

TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, May 30, 2017 - 7:00 pm

A. Call to Order: Chairman Moriarty opened the meeting at 7 pm and explained that this is a special meeting of the Board to deal with one item that was on the Board's agenda two weeks ago. There were flaws in the notification to abutters for this item so the Board determined that they could not hear the item that night and so it was put off until tonight.

B. Roll Call: Present: Steve Moriarty - Chair, Paul Auclair, Jeff Davis, Teri Maloney-Kelly, Joshua Saunders & Peter Sherr. **Absent:** Gerry Boivin. **Staff:** Carla Nixon - Town Planner, Christina Silberman - Administrative Assistant & William Shane, Town Manager.

C. Hearings and Presentations:

1. Public Hearing: Major Subdivision and Major Site Plan, West Cumberland Multiplex Units. 197 Gray Road, Tax Map U20, Lots 70A, 70E, 73, and 74. *Applicant:* Grun Development, LLC; *Representative:* Alton Palmer, P.E. Gorrill Palmer.

Chairman Moriarty introduced the item. A rendition of the entire project was displayed. This project has been on the Board's agenda a number of times, most recently on April 18th for a public hearing for an amendment to the site plan to revise that portion of the property known as condominium unit #1. Chairman Moriarty noted that tonight the Board is considering major subdivision approval and site plan review for the portion of the project for 5 structures with 4 rental units apiece. Another part of the project, that is not part of tonight's proposal, could and probably will be some type of retail/commercial use. The entire project is served by one access way from Route 100.

Christi Holmes, Gorrill Palmer, said with her tonight is Al Palmer of Gorrill Palmer with Jim Schmidt and Migs Eaton of Grun Development. They are here tonight asking for final approval. Ms. Holmes reported that they held a neighborhood meeting and received input mostly about buffering and landscaping. They have added about \$56,000 of additional landscaping. A proposed trail system has been removed. Minutes of the neighborhood meeting are included in the Board's packet. A fire hydrant has been added per the request of the Fire Chief on Route 100. Ms. Holmes said her firm has responded to Town Engineer comments that have since been reviewed and signed off on. Condo documents have been provided. Ms. Nixon's proposed conditions of approval have been reviewed and Ms. Holmes anticipates no problem complying with them.

Chairman Moriarty clarified that only one of the apartment buildings is proposed to be constructed at this time. Ms. Holmes said that due to financing she believes the building construction will be phased. The access drive and the first building will be built first along with all of the buffering landscaping.

Chairman Moriarty asked if there is any update on the proposed retail/commercial area. Mr. Schmidt said that Casco Systems decided they wanted a purchase and sale instead of a lease and they are in the process of working on this. Mr. Schmidt said he is working on the assumption that the retail space will be a 9,000 sq. ft. building similar in appearance to the Casco Systems space. Right now they have likely tenants for about 5,000 of the 9,000 sq. ft.

Mr. Sherr asked if the Town Planner's comments regarding Tammy Lane improvements have been answered and Ms. Nixon said yes. Mr. Sherr confirmed that all of the buffering will be done for this property and Tammy Lane will be retained in its existing condition and Ms. Nixon agreed. Mr. Sherr said on the index of plans for landscape plans and details it lists L102 and he asked why not L101, is this missing? Ms. Holmes said L101 is for phase 1 for the office building and they will clarify this in the index.

Mr. Auclair said that there is a pond to the east of Tammy Lane and he asked if the pond will be affected by stormwater or any water issues. Ms. Holmes pointed to an area of the subdivision that will be a common area with grass underdrains that will treat the stormwater coming off the site and will meet all the Town's requirements. This has been reviewed by the Town Engineer and the DEP. The water will reach the pond but it will be treated first.

Chairman Moriarty explained that these multiplex buildings were permitted uses in the Village Center Commercial zone with a multiplex overlay when the application was filed. This has since changed. In December when the Board met they recommended to the Council that the multiplex overlay be abolished and the Council did abolish it. The multiplex overlay in this district no longer exists.

Mr. Davis said he is looking at sheet C105 that shows a snow storage area and then when he looks at the landscape plan it looks like a bunch of trees will be in the snow storage area and he asked if this will be an issue. Ms. Holmes said the intention is that the snow storage will be along the road in this area and the trees can be set further back from the road.

Chairman Moriarty opened the public hearing.

Tammy Merrill, 100 Gray Rd., said she owns a right of way for Tammy Ln. Ms. Merrill said at the neighborhood meeting all of the abutters requested a 6' fence. Ms. Merrill said her major concern is keeping people out of the pond and a fence would defer people from going there. It is a manmade pond and 4 people share ownership of it. Ms. Merrill worries about someone getting hurt at the pond. She would like to know how large the earthen berm will be and wants to know more about the buffering. Ms. Merrill said she does not see any landscaping on the plan where her property is. Ms. Merrill said she is concerned about runoff into the pond and wants to know why there is not a fence.

Mr. Palmer responded that subsequent to the neighborhood meeting, he had follow up conversations with the developers and the lack of the fence is a matter of aesthetics. The developers' preference is to add additional landscaping for a vegetative buffer rather than have a fence due to the visual impact and the feel of the neighborhood. Mr. Palmer said that the berm height varies as you go around the site and it will look natural. The height varies from 2.5' to 4' to provide an enhancement to the landscaping and provide additional screening. The berm for the pond is in the 5' to 6' range. Mr. Palmer showed the grading plan and further described the berm. Chairman Moriarty said the berm will surround the multiplexes on 3 sides and the side that faces Route 100 does not have a berm.

Mr. Auclair said that currently there are a number of smaller trees along Tammy Ln. and he asked if the trees will be taken down to create the berm. Mr. Palmer said that the tree cutting that was done on site was very rough and if there are any specimen trees worth saving, they will work with the contractor to save them.

James Farris, 14 Skillin Rd., said that he met with Mr. Schmidt in January and he was assured that there would be some fir trees added near his property. Mr. Farris said that in December his lawyer sent a letter to Ms. Nixon, Mr. Schmidt and Mr. Allen regarding trees that were cut on his land creating damages. When he met with Mr. Schmidt he was told that this would be resolved but he hasn't heard any more. Mr. Palmer showed the landscape plan and said they can continue the tree and shrub theme along the area near Mr. Farris' property. Mr. Schmidt said there is quite a bit of ledge in this location and he is not sure how viable plantings here will be. Mr. Palmer said a berm is planned to tie into a bedrock knob in the corner near Mr. Farris' property. Mr. Palmer outlined the landscaping they can add and said this can be a condition of approval.

Chairman Moriarty clarified that Mr. Farris also is talking about trees that were cut on his property. Mr. Farris agreed and said he would like to have the damages paid. Chairman Moriarty said that technically the Board can only address the property owned by the applicant. Mr. Schmidt said that he will work with Mr. Allen to get this resolved and noted that it is a complicated matter about who cut the trees down. Ms. Nixon confirmed that this is a civil matter and not something the Board can do anything about. Mr. Schmidt said he will commit to having this resolved prior to occupancy of the 4th building.

Mr. Sherr noted that Ms. Merrill asked about buffering near her house and asked if Ms. Merrill is satisfied with the proposed berm only or should the Board discuss buffering here also. Ms. Merrill said in previous meetings Mr. Palmer and Mr. Schmidt agreed to move Tammy Ln. over and she wants to make sure this is in the final approval and she does want additional buffering as well. Mr. Palmer said that they will agree to wrap the landscaping around the northeasterly corner of the underdrain (near Ms. Merrill's property). Mr. Palmer said that Ms. Merrill's issue is a relocation of her driveway and if Ms. Merrill grants the rights to the developer to do this work, it will be done. The Board can draft a condition of approval that the developer is responsible for this but they do not own the property. Mr. Palmer noted that Ms. Merrill's driveway is currently not located within the right of way and goes through the proposed site. Ms. Merrill said she is willing to grant permission to do this. Mr. Palmer said this would be a temporary construction easement to build the driveway.

Ms. Merrill asked what will be done around the perimeter so that the residents of the 20 units know that the pond is not for them to go down to. Mr. Palmer said they have tried to make it so that the landscaping creates a buffer to limit people from going through it. Mr. Palmer said they could do some posting but it may be better for the owner to post it. Ms. Merrill said it would be best to post it from both sides and would like the developer to post 3 or 4 signs also and Mr. Palmer agreed to do this.

Town Manager Bill Shane said that this plan is designed as condominium units and Tammy Lane is one of them. Mr. Shane said he wants to make sure that the existing homeowners on Tammy Ln. maintain their access rights and he wants the developer to agree that no rights will be extinguished and that current easements along Tammy Ln. will continue. Mr. Palmer said that based on a review of the deeds for the Tammy Ln. abutters there is a clear 50' right of way that was granted over the existing Tammy Lane. The developer has no ability to extinguish any rights or easements unless the property owners agreed to it and this is not part of the proposal. Mr. Palmer does not think that it is in the interest of the abutters to have language about a public easement as a condition of approval. Part of the abutters issue is that there are people walking down Tammy Ln. and

going to the pond and the abutters want this discouraged. There will be no change in the Tammy Ln. abutters' ability to go back and forth. Chairman Moriarty explained that the project is broken into 4 condominium units. #1 is the commercial building closest to Route 100 that will be Casco Systems, #2 is the 5 multiplex units, #3 is the other retail/commercial lot near Route 100 and #4 is Tammy Ln. Mr. Palmer said that if the Board wants to add a condition of approval, he suggest something like "the creation of condominium unit #4 (Tammy Ln.) has no change to the right of way or access for any of the abutting parcels". Mr. Davis asked who is responsible for maintenance of Tammy Ln. Mr. Palmer said that the abutters take care of Tammy Ln. Ms. Merrill said there is a road maintenance agreement in place. Mr. Sherr said he would stay away from any condition regarding condo unit #4 (Tammy Ln.).

Chuck Levine, 25 Tammy Ln., said he owns land on the back side of this development. When he bought the land, this parcel was commercially zoned and required a 50' buffer. Mr. Levine asked how this plan compares to how it was zoned before. Mr. Levine said they discussed constructing the buildings in phases and asked how long the construction will take. The Board reviewed the provisions of the ordinance regarding construction start and completion. Mr. Palmer said that this is a unique project, it is a site plan and a subdivision. The site plan standards apply so there is a duration in which they have to start the project and they have 2 years to complete it. Mr. Palmer anticipates that this will be a rolling construction that would need to be completed within 2 years or they would have to come back to the Planning Board. Mr. Palmer said he has not looked at the project relative to the former ordinance (for the zoning) but the buildings are set back 75' to 80' from the Tammy Ln. right of way. Mr. Levine said the commercial zone required a 50' buffer of vegetation and a 3' to 4' earthen berm with vegetation is not much of a buffer. Mr. Levine said he personally would like to see a 10' earthen berm. When he bought his property, this parcel was supposed to be commercially zoned land so there could be one or two building but now he will have 40 neighbors. Mr. Levine would like the buffer to be more substantial.

Chairman Moriarty closed the public hearing.

Ms. Nixon reviewed the ordinance language regarding the completion of construction in the subdivision and the site plan ordinance. Section 250-10 of the subdivision ordinance says all improvements required by Section 250-16 have to be completed no later than two years after approval of the final plan and notes that for phased plans the time periods shall apply separately for each phase approved by the Board and the applicant can request an extension of six months. Condominium #2, the multiplex developments, has a special way to be built out. In this case, because of the way in which the evidence of financial capacity is being proposed, the Board is looking at the developer showing capacity for just phase 1 of the 5 buildings. Phase one is the entrance area up to the first building, the detention area for the stormwater and the construction of the first building. When the developer wants to do the second building, he will have to come back to show evidence of financial capacity. Mr. Sherr said that he understands that all of the buffering and improvements will be completed with the first building and asked if this is correct. Mr. Palmer said that under what Ms. Nixon just read, there could be five 2 year periods for construction. It is not the intent to have a 10 year build out. Mr. Palmer said the applicant will agree to a condition of approval that all of the improvements will be completed within 2 years of issuance of the first building permit and this will take care of the neighborhood concern to

set a definitive time frame for the work to be done. Ms. Nixon said that she thinks that the ordinance requires that the Planning Board finds that there is financial capacity and the letter that has been provided only addresses the first building so the applicant will have to come back to the Board each time. Mr. Sherr said he would prefer to approve the whole plan tonight with a condition that the applicant come back to show evidence of financial capacity for the phased construction. Mr. Davis asked if staff can make the approval of financial capacity and Ms. Nixon said she thinks it should come back to the Board. Mr. Shane said that if the applicant doesn't show financial capacity to the town, he will not get a building permit to build any of the units. Mr. Shane feels that financial capacity can be dealt with by staff and if things change to the plan, the applicant will have to come back to the Board. It is very difficult to build these types of projects in today's market with banks as tight as they are and there has been a good faith effort by the developer to come back with a financial commitment letter to get phase 1 done. Ms. Nixon said she is fine with having staff review financial capacity if the Board and the Town Manager are comfortable with this.

Ms. Nixon read the following excerpt from her memo to the Board and suggested this could be a motion; "Please note that the applicant intends to construct the multiplex development in phases with Phase 1 to include construction of the multiplex access drive, parking, detention area and Building 1, along with installation of all the perimeter buffering and landscaping. The evidence of financial capacity is based on this phasing plan". Mr. Sherr suggested adding a note about all public improvements required by section 250-16. Mr. Palmer asked to change the language from "Building 1" to "Multiplex A" so it matches the plan. Mr. Davis asked if the Board could add to the language that the total project will be done within two years but will be phased. Mr. Palmer asked that the condition note that it will be completed within 2 years from issuance of the first building permit. Mr. Saunders noted that they will have a direct conflict with the standard limitation of approval and asked if the Board can modify this language.

Chairman Moriarty called for a short recess and the meeting resumed.

Chairman Moriarty said that during the break there was a meeting of the minds. Mr. Palmer noted that the project currently requires site plan and subdivision approval and this is not the norm for most projects. There is a bill before the legislature to remove subdivision review for this type of project because it is a conflict to go through two processes. Mr. Palmer proposed the following condition of approval that recognizes the site plan aspect of the ordinance that allows the Planning Board to define the time period for substantial completion of all improvements; "all improvements must be substantially completed within 4 years of issuance of the first multiplex building permit and no extensions will be granted". Mr. Palmer said that this eliminates the possibility of any future extension. Ms. Nixon said this is a good solution, it tells the abutters that they don't have to live with the construction for more than 4 years and it preserves the developer's right to have enough time to do what they need to do.

Chairman Moriarty asked about the financial capacity issue. Mr. Sherr said there will have to be a separate condition of approval. Mr. Saunders noted that the language of the limitation of approval will have to be changed because it is in conflict. Ms. Nixon proposed that the Board strike the limitation of approval and make this a condition of approval. Mr. Sherr clarified that the Board's approval will be for the entire site plan for condo unit #2 and there will be a condition of approval that clarifies that they only have financial capacity for

the first multiplex building, unit A, and that in the future the applicant will have to come back for staff review and approval for future financial capacity for subsequent buildings prior to the issuance of the building permits for units B through E. Mr. Saunders said if the Board strikes the limitation of approval, they lose the requirement that the applicant start within 12 months so there should be another condition of approval for this.

Ms. Nixon said that all of her comments in the Board's packet have been satisfied and all of the Town Engineer's comments have been satisfied as well.

Chairman Moriarty reviewed the criteria for subdivision and site plan review and noted that there are no waivers requested. Mr. Saunders moved to waive the reading of the design and performance standards findings of fact subject to the comments made previously, seconded by Mr. Auclair and **VOTED, 6 years – unanimous, motion carries.**

Mr. Saunders moved to approve the findings of fact as amended for site plan review, subdivision review and design standards, seconded by Mr. Sherr and **VOTED, 6 years – unanimous, motion carries**

Chapter 250: Subdivision Review:

FINDINGS OF FACT - Subdivision Ordinance, Section 1.1:

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:

A. 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;

Parcel is above sea level and not within a floodplain. The project will use public water. A groundwater impact assessment was provided by the applicant and reviewed and approved by the Town Engineer. The Board finds the standards of this section have been met.

B. Sufficient Water. The proposed subdivision has sufficient water available for the reasonable foreseeable needs of the subdivision; ***The subdivision will be served by public water. A letter dated 10/26/16 from the PWD stating ability to serve is on file. The Board finds the standards of this section have been met.***

C. 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 be served by public water. A letter dated 10/26/16 from the Portland Water District stating ability to serve is on file. The Board finds the standards of this section have been met.***

D. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results; ***The erosion and sedimentation control plan was reviewed and approved by the Town Engineer. The Board finds the standards of this section have been met.***

E. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; ***A traffic study was performed by Gorrill Palmer, reviewed and approved by the Town Engineer. An amended Entrance Permit from MDOT dated 12-1-16 is on file. The***

Board finds the standards of this section have been met.

F. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized; ***The subdivision will utilize private septic systems. A Wastewater Disposal Investigation Report was provided by the applicant and reviewed and approved by the Town Engineer. The applicant has provided data showing that there is adequate sewage waste disposal for the residential multiplex units and 22,000 sf of commercial structure (13,000 sf for Phase 1 as well as an additional 9,000 sf for a second commercial building along the Rt. 100 frontage). The Board finds the standards of this section have been met.***

G. 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 multiplex units are part of a commercial subdivision and will utilize a private waste hauler. The Board finds the standards of this section have been met.***

H. 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; ***A letter is on file from Maine Historic Preservation Commission stating that there are no evident historic features on the site. There is a letter from the Department of Inland Fisheries and Wildlife stating there is no evidence of rare or endangered species. The Board finds the standards of this section have been met.***

I. 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's peer review engineer and town staff. The Board finds the standards of this section have been met.***

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

Technical Capacity: Technical capacity is evidenced by the applicant's use of a professional civil engineer, traffic engineer, surveyor, and soils scientist.

Financial Capacity: The applicant has provided a letter dated March 28, 2017 from Androscoggin Bank stating the terms of financing to purchase, develop and lease a four unit residential rental building. The Developer is planning to construct only the first of the five proposed buildings at this time. Note: this is not a commitment letter, however a commitment letter will be provided prior to the preconstruction conference.

With the proposed Condition of Approval, the Board finds the standards of this section have been met.

K. 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; ***N/A.***

L. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. ***A groundwater impact assessment was provided by the applicant and reviewed and approved by the Town Engineer. The Board finds the standards of this section have been met.***

M. 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; ***Based on a review of the Federal Insurance Rate Maps, the parcel is located in Zone C- Areas of Minimal Flooding. Based on the information provided, the standards of this section have been met.***

N. Storm water. The proposed subdivision will provide for adequate storm water management; ***A stormwater management report was submitted and reviewed and approved by the Town's peer review engineer. The Board finds the standards of this section have been met.***

O. 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. ***A wetlands analysis was performed. There are no wetlands or vernal pools on the site. The Board finds the standards of this section have been met.***

P. River, stream or brook. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any map submitted as a part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9. [Amended; Effective. 11/27/89] ***There are no rivers, streams or brooks on the property. The Board finds the standards of this section have been met.***

SECTION 300 - AQUIFER PROTECTION (if applicable): The parcel is located in the Aquifer Protection District. An erosion and sedimentation control report has been reviewed and approved by the Town Engineer. There will be no storage of chemicals. Fuel storage is limited to underground propane storage tanks. The Board finds the standards of this section have been met.

Chapter 229: SITE PLAN REVIEW - SECTION 10: APPROVAL STANDARDS AND CRITERIA

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

10.1 Utilization of the Site: 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.

There are no known environmentally sensitive areas on the parcel. The site is not located within habitat for rare and endangered plants and animals, or significant wildlife or fisheries habitat. The site is located over a significant sand and gravel aquifer. A sand and gravel aquifer map of the area, and response letters from the Maine Natural Areas Program, US Fish and Wildlife and the Maine Department of Inland Fisheries and Wildlife were included in the original submission. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.2 Traffic, Circulation and Parking

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

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

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

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

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

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

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

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

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

a. No use which generates less than one hundred (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.

b. 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.

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

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

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

A paved access drive is proposed to enter the site from Route 100. A Traffic Study was conducted and included in the original submission A Maine DOT Entrance Permit was included in the submission. The crash data indicates that there are no high crash locations in the immediate vicinity.

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

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

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

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

10.2.3.4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities

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

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

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

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

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

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

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

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

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

The parking and circulation plan has been reviewed and approved by the Town Engineer. An MDOT Entrance Permit is on file.

10.2.5 Building and Parking Placement

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

The buildings are arranged in a separate but interconnected way around shared parking areas and an access drive. There is no parking between Route 100 and the two proposed commercial buildings located closest to Route 100.

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

The buildings are linked with a main access drive and sidewalks.

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

stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

There will be a paved sidewalk among and between the buildings on the site. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.3 Stormwater Management and Erosion Control

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

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

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

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

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

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

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

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

10.3.2 Erosion Control

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

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

A complete stormwater and erosion control report was submitted by the applicant and reviewed and approved by the Town Engineer. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.4 Water, Sewer, Utilities and Fire Protection

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

10.4.2 Sewage Disposal Provisions: The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are

proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

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

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

Ability to serve letters and the HHE-200 forms were included in the original submission. The buildings will have sprinkler systems. The project will utilize public water. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.5 Water Protection

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

The project will not produce 2,000 gallons or greater per day of wastewater. There will be no storage of fuels or chemicals.

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

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

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

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

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

The site is located within the Town Aquifer Protection Area. The Board finds that the proposed plan will not adversely affect the aquifer. Based on the materials included in the application, the Board finds that the standards of this section have been met.

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

The site is not located within a floodplain. See Attachment 11 for a FEMA Flood map of the area. Based on the above findings of fact, the Board finds the standards of this section have been met.

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

A letter from the Maine Historic Preservation Commission was included with the original submission. Based on the above findings of fact, the Board finds the standards of this section have been met.

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

A lighting plan was included in the original submission. No changes are proposed. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.9 Buffering and Landscaping

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

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

A landscaping plan is included in the submission. It has been reviewed and approved by the Town Staff. A 25' landscaped easement is provided along the Route 100 property line as required by Route 100 Guidelines. With the proposed Condition of Approval and based on the above findings of fact, the Board finds the standards of this section have been met.

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

The proposed multiplex residential use will not create noise levels that would create a nuisance for neighboring properties. A buffering and landscaping plan was submitted. There will be a period of time during the construction phase that may create elevated noise levels compared to normal operation of the development, but will not be permanent noises associated with the development. Anticipated noises that could possibly occur during construction could come from, but are not limited to, equipment noise. It is anticipated that no adverse impact will occur on the surrounding area. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.11 Storage of Materials

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

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

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

There is no outdoor storage of petroleum products. Based on the above findings of fact, the Board finds the standards of this section have been met.

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

Technical Ability: Grun Development, LLC has retained Gorrill Palmer to prepare plans and site permit applications; Boundary Points Land Surveyors of Cumberland, ME for survey services; and Barry J. Hosmer of Portland, ME for landscape architecture.

Financial Capacity: The applicant has provided a letter dated March 28, 2017 from Androscoggin Bank stating the terms of financing to purchase, develop and lease a four unit residential rental building. The Developer is planning to construct only the first of the five proposed buildings at this time. Note: this is not a commitment letter, however a commitment letter will be provided prior to the preconstruction conference.

With the proposed Condition of Approval, the Board finds the standards of this section have been met.

10.13 Design and Performance Standards

10.13.1 Route 100 Design Standards: All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.

The project is subject to the Route 100 Design Standards.

Compliance with Route 100 Design Standards: The development will be in general compliance with the Route 100 Design Standards. Specifically, the development has been designed by a licensed Civil Engineer to provide the qualities desired by the Design Standard. The proposed building has been set back from Route 100 which along with existing and proposed vegetation will provide a visual buffer to the Route 100 corridor. The building architecture consists of gabled roofs and clapboard siding. Building elevations are included in Attachment 12. Since the proposed development footprint is compact, open space has been provided around the development. The large open space onsite provides for ample area for snow storage. Erosion and sedimentation control will be in accordance with the MDEP BMP's. Stormwater runoff will be controlled through a level lip spreader. Municipal water service will be utilized for the development. Electrical, telephone, and cable service will be underground to minimize visual distractions along the Route 100 corridor. The onsite lighting will be fully shielded to limit light trespass. The minimum illumination required to provide safe lighting levels at the building has been provided.

1.2 Site Planning and Design

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

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

FINDING: The entire parcel has been master planned to be built out in phases. All future parking areas and building locations are shown on the master plan.

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: Gorrill Palmer Engineers is a fully licensed civil engineering firm.

1.3 Vehicular Access: Development along Cumberland's Route 100 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: An MDOT Entrance Permit is on file.

1.3.1 Route 100 Curb Cuts: To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route 100 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 100. 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 100'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: An MDOT Entrance Permit is on file.

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

Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking. To ensure safe and easily understandable circulation, parking spaces, directional arrows, crosswalks and other markings on the ground should be painted on the pavement paint or shown by other suitable methods. **FINDING: The site plan illustrates the above requirements.**

1.3.3 Driveways between Parcels: Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route 100. These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner. All such driveways between parcels should have pedestrian walkways when possible.

FINDING: N/A

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

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

The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route 100 and should avoid unusual geometry in building placement unless the site requires it.

FINDING: The 5 apartment buildings encircle a courtyard area. They are set back from Route 100, closer to the existing residential uses than the surrounding commercial uses which front on Route 100.

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

At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it. Where building entrances do not face Route 100, the Route 100 façade should still be made interesting and attractive to drivers on Route 100.

FINDING: The building entrances are clearly defined and attractive.

1.4.3 Building Setbacks: If adjacent building facades are parallel with Route 100 and buildings have consistent setbacks from Route 100, the visual effect from the road will be orderly and attractive. Side and rear building setbacks must conform to the requirements of the underlying zone.

FINDING: *The location of the buildings is set back and apart from other building facades that are situated closer to Route 100.*

When a proposed development is located on a hillside that is visible from Route 100 or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment. The use of berms and plantings, where appropriate, will help soften the impact of buildings located in open fields. Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off and erosion should also be closely examined.

FINDING: *N/A*

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

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

1.5 Parking

Objective: Development should provide safe, convenient and attractive parking. Parking lots should be designed to complement adjacent buildings, the site and the Route 100 corridor without becoming a dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting and walkways.

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

1.5.1 Location: Parking lots should be located to the side or rear of buildings. Parking should only be placed between the building and Route 100 if natural site constraints such as wetlands or topography, allow no other option. If parking must be built between the building and Route 100, it should be limited, if at all possible, to only one row of parking spaces and be adequately buffered.

FINDING: *Parking is either inside each unit's garage or in front of the units.*

1.5.2 Landscaping: A 25' landscaping easement to the Town of Cumberland will be required of each new development that is on Route 100. This easement will provide an area for the Town to install curbing, if needed, a sidewalk and the planting of trees. Beyond this easement, the developer will provide adequate landscaping to insure that views from Route 100 are attractive and to buffer the presence of the parking and buildings.

Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide. Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Tree plantings between rows of parking are very desirable. Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones. Where there are trees in the 25' landscaping easement between Route 100 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 25' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

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

FINDING: *With the proposed Condition of Approval, the Board finds the standards of this section have been met.*

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

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

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

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

1.6 Service Areas

Objective: Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Route 100 should be designed to meet the needs of the facility with a minimum of visual, odor or noise problems. They should be the smallest size needed to fit the specific requirements of the building and its intended operation, and should be fully screened from view by either plantings or architectural elements such as attractive fences.

1.6.1 Location: Service areas should, if possible, be located so that they are not visible from Route 100 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: *There are no dumpsters proposed for the multiplex units.*

1.6.2 Design : Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes. Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts.

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

FINDING: *There are no on-site service areas for this residential style development.*

1.6.3 Buffering/Screening: Service areas should be screened to minimize visibility from sensitive viewpoints such as Route 100, nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale and color. Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

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

1.7 Open Space

Objective: In order to provide an attractive, hospitable and usable environment, future development along Route 100 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: *There is open space surrounding the buildings.*

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

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

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

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

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

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

1.7.2 Landscaping: Where there are trees in the 25' buffer between Route 100 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

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

FINDING: The buildings are set well back from Route 100. The location of new trees is shown on the site plan. With the proposed Condition of Approval, the Board finds the standards of this section have been met.

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

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

1.8 Buffering of Adjacent Uses

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

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

FINDING: The above elements have been incorporated into the site plan. With the proposed Condition of Approval, the Board finds the standards of this section have been met.

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

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

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

1.9 Erosion, Sedimentation and Stormwater Management

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

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

FINDING: The erosion and stormwater management plan has been reviewed and approved by the Town Engineer.

1.10 Utilities

Objective: It is important to make efficient use of the utility infrastructure that exists along the Route 100 corridor, and to ensure that utility connections to individual development lots are as inconspicuous as possible.

FINDING: Utilities will be underground from Route 100

1.10.1 Water and Sewer: All proposed development along the Route 100 Corridor must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

FINDING: Project will connect to public water located along Route 100. There is no sewer availability.

1.10.2 Electric, Telephone and Cable: Electric, telephone, cable and other wired connections from existing utilities on Route 100 should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires, and preserves the natural character of the corridor.

FINDING: Utilities will be underground from Route 100

2. Building Types: The purpose of these guidelines is to encourage architectural styles within the Route 100 corridor that draw their inspiration from traditional New England examples. “Vernacular” or commonly used styles that are well represented in Cumberland are center-chimney Federal buildings in brick or clapboard, 100 and a half story Greek Revival “capess” with dormers, in white clapboard with corner pilasters or columns, and Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles, are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings.

2.1 General Architectural Form: Traditional New England buildings look like they do because of the climate, the materials and technologies available for building and the styles and fads of the 19th century. This is what is meant when people talk about “vernacular architecture”. It is the architecture that develops in a particular geographic area. Typically, while there may be architects who work in a particular “vernacular”, vernacular architecture evolves over time and is not the product of a particular person’s powerful vision. These guidelines encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19th century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

Mr. Sherr moved to strike the Limitation of Approval as specified in the Board’s package, seconded by Mr. Saunders and **VOTED, 6 yeas – unanimous, motion carries.**

The Board reviewed the proposed conditions of approval. Mr. Saunders moved to approve Major Subdivision and Major Site Plan for the West Cumberland Multiplex Units which will encompass the construction of five 4 unit multiplex buildings and associated parking and appurtenances located at 197 Gray Road, tax map U20, lots 70A, 70E, 73, and 74 subject to the Standard Condition of Approval and the 17 proposed Conditions of Approval, seconded by Mr. Sherr and **VOTED, 6 yeas – unanimous, motion carries.**

Conditions of Approval:

1. The final hard copy of the MDEP Stormwater Permit shall be submitted to the Town Planner prior to the preconstruction conference.
2. All outstanding fees shall be paid prior the issuance of a building permit.
3. A commitment letter for financing of the project shall be provided prior to the preconstruction conference.
4. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference. In addition, a check for 2% of the cost of public improvements shall be provided prior to the preconstruction conference.
5. A preconstruction conference shall be held prior to the start of construction.
6. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
7. There shall be no indoor or outdoor storage of any hazardous materials.
8. The applicant shall obtain a sign permit from the Town of Cumberland that shows consistency with the Route 100 Design Standards.
9. The applicant shall comply with all state and local fire regulations.
10. A blasting permit, if needed, shall be obtained from the Town Code Enforcement Officer prior to blasting.
11. The changes listed below, as recommended by the Town Attorney, shall be made to the condo declaration prior to the preconstruction conference:
 1. I noted a reference to a DEP Stormwater Permit in Gorrill Palmer's cover letter. The permit, specifically the reporting requirement, should be referenced in the condo declaration and attached as an exhibit.
 2. I see that the access road is referenced as a common element in the declaration, but I did not see any other road maintenance obligations. I assume this is going to stay a private road, but there should some express reference with regard to ongoing road maintenance by the Association.
12. That additional plantings be added or relocated from locations shown on the approved plan to buffer the Tammy Allen property and the James Farris property.
13. That a temporary construction easement be provided by Tammy Merrill to the applicant to permit the applicant to relocate her private driveway from the applicant's property to Ms. Merrill's property.
14. Three to four signs shall be added to the plan that states: "No trespassing beyond this point – Private Property" and that the signs be installed along the rear property line to discourage trespassers from going onto Tammy Lane and to the pond.
15. All improvements must be substantially completed within 4 years of the issuance of the first multiplex building permit.
16. Construction of the improvements covered by this approval shall be commenced within 12 months of the date of this approval.
17. Future evidence of financial capacity for the construction of the subsequent multiplex buildings shall be provided to the Town Manager and Town Planner prior to the issuance of each building permit.

D. Adjournment: Mr. Auclair moved to adjourn at 9:14 pm, seconded by Mr. Saunders and **VOTED, 6 yeas – unanimous, motion carries.** The Planning Board adjourned and then conducted a workshop to discuss a proposed new zoning district: Section 315-28.4 - Senior Housing Community Floating Overlay District (SHCFOD).

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Christina Silberman, Administrative Asst.