town generally come down Route 100, the busiest road in Town. Ms. Wright said that there is no sidewalk other than what was required to be put in with the mini mall. The development of this area has been faulty and disjointed. Ms. Wright's concern with storage units while on one hand will not put kids in our schools, which is a good thing, is that they won't provide much in taxes. The original plan to develop the corridors on Route 1 and on Route 100 was a good plan. Ms. Wright thinks people gave up too soon and were too short sighted. The economy turned south in 2008. Routes 1 & 100 are the only areas that can be used for business development and these are shrinking. Ms. Wright wondered what in 25 years from now will be left to develop for commercial property.

Ms. Wright said her real concern with this is that the land has all been cleared and there is not a tree there. The poor people on Kathy Lane have no buffer and they are exposed to the traffic noise on Route 100. Storage units will not be an asset to the Kathy Ln. residents' quality of life when there will be activity, and we don't even know what kind of activity there will be.

Ms. Wright said that she doesn't support this and she wishes that the Planning Board and the Town Council would look at the Town as a whole and not try to segment it. She hopes that in the future the Town will look more thoroughly, completely and long term at the development in the Town of Cumberland.

Chairman Moriarty closed the Public Hearing.

Mr. Kenny said that he thinks what the Town is trying to do with the remaining lots available for commercial use is to bring properties that will create jobs and he doesn't see how this goes in that direction so he will not support this.

Mr. Auclair said that a convenience store would create a lot more traffic than storage units would but he is not sure he is that positive on the idea of storage units. Mr. Auclair said he is on the fence on this.

Mr. Saunders said that there are pros and cons. There are commercial lots that exist and there isn't a lot of development. The Town can hope to get more commercial development but storage units will generate more tax revenue than having nothing. Mr. Saunders said the Town can't plan development on hoped for tax revenue. The issue for Mr. Saunders is the use and does it fit in the zone. Mr. Saunders asked if the Town considered any other zones to allow storage units. Mr. Shane said no, there are not a lot of commercial lots left on Route 1. Mr. Shane said that this came about primarily because the request was in the VCC. Mr. Shane said the Council did not look at other zones but maybe it could be allowed in the VOC1. Mr. Saunders said he wouldn't necessarily be opposed to storage units as a use in the OCN or OCS zones along Route 1.

Mr. Davis said he is a resident of West Cumberland and when he looks at some of the other uses within the zone, he sees storage units as quite a bit less intrusive to his quality of life in West Cumberland. Mr. Davis is in favor of recommending that the Council look at this.

Ms. Sawchuck said that the storage units on Route 1 are attractive but look grim. Things are happening on Route 100. There are some attractive shops and Ms. Sawchuck thinks more of the same might be a better usage. The lots in this area are kind of small and Ms. Sawchuck thinks storage units will look bad there. Ms. Sawchuck wondered why storage units were not included in the first place and thinks there must have been some reason that she does not want to see abandoned. Storage units would be unattractive and not the best use of the property. Ms. Sawchuck said that she is not in favor of self-storage facilities on Route 100.

Mr. Sherr said he is not completely adverse to the idea of storage units. Planning Board site plan review will have the opportunity to buffer this use from residential areas. Mr. Sherr is struggling with the idea of this not being the best tax base for commercial business coming in on Route 100. Mr. Sherr said he doesn't like the idea of storage units in the entire VCC zone. Mr. Sherr does like the idea of adding some restrictions such as requiring that the property has to abut Route 100 with commercial uses on both sides. Mr. Sherr said he is on the fence too, not fully supportive but not adverse. If the Town can make it work, he is open to options but not in the entire VCC zone.

Chairman Moriarty noted that he was Chairman of the Route 100 Design Committee that met for almost two years and he has no memory as to whether storage units were considered at that time. The goal of the Committee was to construct a village type environment where Skillin Rd. meets Blackstrap Rd. Chairman Moriarty said he is conscious of what Ms. Merrill said about the area looking haphazard. Part of this is due to the fact that many of the structures existed before the zone was created and were not required to retroactively comply. A lot of new things have come in that are to the positive. Chairman Moriarty said that the very first word of this zone is “village” and he does not find storage units to be compatible with his notion of a village and for this reason he will vote no.

Mr. Auclair moved that the Planning Board recommend not to include storage units to the Town Council in the new ordinance, seconded by Mr. Kenny and **VOTED, 4 yeas, 3 nays - motion carries.**

Mr. Auclair moved to take item #3 out of order, seconded by Mr. Saunders and **VOTED, 7 yeas, unanimous - motion carries.**

***3. Public Hearing: Sketch Plan Review for Christmas Creek Major Subdivision. Tuttle Road. Tax Assessor Map R04, Lot 10; Thomas Perkins, P.E., Representative.***

Chairman Moriarty introduced the item. Ms. Nixon said that she has met several times with the owner and the applicant’s representative. They talked about the ordinance requirement to provide a concept plan for both a cluster and traditional design for sketch plan review. Ms. Nixon said it will be clear to the Board which plan makes the most sense as to environmental impacts. The sight has a large swath of wetlands that bisects the property. Chairman Moriarty noted that sketch plan review is the very first step in any type of residential subdivision as opposed to preliminary and final review. The Board will vote to recommend traditional vs. clustered design but does not approve anything at this stage.

Thomas Perkins said he is here to represent Beta Zeta Properties who has purchased the Vining property just down the road. It is a 50 acre parcel that was a Christmas tree farm most recently. Mr. Perkins has two sketch plans to present, one of which is a traditional plan that he thinks all will agree that they don’t like. Mr. Perkins noted that the parcel is long and skinny with a substantial wetland bisecting it down the middle.

Mr. Perkins showed a traditional layout plan and noted that the road basically comes right down the middle. The developer intends to tie into public water and sewer from Tuttle Rd. Mr. Perkins outlined the wetland area that has been mapped by wetlands scientists and said a boundary survey has been done. The traditional plan meets the requirements but is not really the type of neighborhood that Mr. Perkins thinks fits with this property. Chairman Moriarty confirmed that this is a 22 lot plan and Mr. Perkins agreed.

Mr. Perkins displayed a cluster plan and said this plan, instead of fighting the wetlands area, actually celebrates it. This plan creates a nice green open space swath from one end to the other. All of the existing trails have been mapped and they will work to

integrate the trail system into the layout. This is an 18 lot plan with different lot sizes to appeal to a number of buyers. This plan creates a neighborhood feel with pedestrian connectivity throughout.

Chairman Moriarty confirmed that the development will have public water and sewer and Mr. Perkins agreed. Chairman Moriarty asked if both designs will have a hammerhead at the end with no connectivity to other subdivisions. Mr. Perkins replied that the parcel is land locked so would not have this opportunity.

Mr. Auclair asked when the cluster design will no longer be available in the RR1. Ms. Nixon said that it is yet to be determined and is still a work in progress. Mr. Perkins said that this plan is not far off from the draft conservation subdivision that is being reviewed.

Mr. Sherr asked if this will be a private way or turned over to the Town. Mr. Perkins said it will be turned over to the Town. Mr. Sherr asked if there will be a sidewalk or pedestrian way. Mr. Perkins said that the sidewalk is up to the Board and he is good with either way.

Chairman Moriarty opened the Public Hearing.

Heidi Fitz, 18 October Farm Ln., asked about entrances from Tuttle Road and if there is anything that allows for this project to connect to the road in the development next to it to try and eliminate these hammerhead roads that flow out onto main roads. Ms. Fitz said she feels that the plan looks isolated from what is around it. The site has a connection to Twin Brooks in the back. It is important to consider what will the access be and will there be trails going to Twin Brooks. Chairman Moriarty replied that his guess is that the only access to Twin Brooks would be on foot on a path and not by car. Ms. Nixon noted that the development next to this site is Bunker Way. Bunker Way is a private road and legally it can be difficult to get a private road owner to agree to take the traffic from another project.

David Fitz, 18 October Farm Ln., noted that OceanView is coming in across the street with 52 units and there may be a phase two and now this property is proposed to have 18 units. Mr. Fitz said that if he develops his land it is 99.4 acres, with a significant amount of wetlands. Mr. Fitz asked how the Board decides on development and if there is a gut reaction that there may be too many units. Mr. Fitz said that it seems to him that it is essential to connect this site to the trail system. Chairman Moriarty noted that the Railroad does not want people crossing the tracks along the trails. Crossing the railroad would have to be at Tuttle Road. Mr. Sherr said that as the Planning Board, they can look at existing trails and connectivity.

Chairman Moriarty explained that the Board does not have the power to say to a land owner that they cannot develop their land because that is a taking without compensation. Chairman Moriarty added that through applicants and staff, the Board can negotiate compromises, argue for fewer lots and different designs, etc. This is not in the statute books or ordinances anywhere but it happens. The only thing the Planning Board can do tonight is to indicate whether the Board supports a clustered or traditional format for this subdivision. It is then up to the developer, at their own schedule, to come back to the Board with a plan for preliminary review. The Board can't say no, don't do it. The Board can't say that, taking a look at Tuttle Rd. as a whole,

there is a lot going on already and the Board can't let a new project happen right now. The Town can and has imposed building permit caps. Ms. Nixon added that the Code Enforcement Officer has reported that there are plenty of growth permits remaining and if they aren't all used some can carry over to the next year.

Councilor Bingham reported that the Town Council has no limit on 55 and older development and the Town has not come close to the growth permit limit. Councilor Bingham explained that the Town is limited by the ordinance for lot sizes and wetlands and other things have to be subtracted. A person can't just plant a bunch of houses, the Town looks at net residential acreage. Chairman Moriarty agreed that the net residential acreage deducts for steep slopes, wetlands, setback from streams, etc.

Mr. Davis noted that the growth permit ordinance is for 65 annually. Development is not limited by the lot location but it is limited in the Town as a whole.

Chairman Moriarty closed the Public Hearing and noted that there is nothing for the Board to vote on tonight by way of approval or disapproval. There is nothing the Board can do to prevent the applicant from taking the project to the next stage. The Board will express a preference for traditional vs. cluster.

The general consensus of the Board was to go with the cluster design. Mr. Saunders moved that the Board recommend to the developer to pursue a cluster subdivision plan for Christmas Creek Major Subdivision, Tuttle Road, Tax Assessor Map R04, Lot 10, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Perkins asked if the Board can advise on a sidewalk option. Mr. Perkins also asked if the Board wants to do a site walk. Mr. Sherr said there typically is something like a striped pedestrian way with a large shoulder on one side. Mr. Saunders noted that if the applicant is going to come to the Town to take over the road there are standards they need to meet. Mr. Auclair said a sidewalk would be a plus. Mr. Davis said a connection to the sidewalk on Tuttle Road would be good such as a crosswalk. Chairman Moriarty said that the Board would typically do a site walk on a subdivision of this size. Ms. Nixon will follow up with Mr. Perkins to schedule a site walk.

***2. Public Hearing: Site Plan Review for amendment to an approved site plan for Prince Memorial Library to increase the size of the parking lot by adding 11 parking spaces, 266 Main Street, Tax Assessor Map U10, Lot 17. Applicant: Town of Cumberland.***

Chairman Moriarty introduced the item.

Charlie Burnham, Grange Engineering Group, showed a plan of the existing parking lot for Prince Memorial Library and a revised plan for the parking lot. Mr. Burnham said that the plan preserves the tree line. There is space at the end of the turnaround to push the snow. There will be a small drainage ditch. The plan will have additional lighting that will be set to shut off a half of an hour after the library closes. Mr. Burnham said that 2 additional handicap spots will be added at the bottom of the walkway. There are 3 handicap spaces now at the top but there is not quite the van accessible parking that there needs to be.

Chairman Moriarty asked when he expects to begin the project and Mr. Burnham said next month.

Mr. Kenny asked why the handicap spaces are being put at the bottom of the hill, it would be hard to take a wheelchair up the path from the bottom. Mr. Burnham said that there are 5 spaces near the top and two of these are not marked for handicap access so the proposal is to add a couple at the bottom to allow for van access.

Chairman Moriarty opened the Public Hearing. There were no public comments. Chairman Moriarty closed the Public Hearing.

Ms. Nixon reviewed the requested waivers.

Mr. Saunders moved that due to the unique characteristics of this project and its' limited nature of only expanding an existing parking lot and not impacting any existing buffer that the Board waive the requirement for a landscaping and buffering plan as well as any additional landscaping or buffering, seconded by Mr. Sherr and **VOTED, 7 yeas, unanimous - motion carries.**

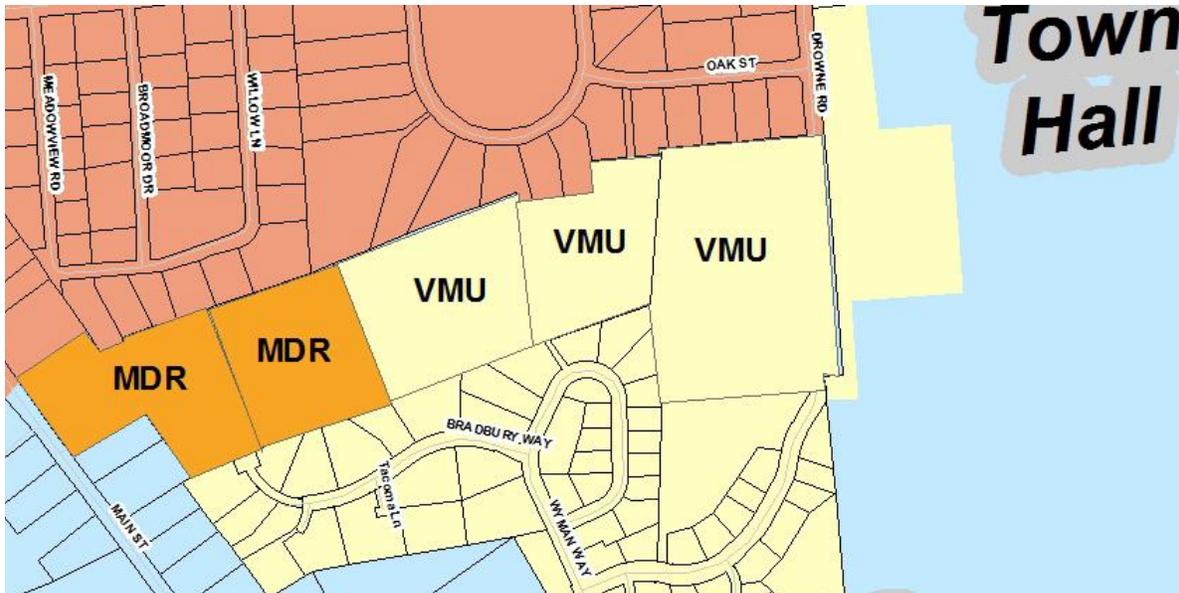
Mr. Saunders moved to waive the requirement to read the Findings of Fact, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that the Board approve Site Plan Review for amendment to an approved site plan for Prince Memorial Library to increase the size of the parking lot by adding 11 parking spaces at 266 Main Street, Tax Assessor Map U10, Lot 17 subject to the Limitation of Approval and the Standard Condition of Approval, seconded by Mr. Auclair and **VOTED, 7 yeas, unanimous - motion carries.**

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

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

***5. Public Hearing: Recommendation to the Town Council on draft Zoning Map amendments to re-zone two lots, one at 255 Main St. - Tax Map U10, Lot 1 & one at 24 Amanda's Way - Tax Map U10, Lot 1A from the Rural Residential 1 (RR1) Zoning District to the Medium Density Residential (MDR) Zoning District AND to rezone three lots, one at 50 Amanda's Way - Tax Assessor Map U10, Lot 1B, one at 3 Oak St. – Tax Map U10A, Lot 13 & one at 23 Drowne Rd. – Tax Map R03, Lot 54 from Rural Residential 1 (RR1) Zoning District to Village Mixed Use (VMU) Zoning District.***



**The above map shows proposed new zoning map designations for 5 lots related to item #5.**

Chairman Moriarty introduced the item.

Mr. Shane said that as zones have changed in Town the Town has recognized that some of the zoning has had negative impact on existing neighborhoods. Two lots (tax map U10, lots 1 & 1A) proposed for zoning change are next to the VMU zone are in the RR1. Both of these lots are 5 acre lots which allow heavy farming. Several years ago, the property was sold and a gentleman moved in and decided to farm on both of these lots. Mr. Shane said that the farming had a very negative impact. The owner was doing nothing illegal but the farm use was almost incompatible with homes on Willow Lane. Mr. Shane explained that there were a lot of calls to the police and issues with herding dogs, sheep, lamas, pigs and chickens kept on these two lots. There was nothing that the Town Council could do to reconcile this but they said that in the future the Town should see if the problem could be rectified. The farming use has stopped on these two lots and the proposal now is to change the zoning for these two lots from RR1 to MDR.

Mr. Shane identified the middle lot (tax map U10, lot 1B) being proposed for a zoning change and said this is the Russell lot that will become phase 4 of the Village Green Subdivision & CZA. The next lot (tax map U10A lot 13) proposed for zoning change is known as the civic lot that was deeded to the Town with the Commons and has a restriction for a municipal use type building. The final lot (tax map R03, lot 54) proposed for zoning change is the Town Garage.

Mr. Shane said that the Ordinance Committee looked at this and felt it was a more compatible use for what is occurring around the lots and made sense to request the zoning changes.

Chairman Moriarty opened the Public Hearing. There were no public comments. Chairman Moriarty closed the Public Hearing.

Ms. Sawchuck asked if the zone change is necessary for the Russell lot related to the subdivision and Mr. Shane said that it has nothing to do with it.

Mr. Saunders moved that the Board recommend to the Town Council to make the following zoning map amendments to re-zone two lots, one at 255 Main St. - Tax Map U10, Lot 1 & one at 24 Amanda's Way - Tax Map U10, Lot 1A from the Rural Residential 1 (RR1) Zoning District to the Medium Density Residential (MDR) Zoning District AND to rezone three lots, one at 50 Amanda's Way - Tax Assessor Map U10, Lot 1B, one at 3 Oak St. – Tax Map U10A, Lot 13 & one at 23 Drowne Rd. – Tax Map R03, Lot 54 from Rural Residential 1 (RR1) Zoning District to Village Mixed Use (VMU) Zoning District, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

***6. Public Hearing: Recommendation to the Town Council on amendment to the Zoning Ordinance, Chapter 315, Section 29 - Lot Regulations, to clarify that corner lots are required to have frontage on only one street, not both.***

Chairman Moriarty introduced the item and explained that for a house sitting on a corner lot, the frontage would not apply to two sides of the lot but rather only to one. This has been discussed at the Ordinance Committee and they support this.

Mr. Shane said that the interpretation from the Code Enforcement Officer, because of the current language, is that both sides are required to have adequate frontage. The Town ran into an issue last year while developing at OceanView.

Mr. Auclair asked about the current language and asked if section A and B will remain. Mr. Saunders clarified that the current language is not about frontage and is saying what the front setback is and corner lots will still have to meet the front setbacks.

Mr. Davis said that the frontage would be off one roadway and the other roadway would not be considered a front. Mr. Shane said the ordinance is very specific on how the front gets applied. Mr. Shane confirmed that front setbacks will still be required off both streets. The Code Officer will work with the homeowner to determine the front.

Chairman Moriarty opened the Public Hearing. There were no public comments. Chairman Moriarty closed the Public Hearing.

Mr. Auclair moved that the Board recommend to the Town Council the amendment to the Zoning Ordinance, Chapter 315, Section 29 - Lot Regulations, to clarify that corner lots are required to have frontage on only one street, not both, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

***7. Public Hearing: Recommendation to the Town Council on amendment to the Zoning Ordinance, Chapter 315, Section 38 – Animals, regarding animals allowed on smaller sized lots.***

Chairman Moriarty introduced the item.

Mr. Shane explained that the proposed amendment will clean up the language related to animals and smaller lots that are typically in the LDR, MDR and the VMU so there aren't large agricultural uses on smaller lots.

Ms. Sawchuck asked what kind of animals Mr. Shane is talking about. Mr. Saunders replied any animals that are not pets or horses or chickens. Mr. Shane noted that there is a separate section in the ordinance on chickens. Mr. Saunders said it looks to him that it is fairly flexible and anything can be considered a pet so long as it is not used for commercial purposes or considered a nuisance.

Chairman Moriarty opened the Public Hearing. There were no public comments. Chairman Moriarty closed the Public Hearing.

Mr. Auclair moved to recommend to the Town Council to accept the language as presented to the Board for the amendment to the Zoning Ordinance, Chapter 315, Section 38 – Animals, regarding animals allowed on smaller sized lots, seconded by Mr. Saunders and **VOTED, 7 yeas, unanimous - motion carries.**

**G. Administrative Matters/New Business:** The next meeting will be October 16, 2018.

**H. Adjournment:** Mr. Saunders moved to adjourn the meeting at 10:29 pm, seconded by Mr. Auclair and **VOTED, 7 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

\_\_\_\_\_  
Stephen Moriarty, Board Chair

\_\_\_\_\_  
Christina Silberman, Administrative Asst.