

CUMBERLAND PLANNING BOARD MEETING MINUTES September 20, 2022

A. Call to Order: Chair Record opened the meeting at 7 pm.

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

C. Approval of the Minutes of the August 16, 2022, meeting. Mr. Saunders moved to adopt the minutes as written, seconded by Mr. Bingham and **VOTED, 6 yeas - unanimous, motion carries.**

D. Staff Site Plan Approvals:

1. Staff Site Plan Review for Alan Blanchard to add a 34' x 80' structure with a side addition for a cattle/turkey shelter and manure control at located 169 Greely Rd., Tax Assessor Map R04, Lot 31.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. **Public Hearing:** Final Major Subdivision Review for Snowy Owl Estates, (f/k/a Evergreen Estates) a ten (10) unit residential development on a 5.69 acre parcel located on Old Gray Rd., Tax Assessor Map U21, Lot 5E in the Village Medium Density Residential (VMDR) Zoning District. Owner: SVR, LLC; Applicant: Envy Construction, Representative: Craig Burgess, P. E. – Sebago Technics, Inc.

Chair Record introduced the item.

Craig Burgess, PE - Sebago Technics, representing Envy Construction and SVR, LLC, said the project is for a ten unit condominium that will consist of five duplexes served by a private roadway. A portion of Old Gray Rd. will be reconstructed and waivers have been requested relative to this. The project will be served by underground electric/telecommunications extended from Old Gray Rd., two subsurface disposal systems and two wells. Mr. Burgess described a displayed plan of the project.



Mr. Burgess said staff and peer review comments were minor and he has not had time to revise the plan set. Mr. Burgess has spoken with James Banfield, abutter, regarding the Old Gray Rd. reconstruction because there will be some tree clearing and regrading on Mr. Banfield's property and a temporary easement is needed. Mr. Burgess described the reconstruction plan for Old Gray Rd. Mr. Burgess reported on outstanding review comments.

Chair Record asked if there are still edits to come for the road design. Mr. Burgess replied that the edits have been made but he has not provided the new plan yet. Ms. Nixon confirmed with Mr. Burgess that nothing has changed since Dan Diffin of Sevee & Maher signed off on the latest revision. Mr. Burgess agreed. Ms. Nixon said that as long as the Board does not find other deficiencies with the plan and approves the waiver, a condition of approval can be added that the final plan set be reviewed.

Mr. Saunders noted that a condition of approval for final review and acceptance by the Town Engineer has not been proposed. Mr. Saunders asked for clarification on the need for Maine Department of Environmental Protection permits. Mr. Burgess replied that they have submitted for a MDEP permit by rule.

Mr. Bingham asked if buffering issues have been cleared up and Ms. Nixon said this has been resolved.

Ms. Rardin asked if the responses to the Town Engineer comments were acceptable to the Town Engineer and Ms. Nixon answered yes.

The Board reviewed waiver requests. Ms. Nixon noted that the request for the walkway is not needed in her opinion. Mr. Saunders referred to the waiver for the K factors and said this is for the reconstruction of Old Gray Rd. and is out of the Board's purview so this waiver is not needed. Ms. Nixon asked if there is a reason the project can't have the temporary markers. Mr. Burgess replied that they can do the temporary markers and this waiver request was removed.

Chair Record opened the public hearing.

Brittany Brewster, Old Gray Rd., asked about the paving of Old Gray Rd. Ms. Nixon explained that the applicant is required to improve Old Gray Rd. from the intersection with Route 100 to the entrance to the subdivision and they have done this. Ms. Nixon said Old Gray Rd. is a Town road and the residents can ask the Town to pave the gravel area. Ms. Brewster said the drilling of their well was a struggle for water quality and to get water when they built their home and she is concerned with the additional wells. Ms. Brewster said a few of her neighbors have had their wells dry up. The project will bring in many more families and Ms. Brewster is concerned about the impact to the water quantity and quality. Ms. Brewster noted that the project will have sprinkler systems going into the buildings as well.

Mr. Burgess outlined the planned improvements to Old Gray Rd. A full hydrogeologic assessment was submitted as part of the application that looked at water availability. Mr. Burgess said he will point the water issues out to the applicant because they'll need to consider this when drilling the wells.

Ms. Banfield, abutter, said when they bought their house, they were told Old Gray Rd. was not paved because of ledge near their well and asked if there will be any blasting. Mr. Burgess replied that they did not do a geotechnical investigation to look for ledge. Mr.

Burgess outlined where the road is proposed to be lowered and said if there is ledge there, they will have to come back to town to increase the slope in that area.

Jim Farrar, 29 Old Gray Rd., said the plan is to only pave Old Gray Rd. for what is needed to get from the project to Gray Rd. Mr. Farrar said where the paving will stop, the road becomes dirt and when it rains the road becomes rutted. Mr. Farrar is concerned existing issues with Old Gray Rd. will get worse. Mr. Farrar feels the developers are trying to get the maximum profit and asked why development has to be maximized at the expense of neighborhood quality. The developers will build this project and then will be gone and the neighborhood will have to live with it. Mr. Farrar said he has no issue with condos going in and asked why they can't do eight condos instead of ten. Mr. Farrar said water is an issue. Neighboring wells have gone dry in several summers. Mr. Farrar said he doesn't understand, with this much development, why the developers weren't required to extend the public water and sewer. Mr. Farrar said it seems by just doing wells and septic systems, the developers are doing the project on the cheap and not putting a lot of thought into final product.

Mr. Burgess said the road improvements will not make the existing road worse and will improve the runoff in the area. Mr. Burgess reported that he walked the road with Sevee & Maher and outlined how runoff will be better controlled. Mr. Burgess said that the applicant is not doing the project on the cheap. Ten units is the goal and this is a retirement investment for the applicant. The roadway improvements are a significant cost. Mr. Burgess said this is the first he has heard of the well issues and a report was submitted with the final application.

Chair Record closed the public hearing.

Chair Record responded to Mr. Farrar's comments about growth and said the Planning Board is a judicial body and interprets the ordinances as they are written. Chair Record suggested Mr. Farrar bring his concerns about development to the Town Council.

Chair Record asked if the report submitted regarding the water is based on a database and not on on-the-ground data. Mr. Burgess replied that they did not do specific well capacity testing. The report is based on surrounding well data. Ms. Nixon reported that a letter in the packet dated April 13, 2022, indicated an assessment was done by Drumlin Environmental and retained by Sebago Technics. The letter addresses sections of the Town's land use and subdivision ordinances pertaining to water supply and the potential influence of wastewater disposal systems. Ms. Nixon said the applicant did submit what was required and the findings of the report are what is typically made for a project to move forward. Chair Record asked if we know how old the data is that the report is based on. Ms. Nixon said there are groundwater recharge estimates for Maine using a model of a 25-year range 1991 to 2015.

Chair Record asked if the Board has the ability to force a more detailed assessment. Town Manager Bill Shane replied that the Town Council has adopted a new blasting ordinance that requires pre-blast surveys and well assessments within 1,000 feet of blasting. Mr. Shane thinks there will be blasting on this site that will require some reconnaissance prior to construction. Mr. Shane said the developer may find that there is not enough water capacity for ten units and they may have to look at extending public water. Mr. Shane anticipates that there will be ledge. Mr. Shane noted that one reason Old Gray Rd. has not been paved by the Town is due to concerns with blasting impacting water supplies in the neighborhood.

Mr. Bingham said the water issue disturbs him, he doesn't want to make a mistake like twenty years ago when a subdivision was approved in the Pleasant Valley area and those wells have been inadequate.

Mr. Saunders asked if the Board has any mechanism to not approve this project when they have met all of the requirements. Chair Record asked what the plan will be if they start the project and drill for the wells and the water isn't there. Mr. Burgess suggested having a condition of approval that they demonstrate water is available through the type of test that would be required in the pre-blast survey. Mr. Burgess noted that they did explore bringing in public water but it did not pan out.

The Board considered the remaining waiver request. Mr. Saunders moved that due to the unique characteristics of the project and the property, the Board waives the requirement for identification of ten inch trees on the existing conditions plan, seconded by Mr. Bingham, and **VOTED, 6 years - unanimous, motion passes.**

Chair Record read the proposed findings of fact. Mr. Saunders moved to adopt the findings of fact as written, seconded by Mr. Bingham and **VOTED, 6 years - unanimous, motion passes.**

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

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

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoil and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

There are no flood plains on site. A subsurface investigation confirmed that the soils and subsoils are adequate to support waste disposal and passing test pits were confirmed. A nitrate evaluation was conducted that meets the requirements of the State of Maine and the Cumberland Subdivision Ordinance. Based on the information provided, the Board finds that the standards of this section have been met.

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

The lots will be served by two drilled wells. A hydrogeologic Assessment dated April 13, 2022, was provided which states that the proposed subdivision will have adequate water available and will not adversely affect the supply of water to adjacent properties. The Town Engineer has reviewed and approved the findings of the hydrogeologic report. Based on the information provided, the Board finds that the standards of this section have been met.

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

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

4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results; ***An erosion and sedimentation control plan that includes housekeeping procedures for maintenance has been submitted and the plan has been reviewed and approved by the Town Engineer. Based on the information provided, the Board finds that the standards of this section have been met.***

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

29, 2022, was submitted that shows that the project is estimated to generate six trips during both the AM and PM peak hour periods. A Traffic Movement Permit from MDOT is not required. There are no high crash locations in the area and there is adequate site distance at the exit from the subdivision. Based on the information provided, the Board finds that the standards of this section have been met.

6. **Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized; ***There will be two septic systems for the 10 units. The location of the systems and depiction of the location of passing soils tests have been provided and a hydrogeologic Assessment was provided that shows the proposed septic systems will provide for adequate sewage disposal without impacting well water quality. Based on the information provided, the Board finds that the standards of this section have been met.***

7. **Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized; ***The site plan shows the location of a 12' x 12' dumpster enclosure. A private waste hauler will be used. Based on the information provided, the Board finds that the standards of this section have been met.***

8. **Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; ***Letters are on file from State agencies indicating that the proposed subdivision will have no adverse impact on any of the above features. The Board finds that the standards of this section have been met.***

9. **Conformity with local ordinances and plans.** The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans; ***The plans have been reviewed and approved by the Town Planner, the Town Engineer and Town department heads. Additional information is required for final plan submission. The Board finds that the standards of this section have been met.***

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

Financial Capacity: The Applicant has submitted a letter dated March 29, 2022 from Gorham Savings Bank stating that bank has reviewed Mr. Salvo's financials and the details of the proposed project and finds that Mr. Salvo has the financial capacity to fund and/or obtain financing for such project.

Technical capacity is evidenced by the use of the professional technical consultants including a professional engineer, a licensed land surveyor, a landscape Designer, hydrogeologist, and a wetland scientist. In addition, a statement from the developer was provided that gave an overview of past projects completed in the Greater Portland Area.

The Board finds that the standards of this section have been met.

11. **Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water; ***Wetlands were delineated by Gary Fullerton, LSS of Sebago Technics in November, 2020. There is one mapped wetland located in the south-east portion of the site. Based on the information provided, the Board finds that the standards of this section have been met.***

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

The 10 unit residential subdivision will utilize private well water. A hydrogeologic assessment was provided that shows the proposed septic systems will provide for adequate sewage disposal without impacting well water quality. Based on the information provided, the Board finds that the standards of this section have been met.

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

The development is not located within a 100 year flood plain as shown on FEMA Flood Insurance Rate Map 230162 0010B-0015B.

Based on the information provided, the Board finds that the standards of this section have been met.

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

A stormwater Management Report dated May, 2022 was included in the application. The proposed development has been designed to manage stormwater runoff through Best Management Practices approved by MDEP. Run-off discharging from the site will be at or below pre-development conditions for the 2, 10 and 25 year storm events.

Based on the information provided, the Board finds that the standards of this section have been met.

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

One wetland area was mapped and is shown on the plan. The development of the 10 units has been designed to avoid wetland impacts to the maximum extent possible and will involve the filling of 1,956 s.f. of wetland which is below MDEP permitting thresholds. Based on the information provided, the Board finds that the standards of this section have been met.

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

There were no streams identified on the site. Based on the information provided, the Board finds that the standards of this section have been met.

The Board reviewed the proposed conditions of approval and two conditions were added.

Mr. Saunders moved to approve final major subdivision review for Snowy Owl Estates, a ten unit residential development located on Old Gray Rd., Tax Assessor Map U21, Lot 5E subject to the standard condition of approval and eight recommended conditions of preliminary and final approval, seconded by Mr. Bingham **VOTED, 6 yeas - unanimous, motion passes.**

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 minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Conditions of Approval:

1. A preconstruction conference shall be held prior to the start of construction.
2. A performance guarantee in an amount and form acceptable to the Town Manager will be required prior to the preconstruction conference.
3. All clearing limits shall be flagged and approved by the Peer Review Engineer prior to the preconstruction conference.
4. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
5. All legal and technical review fees shall be paid to the Town prior to the preconstruction conference.
6. An electronic copy of the as-built plans shall be submitted to the Town Planner prior to the release of any remaining inspection fees.
7. All comments from the Town Engineer shall be addressed prior to the preconstruction conference.
8. The applicant shall provide evidence of adequate water supply prior to the preconstruction conference.

2. Public Hearing: Site Plan Review for Yarmouth Veterinary Center, LLC located on a 2.95 acre parcel on US Route 1, Tax Assessor Map R01, Lot 11-4, in the Heritage Village Subdivision (f/k/a Cumberland Foreside Village) with a Contract Zone in the Office Commercial South (OC-S) Zoning District. Owner: Willow Street Realty, LLC, Representative: Jeffrey Read, P.E., Sevee & Maher Engineers.

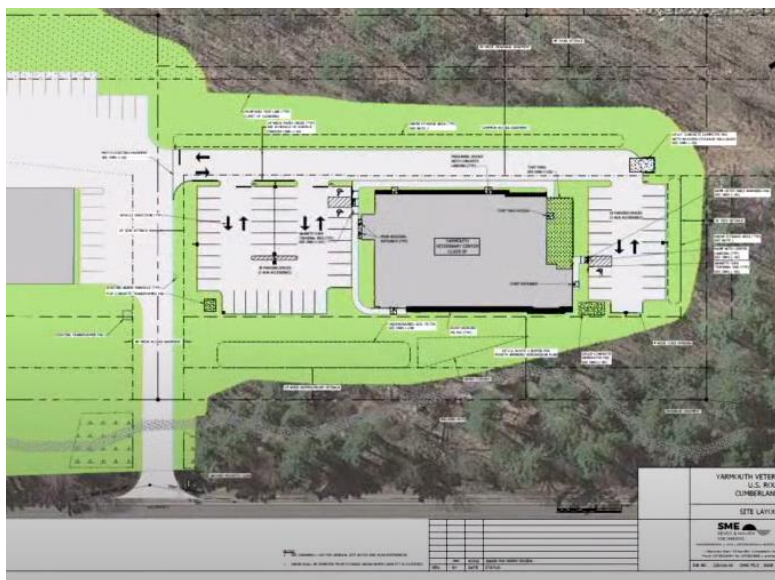
Chair Record introduced the item. Ms. Nixon reported that the project is subject to the Site Plan Ordinance and the Route 1 Design Standards. Al Palmer, P.E., Peer Review Engineer, provided comments which were addressed.

Jeff Read, PE, Sevee & Maher Engineers, said he is here to represent the Yarmouth Veterinary Center project on behalf of Willow Street Realty. The project is for a 2.95 acre parcel off US Route 1 and is part of the Heritage Village Subdivision. The project consists of a two story veterinary center building with a footprint of 12,630 square feet and a gross area of 14,663 square feet. There will be a 24 foot wide access drive and two parking areas for a total of 57 parking spaces to include three ADA spaces. The project will be served by public water & sewer and underground electric. There will be some stormwater management and landscaping. The overall developed area is just under two and a half acres with just under one acre of new impervious surface.

Mr. Read explained the project is regulated by a Maine DEP Site Location Development Act Permit and additional permitting and amendments were needed. Al Frick Associates was used to delineate natural resources on the property and there were no wetlands, vernal pools or streams. The subdivision is regulated by a DOT permit that for the site access that is a shared entrance with the adjacent lot for Lakeside Concrete. No additional DOT permitting is necessary. Mr. Read noted the DEP application is in process.

Mr. Read reported that waivers are requested from the high intensity soil survey, the hydrogeologic evaluation, the market study, the identification of trees over ten inches and from some parking/loading requirements. Mr. Read said the ordinance requires one parking space for every 250 square feet of gross, leasable area which comes to fifty-nine spaces and the project proposes fifty-seven spaces.

Mr. Saunders referred to site access and said the project will make use of the common access easement that runs along the back of the lots. Mr. Read identified the location of the common access easement on a plan of the site and said the project is within the access easement. Mr. Saunders noted a dumpster is shown in the easement area and said review comments indicate the applicant is willing to move the dumpster should the access easement need to be extended and there should be a condition of approval for this.



Mr. Saunders said Lakeside Concrete was at the last Board meeting and there is an issue between Lakeside Concrete and the abutter on their other side over use of the common access easement. Mr. Saunders said the Town has taken the position that no tractor-trailers can utilize the common access easement and it is important that the applicant know this. Mr. Read said the easement with the abutter, Belted Cow, has been discussed and the applicant is not opposed to connecting the easement to Belted Cow but the feedback has been that this is not likely.

Mr. Saunders suggested a condition of approval to move the dumpster and pad to allow for the common access easement to continue to the North should it be required. Mr. Saunders said it is important to him that there be evidence that the Town has notified the applicant of the potential issue that tractor-trailers wouldn't be allowed on the common access easement and noted that this project proposes using the easement to access their property.

Chair Record asked if the flow is built for an 18 wheeler and Mr. Read replied that it is. Chair Record asked Mr. Read if the applicant is open to limiting access to straight rigs and only entering/exiting through the shared entrance for truck deliveries. Mr. Read replied that the applicant can coordinate deliveries with box trucks or smaller vehicles after the initial construction material deliveries.

Chair Record opened public hearing.

Robert Knupp, Hawks Ridge Condominium Association, said his development is immediately across from the project's shared access road (Environmental Dr.) and they are concerned about the volume of traffic. Mr. Knupp outlined the size of the building, hours of operation, number of parking spaces and the expected number of vehicle trips per day for the proposed project and questioned the traffic calculations and the need for two entrances. Mr. Knupp noted that when Lakeside Concrete made their presentation to the Board, they said they may have conferences with up to thirty people. Mr. Knupp reported the speed limit on US Route One was lowered to 45 m/p/h in this area but this has had little to no effect on speeding traffic. Mr. Knupp said the walking path that transects Environmental Dr. is below the level of the road crossing, this is a safety hazard and if someone makes a left hand turn in a hurry, there may be an accident. Mr. Knupp asked that the path be marked across the pavement as was done at Belted Cow and suggested a pedestrian crossing light. Mr. Knupp asked if there will be blasting. Mr. Knupp is concerned about removal of trees on the west side of the path and said he did not see any planting plans for that area. Mr. Knupp expressed concern for noise from barking dogs when they are taken out during the night. Barking dog noises do travel and Mr. Knupp thinks there will be a problem with barking dogs.

Mr. Saunders referred to the need for two entrances and explained that the ordinance language is that the use could have two points of entry, but it could not have more than two. Mr. Knupp said he thinks when you have more than one hundred vehicle trips per day, traffic will probably have to take the common easement out and connect to the next roadway at Belted Cow, because if you have too much traffic, where do you put it. Mr. Knupp questioned why all the traffic impact should be at the entrance to Environmental Dr. Mr. Knupp suggested this be confirmed with the Town Council because the requirement is there for a reason. Mr. Saunders said the reason the requirement is there is to limit curb cuts on Route 1. Mr. Knupp said this needs to be looked at carefully and it will create a traffic hazard.

Mr. Read responded that the site was originally designed with a shared access drive and this has been reviewed and permitted by DOT. The traffic calculations were done for commercial lots based on industry standard design practices. The lot line and common access location have not been moved from the original design. Mr. Read said speeding is an issue with every project, the design meets Town standards but they can't enforce speed limits. Mr. Read said the walking path has been considered and crosswalk stripping and signage was approved with the Lakeside Concrete project. There will be blasting done by a professional company that will meet DEP and Town requirement. Mr. Read referred to walking path plantings and said if there are any issues that need buffering from the development, they can do this. Mr. Read referred to barking dogs and said there will be a turf area where K-9 patients can be taken out for relief as needed and the dogs will not be left out unattended. Mr. Read identified the location of the walking path and outlined the clearing limits on the displayed plan.

Mr. Knupp questioned the number of vehicle trips generated in the peak hour. Mr. Knupp asked why people enjoying a pristine walking path before this development should have to look at the back side of this building. Mr. Read explained that reference to the number of vehicle trips of no more than 100 vehicles refers to either the morning or the afternoon peak hour, not the combined total of both peak hours. Mr. Saunders noted there is no buffer requirement between the walking path and the site. The Board cannot require the applicant to do anything more for buffering than the required 75' buffer from Route 1. Anything done at the adjacent site, Belted Cow, beyond the 75' buffer from Route 1, was done voluntarily.

Tim Nastro, 15 Falcon Dr. - Hawks Ridge, said his concern is with highway safety. Mr. Nastro referred to the common access easement along the back of the lots and asked if Lakeside Concrete will be required to send all of their truck and passenger vehicle traffic down the shared access road. Chair Record said the Board is not talking about Lakeside Concrete now. Mr. Nastro cited section 1, b, f, (findings of fact regarding traffic) regarding where it is necessary to safeguard against hazards to traffic. Mr. Nastro said the speed limit changes to 45 m/p/h at the top of the hill but people still drive 50 to 55 m/p/h. The turn lanes are becoming hazardous and people use the turn lanes as passing lanes. Mr. Nastro said this has been reported to the Police Department. Mr. Nastro said he sees a lot of traffic in this area and this is a big concern to him. Mr. Nastro asked if paragraph 1,b,f does not relate to this traffic study.

Mr. Saunders replied that the ordinances relate to every project that comes before the Board and this project can't be held to the use of another project. If the traffic that Mr. Nastro is concerned with is coming from a different property, it is not this applicants' issue to resolve. Mr. Saunders noted that members of the Planning Board are not traffic experts. The Board relies on traffic engineers to tell them if there is a safety issue. Mr. Saunders said MDOT and others have said there is no safety issue and the Board can't then find, based on their own opinions, that there is a safety issue. Mr. Nastro replied that it is a safety issue and is a concern.

Ryan Peters, Lakeside Concrete abutter, cited section 1.4.3 (Route 1 Design Standards) that states "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

to the owner. All such driveways between parcels should have pedestrian walkways when possible.” Mr. Peters reported that the finding states “the approved subdivision plan shows a shared common access easement along the rear of this parcel and a shared entrance driveway from Route 1”. Mr. Peters explained that the access easement comes from lot two, through lot three, through lot four and continues through lot five. There is a substantial amount of ledge in the area. Mr. Peters said he was forced by the Planning Department to blast and build the road all the way through and this was a different set of rules than lot five. Mr. Peters said it seems like he could have just connected through lot two and not built the access road that cost \$200,000. Mr. Peters said the Planning Board did not require a cost share agreement so he can’t recover the money he spent on the road development. Mr. Peters said the people from lot two are upset with him because he wants to drive on their pavement that they spent a lot of money for.

Chair Record noted that the Board is aware of Mr. Peters’ issues. Mr. Peters said that the Town picks and chooses when they want to enforce the easement. Chair Record disagreed and asked if Mr. Peters has comments relative to the item the Board is reviewing tonight. Mr. Peters said the crosswalk striping and signs will be done hopefully in October. Mr. Peters outlined some construction details with Mr. Read relative to the shared entrance drive.

Mr. Peters noted that the sign location shown for this project is on the opposite side of the entrance from where Lakeside Concrete’s sign location was shown and asked if they have to share a sign. Ms. Nixon replied that if the approved site plan shows a sign location, then this is where he should put his sign. Ms. Nixon noted that there will be two signs, one on each side of the entrance road. Chair Record said that they could share a sign if they want to.

Chair Record referred to the steep drop behind the site and asked if the applicant plans to put up a fence for safety purposes between the residential development and the project. Mr. Read replied that this is not in the plan and Chair Record suggested this be done because there is a significant steep drop off.

Chair Record closed public hearing.

Mr. Saunders referred to a condition of approval for deliveries during daylight hours and suggested this be changed from “daylight hours” to “between 7 am and 7 pm”. Mr. Saunders said signage is shown on the elevation plan on top of the building. Ms. Nixon said any signs shown will be part of the sign permit and the sign permit will trump what the Board approves.

Ms. Sawchuck asked if it would be appropriate to do a site walk. Ms. Nixon replied that site walks are normally done prior to a public hearing and are typically for subdivisions, not for site plans. Ms. Nixon doesn’t see what purpose a site walk would serve. Chair Record does not feel the Board should hold up the project with a site walk.

Mr. Saunders asked if Ms. Nixon has any concerns about the proposed landscaping. Ms. Nixon said her specific concern is that the Route One Design Guidelines talk about foundation plantings and she doesn’t think there are plants proposed close to the building and she wanted to ensure the Board feels there is sufficient landscaping.

The Board reviewed waiver requests.

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board waives the requirement for a high intensity soil survey, seconded by Mr. Bingham and **VOTED, 6 years – unanimous, motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board waives the requirement for a hydrogeologic study, seconded by Mr. Bingham and **VOTED, 6 yeas – unanimous, motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board waives the requirement for a market study, seconded by Mr. Bingham and **VOTED, 6 yeas – unanimous, motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board waives the requirement for a survey of trees greater than 10 inches in diameter, seconded by Mr. Bingham and **VOTED, 6 yeas – unanimous, motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board grant a waiver to the parking requirement to allow two less spaces for a total of fifty-seven (57) spaces, seconded by Mr. Bingham and **VOTED, 6 yeas – unanimous, motion carries.**

Mr. Bingham moved to waive reading of the findings of fact, seconded by Mr. Saunders. Mr. Saunders said he thinks the Board should be careful. The Board usually only waives the reading of the findings when there is an amendment. Ms. Nixon said the review is a public document and the public has had an opportunity to review them. Ms. Nixon noted that there is a thirty-day appeal period for decisions of the Planning Board. Ms. Nixon said there are no edits to the prepared findings that she is aware of. The motion to waive the reading of the findings was then **VOTED, 5 yeas, 1 nay (Saunders), motion carries.**

Mr. Saunders moved to adopt the findings of fact as written, seconded by Mr. Bingham and **VOTED, 6 yeas – unanimous, motion carries.**

Chapter 229 - Site Plan Review, Section 10: Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

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

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

B. Traffic, Circulation and Parking

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

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

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

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

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

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

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

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

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

(1) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

(2) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

(2) Access way Location and Spacing

Access ways must meet the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

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

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

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

(5) Building and Parking Placement

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

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

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

The entrance location meets the above requirements. Adequate sight distance has been provided at the entrance/exit location. A copy of the Traffic Movement Permit from MDOT has been provided. An MDOT Driveway Entrance Permit was previously provided. There is a sidewalk along the sides of the building that lead to entrances. There is a walking trail along Route One that will cross the entrance drive and run along the front of the lot. The placement of the building, parking and entrance areas have been appropriately sited to reflect the requirements of the Route 1 Design Standards given the ledge site constraints which does not allow for rear parking; parking will be on both sides of the building. Based on the above findings of fact, the Board finds the standards of this section have been met.

C. Stormwater Management and Erosion Control

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

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

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

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

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

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

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

(g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required,

especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

(2) Erosion Control

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

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

A stormwater management report (including erosion control) was submitted in the application and reviewed and approved by the Town Engineer. The pending MDEP SLODA amendment will also include a stormwater review. Based on the above findings of fact, the Board finds the standards of this section have been met.

(D) Water, Sewer, and Fire Protection

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

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

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

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

The proposed development will connect to the existing utilities located in the Route 1 right of way or from the shared access drive. There will be public water for both domestic drinking water and fire protection. The subdivision received approval from the PWD. There will be underground electric, cable, and telephone/ data. There will also be a connection to the natural gas main on Route 1. The building will be sprinkled and equipped with an alarm system. Based on the above findings of fact, the Board finds the standards of this section have been met.

E. Water Protection

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

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

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

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

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

The site is not located within the Town Aquifer Protection Area. All storage of fuel, chemicals, chemical or industrial wastes, biodegradable raw materials or liquid, gaseous or solid materials will meet the standards of the

Maine Department of Environmental Protection and the State Fire Marshal's office. The project will be served by public water and sewer. Based on the materials included in the application, the Board finds that the standards of this section have been met.

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

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

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

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

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

The exterior lighting will consist of pole and building mounted fixtures. The catalogue cut sheets show that the fixtures are full cut-off. The photometric plan provided shows that there will be no light cast beyond the property lines. The exterior lights will be off during non-business hours and one hour before and after hours of operation. Based on the above findings of fact, the Board finds the standards of this section have been met.

I. Buffering and Landscaping

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

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

Buffers in the form of fences, grade changes, and landscaping have been designed to screen service and storage areas. A landscape plan was submitted that shows a mixture of deciduous trees with shrubs, perennials, and grasses. Based on the above findings of fact, the Board finds the standards of this section have been met.

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

The proposed veterinary center use will not cause noise levels that would be a nuisance for neighboring properties. Based on the above findings of fact, the Board finds the standards of this section have been met.

K. Storage of Materials

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

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

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

All storage areas and dumpsters are screened by either fencing or landscaping. Based on the above findings of fact, the Board finds the standards of this section have been met.

L. Capacity of the Applicant

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

Technical Ability: The Applicant has retained the services of Sevee & Maher Engineers, a licensed site evaluator and an architect.

Financial Capacity: There is a letter dated 5/24/22 from Live Oak Bank stating that a review of the business and personal tax returns, personal financial statements, resumes and application documents indicates the business will be likely to received funding based on the estimated construction costs of up to \$7.5 million dollars.

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

M. Design and Performance Standards

(1) Route 100 Design Standards

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

(3) Town Center District Design and Performance Standards

(4) Village Mixed Use Performance Standards.

Route 1 Design Standards

1.2 Site Planning and Design

1.1 Master Planning - On properties that are large enough to accommodate more than a single structure, developers will be expected to prepare a conceptual master plan to show the Planning Board the general location of future buildings, parking lots, circulation patterns, open space, utilities, provisions for stormwater management, and other components of site development. On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards and other site features should maintain a safe separation between vehicles and pedestrians.

FINDING: A subdivision plan was previously approved by the Planning Board which shows the location of this lot.

1.2 Professional Design - Developers shall have their site plans designed by licensed professionals (civil engineers, architects or landscape architects) as required by State of Maine professional licensing requirements to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year. **FINDING: The above professionals were involved in the preparation of the site plan.**

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

FINDING: This has been provided.

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

FINDING: There is one access point from Route 1 as per the approved subdivision plan. This will be a shared entrance with Lot 3.

1.4.1 Route 1 Curb Cuts - To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route 1 should be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Route 1. This practice will increase motorist, bicycle and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area. Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Route 1's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility. New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will not grant project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required. The MDOT may also require a Traffic Movement Permit if the number of vehicle trips exceeds the threshold established by the MDOT.

FINDING: There is one access point from Route 1 as per the approved subdivision plan. This will be a shared entrance with Lot 3.

1.4.2 Site Circulation - Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas, is encouraged as much possible. Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and

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

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

1.4.3 Driveways between Parcels - Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route 1. These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner. All such driveways between parcels should have pedestrian walkways when possible.

FINDING: The approved subdivision plan shows a shared common access easement along the rear of this parcel and a shared entrance driveway from Route 1.

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

1.5.1 Location of Building on the Site - In placing the building on the site, the designer should carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses. The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route 1 and should avoid unusual geometry in building placement unless the site requires it.

FINDING: The location of the building on the site is appropriate.

1.5.2 Building Entrances - The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area. At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it. Where building entrances do not face Route 1, the Route 1 façade should still be made interesting and attractive to drivers on Route 1.

FINDING: The building entrances are covered and set off by architectural details.

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

FINDING: All setbacks are conforming and appropriate.

1.5.4 Hillside Development - When a proposed development is located on a hillside that is visible from Route 1 or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment. The use of berms and plantings, where appropriate, will help soften the impact of buildings located in open fields. Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off and erosion should also be closely examined.

FINDING: N/A

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

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

FINDING: The parking is located to the rear and sides of the building. There is no parking in front of the building.

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

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

1.6.2 Landscaping - A 75' buffer between Route 1 and buildings and parking is intended to ensure that views from Route One are not of expanses of asphalt shall be required of each new development that is on Route 1. Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide. Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Tree plantings between rows of parking are very desirable. Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones.

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

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

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

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

FINDING: The plan reflects these recommendations.

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

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

1.7.1 Location - Service areas should, if possible, be located so that they are not visible from Route 1 or from the building entrance. Locations that face abutting residential properties should also be avoided wherever possible. Dumpster, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements.

FINDING: Service areas are not visible from Route 1.

1.7.2 Design - Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes. Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts. Gates on enclosures should be designed to prevent sagging or binding. Wooden fencing is always preferred, but where chain link is necessary for safety considerations, it should be screened by landscaping and painted a dark color, or coated with dark vinyl.

FINDING: The above criteria has been met.

1.7.3 Buffering/Screening - Service areas should be screened to minimize visibility from sensitive viewpoints such as Route 1, nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale and color. Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

FINDING: The above criteria has been met.

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

FINDING: The site plan shows open areas around the building.

1.8.1 Internal Walkways - Internal walkways should invite pedestrians onto the property and make them feel welcome. Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan. Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and reduce vehicle trips. At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred

for its durability, appearance and low maintenance requirements. Driveway crosswalks should be marked by a change in pavement texture, pattern or color to maximize pedestrian safety in parking and other potentially hazardous areas.

FINDING: There are walkways along three sides of the building.

1.8.2 Landscaping - Where there are trees in the 75' buffer between Route 1 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls. Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

FINDING: Due to necessary grading for stormwater management, some existing trees will be removed, however additional plantings will buffer the building in time.

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

FINDING: There are open space areas on the site.

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

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

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

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

FINDING: The above criteria has been met.

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

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

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

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

FINDING: All utilities will be underground from Route 1.

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

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

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

FINDING: Service will be via underground lines.

2.1 General Architectural Form - These standards encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19th century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

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

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

FINDING: The roofline is pitched.

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

FINDING: The windows reflect the above criteria.

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

FINDING: The detailing reflects the above criteria.

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

FINDING: The building materials reflect the above criteria.

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

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.
2.2.4 Facades and Exterior Walls - Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 1, other roadways or pedestrian areas, or when they abut residential areas. Breaking up the plane of the wall can reduce this sense of overwhelming scale. Where the plane of the wall is broken, the offset should be proportionate to the building’s height and length. A general rule of thumb for such projections or recesses is that their depth shall be at least 3% of the façade’s length, and they shall extend for at least 20% of the façade’s length. Other devices to add interest to long

walls include strong shadow lines, changes in rooflines, pilasters and similar architectural details, as well as patterns in the surface material and wall openings. All façade elements should be coordinated with the landscape plan. Facades of commercial buildings that face Route 1 or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.

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

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

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.

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

FINDING: The building reflects the above criteria.

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

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

FINDING: The building reflects the above criteria.

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

FINDING: N/A

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

FINDING: N/A

2.5 Residential Structures - Objective: Cumberland's future housing stock in the Route 1 corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England residential architecture. The large mass of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size. Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible. Dwellings with ells and additions, and ones

with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level “contractor modern” type dwellings do not particularly reflect Maine styles. Similarly, traditional New England building materials such as wooden shingles and clapboards are encouraged. Modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

FINDING: N/A

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

FINDING: N/A

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

FINDING: N/A

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

FINDING: N/A

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

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

FINDING: TBD with sign permit application

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

FINDING: Complies

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

FINDING: TBD with sign permit application

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

FINDING: TBD with sign permit application

3.1.5 Sign Content - To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign. Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read. The use of variable message “reader boards,” sponsor logos, slogans or other messages that promote products or services other than the tenants’ are not permitted. Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

FINDING: TBD with sign permit application

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

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

FINDING: TBD with sign permit application

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

FINDING: TBD with sign permit application

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

FINDING: TBD with sign permit application

3.3 Sign Illumination - Only externally lit signs are permitted in the Route 1 corridor because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare. Lighting fixtures should be located, aimed and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

FINDING: Complies

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

4.1 Good Lighting - Objective: Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal. The applicant should provide sufficient lighting for the job without over-illuminating. Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded produce very little glare, which can dazzle the eyes of motorists and pedestrians.

The height and positioning of fixtures is also important, since even well shielded fixtures placed on tall poles can create light trespass. Fixtures should be positioned to uniformly illuminate the subject area. Hot spots created by too-bright or too-low fixtures make the in between areas seem dark, which can create safety problems. High efficiency lamps are encouraged. Shielded lights can be lower in wattage, and will actually light an area better than unshielded high-output lights because they don't waste light by casting it outward and upward.

FINDING: Complies

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

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

FINDING: Complies

4.3 Types of Lighting

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

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

FINDING: Complies

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

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

FINDING: Complies

The Board discussed proposed conditions of approval and suggested a revision to the condition regarding time of deliveries and added one condition.

Mr. Saunders moved to approve site plan review for Yarmouth Veterinary Center, LLC located on a 2.95 acre parcel on U.S Route 1, Tax Assessor Map R01, Lot 11-4 with a contract zone in the Office Commercial South Zoning District subject to the expiration of approval, the standard condition of approval and the 14 proposed conditions of approval, seconded by Ms. Perry and **VOTED, 6 yeas – unanimous, motion carries.**

Chair Record called for a 5 minute break after which the meeting was resumed.

3. Sketch Plan Review: White Rock Terrace, a proposed 55-unit, affordable, residential housing development for ages 55+, to be located off Skyview Dr., Tax Assessor Map R01, Lot 11-7 in the Heritage Village Subdivision (f/k/a Cumberland Foreside Village) with a Contract Zone in the Office Commercial South (OC-S) Zoning District. Applicant/ Developer: Kristin Martin, Development Officer - The Szanton Company.

Chair Record introduced the item. Ms. Nixon reported that the Town Manager and she have had several meetings with Mr. Szanton about this project for fifty-five (55) units of affordable housing for seniors that will be located off Skyview Dr. Ms. Nixon noted that a neighborhood meeting was held last week.

Szanton Company President Nathan Szanton said their company specializes in developing high quality, professionally managed, rental housing for people in the middle to lower part of the income spectrum. Mr. Szanton is here tonight with Project Manager Kristin Martin, business partner and Cumberland resident Amy Cullen, Travis Letellier - PE, of Acorn Engineering and Ryan Senatore of Ryan Senatore Architecture. The company has done eleven projects in Maine and New Hampshire and examples where shown.

Ms. Martin reported that amenities for their projects typically include a fitness center, coin-op laundry, indoor bike storage and offices for management/resident services staff. Examples of typical unit finishes and layouts were shown. The proposal is for fifty-five units, 47 one-bedroom units and 8 two-bedroom units. The units are age restricted for fifty-five+ and income restricted at sixty percent of the area median income. Approximate annual incomes are \$46,900 for one person and \$53,600 for two persons. The monthly rental rates are expected to be \$1,050 for one-bedroom units and \$1,300 for two-bedroom units. The project is designed with energy efficient features. Plans include a community room, rooftop deck and patio/garden space.

Ms. Martin displayed a site plan and identified the location of the proposed project which lies between US Route One and Interstate 295 on the Falmouth and Cumberland Town Line. The project is proposed on lot seven of the Heritage Village Subdivision, within a contract zone that allows for 120 housing units. The project will use four acres of lot seven and will leave the remaining portion of the lot and sixty-five housing units for another developer.



Mr. Senatore displayed a rendition the project and noted it is in concert with the Route One Design Standards. Mr. Senatore outlined the project design and showed an example of how the project will appear from Nautical Dr.



Ms. Martin said the plan complies with design requirements except for the parking. The parking requirement is for two spaces per unit and the proposal is for 1.4 parking spaces per unit. Ms. Martin reported on parking studies they did at other developments and said they feel seventy-six parking spaces will be enough to serve the residents. The project will have predominantly one-bedroom units. Mr. Szanton said the parking waiver request comes from a desire to have more green space.

Mr. Szanton provided history behind the project name “White Rock Terrace” noting that there is a big white rock on the shoreline that has been used to delineate the boundary between Falmouth and Cumberland since 1653.

Town Manager Bill Shane spoke highly of the Szanton Company and the type of housing they build. Mr. Shane said he is excited to work with them and this type of affordable housing is very important.

Ms. Nixon said there is a need for rental units at this price point. Ms. Nixon oversees thirty units of senior housing and there is a lengthy waiting list for these units. Ms. Nixon predicted this project will fill up very quickly.

Mr. Bingham said this is something Cumberland has tried to do and this company has a good reputation. The Town can work on the parking and traffic issue. Mr. Bingham said he is excited for the Town to work together with the Szanton Company to make this happen.

Ms. Rardin noted the development is within walking distance to shopping and other things and suggested they consider a shuttle service as an amenity.

Ms. Sawchuck said this project sounds great and she would be proud to have this project in Cumberland.

Ms. Perry said this project is exciting to see. Ms. Perry suggested there be ADA accessible bathrooms. Ms. Perry sees not having any covered parking as a potential issue because there is no access to public transportation. Ms. Martin replied that ADA accessibility is a calculation that Maine Housing requires and all units will be prepped to add grab bars in the bathrooms.

Mr. Saunders referred to a likely parking waiver request and said it may be easier for the Board if there is a backup plan for if additional parking is needed. Ms. Martin said they will look at the site plan to figure out ways to add parking if needed.

Chair Record shared concern about extra parking and said this is a fantastic project and just what Cumberland needs. Chair Record said being able to prioritize Cumberland residents would be great. Chair Record asked that the applicant work with Ms. Nixon to view the plans for The Mark project's appearance with contrasting colors.

Chair Record thanked the group for their presentation.

4. Public Hearing: Recommendation to Town Council on an amendment to the Cumberland Code of Ordinances, Chapter 315-Zoning, Section 14-Village Center Commercial District, E.1, to change the front setback requirement for structures in the Village Center Commercial (VCC) Zoning District from the current 45 feet to the proposed 25 feet.

Chair Record introduced item.

Town Manager Bill Shane referred to an earlier presentation for the Route 100 roundabout and said this change is a critical component to move the buildings closer to the street and further from residential property lines. Mr. Shane noted that sight lines have been reviewed and there are no issues.

Village Center Commercial District standard amendments will be needed in the future. Mr. Shane envisions future workforce housing with walkup apartments on the second floors of businesses. A request for proposals was put out for the roundabout two weeks ago. Mr. Shane said that this amendment is step one to show developers that the Town is serious about developing the Route 100 corridor.

Mr. Shane explained the setback already provides for sidewalks. The amendment was forwarded to the Board by the Ordinance Committee for their review and recommendation to the Town Council.

Ms. Rardin asked for clarification on the proposed 25 foot setback. Mr. Shane said the 25 foot setback will be landscaped and will include sidewalks, esplanades and lighting. This allows buildings to be right up against the easement if desired by the developer.

Chair Record opened the public hearing. There were no public comments. Chair Record closed the public hearing.

Mr. Bingham moved that the Planning Board recommend to the Town Council that they approve an amendment to the Cumberland Code of Ordinances, Chapter 315 – Zoning, Section 14 – Village Center Commercial District, E.1 to change the front setback requirement for structures in the Village Center Commercial District, known as the VCC Zoning District, from the current forty-five feet to twenty-five feet, seconded by Ms. Perry and **VOTED, 6 yeas – unanimous, motion carries.**

G. Administrative Matters/New Business: Ms. Sawchuck asked if a site walk should be scheduled for White Rock Terrace. Ms. Nixon said she could coordinate a site walk. General consensus of the Board was to schedule a site walk. Ms. Nixon said the project will be considered a subdivision.

Ms. Nixon reported that the preconstruction meeting was held for the Grange Hall Pub and the project is happening.

H. Adjournment: Mr. Bingham moved to adjourn the meeting at 10:10 pm, seconded by Ms. Perry and **VOTED, 6 yeas – unanimous, motion carries.**

Jason Record, Planning Board Chair

Christina Silberman, Administrative Asst.