Date	June 14, 2022
То	Town of Cumberland Planning Board
From	Carla Nixon, Town Planner
Subject	Major Staff Site Plan Review Amendment: Coastal Landscaping (199 Middle Road) for Cold Storage Building and Storage Bins

I. REQUEST:

The Owner/Applicant is 199 Middle Road, LLC (Craig Wright). Mr. Wright is the owner of two operations at this location: Coastal Landscaping and New England Specialty Stone.

The 8.62 acre parcel is shown on Tax Assessor's Map R02, Lot 27 and is located in the Rural Industrial (RI) district at 199 Middle Road.

Mr. Wright is requesting an amendment to an approved site plan for the construction of a 50' x 60' (3000 sf) pre-engineered, metal, cold storage building to replace an existing 2,400 sf) salt shed. The replacement building will be on a gravel base so there will be no increase in impervious surface. In addition, the Applicant intends to locate two covered concrete block material storage bins with fabric covers. The bins will store winter salt and sand. There will be no expansion of operating hours or an increase in the number of employees. No additional permits are required by MDEP, MDOT or the Army Corp of Engineers.

II. PROJECT OVERVIEW:

Zoning: Rural Industrial (RI)

Classification of Existing Uses: Light Industrial, Associated Retail, Construction Operations, Contractor's Space.

Lot Size: Lot A is 8.62 acres (minimum lot size is 60,000 sf).

Days & Hours of Operation: Generally open from 6:00 a.m. to 6:00 p.m. Monday through Saturday but weather conditions may necessitate additional hours.

Employees: For Coastal Landscaping & Construction: 10-30 (seasonal), New England Specialty Stone: 5; Tenants: Dew's Doors: 5 and Foreside Outdoor Power: 5-7.

Parking: Existing: 45 (no changes proposed)

Site Access: There are currently 3 access point along Middle Road. This plan increases the number to 4.

Flood Map: FEMA Maps # 230162 0016 C and 0018 C (areas of minimal flooding)

Utilities: Public sewer; private water.

Lighting Plan: No new lighting is proposed.

Signage: No changes proposed for existing sign.

Buffering: There is a 45' no cut buffer along the southerly boundary line.

Historical Features: None

Aquifer Protection Area: No.

III. DEPARTMENT HEAD REVIEWS:

William Longley, Code Enforcement Officer: No comments Charles Rumsey, Police Chief: No comments Dan Small, Fire Chief: No comments

IV. WAIVER REQUESTS: See page 3 of cover letter.

Chapter 229 – SITE PLAN REVIEW

SECTION 229-10: APPROVAL STANDARDS AND CRITERIA

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

A. Utilization of the Site

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

The new cold storage building is slightly larger than the existing structure that is being replaced. The two storage bins are located adjacent to the new building. The building site is not located in any environmentally sensitive areas or within habitat for rare and endangered plants and animals, or significant wildlife or fisheries habitat.

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

B. Traffic, Circulation and Parking

(1)1 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

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

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

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

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

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

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

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

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

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

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

(2) Access way Location and Spacing

Access ways must meet the following standards:

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

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

(3) Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

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

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

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

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

(4) Parking Layout and Design

Off street parking must conform to the following standards:

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

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

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

Parking Angle	Stall Width	Skew Width	Stall Depth Width	Aisle
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

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

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

(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 proposed amendment will not require any changes to the parking and circulation plan.

Based on the above findings of fact, the Town Planner 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.

There are no changes to the existing stormwater and erosion control plan.

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

D. Water, Sewer, Utilities 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.

There are no new utilities required for this amendment.

Based on the above findings of fact, the Town Planner 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.

The project will not utilize subsurface water or produce 2,000 gallons or greater per day of wastewater.

(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.

The new cold storage building will not contain any of the above materials. It will be used for the storage of pallets of brick, stone, and

masonry supplies. The two new covered bins will store winter salt and sand.

(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.

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.

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

G. Historic and Archaeological Resource

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 stating that there were no historic or archaeological resources on the site was submitted as part of the subdivision review.

Based on the above finding of fact, the Town Planner 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.

There are no changes to the lighting plan proposed as part of this amendment.

Based on the above findings of fact, the Town Planner 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.

There are no changes proposed to the landscaping and buffering. The new building and the storage bins will replace an existing building in the same area of the parcel which is not visible to the road or adjacent properties.

Based on the above findings of fact, the Town Planner 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 new storage buildings will not create noise.

Based on the above findings of fact, the Town Planner 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.

The cold storage building will have doors. The bins will have covers.

(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.

No changes proposed.

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

The amendment for new structures will not pose a safety hazard to children.

Based on the above findings of fact, the Town Planner 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.

<u>Technical Ability:</u> The Applicant has retained Land Design Solutions to prepare the amendment application. Previous consultants included Titcomb Associates Surveying, Mark Hampton Wetlands and Atlantic Resource Consultants for civil engineering. <u>Financial Capacity:</u> The approximate cost of the new structures will be \$120,000. No site changes are required. The applicant intends to self-fund the project.

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

M. Design and Performance Standards:

The project is not subject to any Town Design Standards

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

STANDARD CONDITION OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except deminimus 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.

Land Design Solutions

Land Planning, Site Planning and Landscape Architecture

June 13, 2022

Ms. Carla Nixon Town Planner Town of Cumberland 290 Tuttle Road Cumberland, ME 04021

RE: 199 Middle Road – Cold Storage Building Application for Site Plan Major Staff Review

Dear Carla,

Land Design Solutions is assisting the Owner of 199 Middle Road, 199 Middle Road LLC (Craig Wright) with the design and permitting for the Cold Storage building we discussed during the Yard Expansion Project review and approval last month. Craig has finally settled on a design which is a pre-engineered metal building which is 50'x60' in size (3,000 s.f.). The proposed building will be located behind the existing main building as shown on the attached site plan, in the same approximate location as the salt storage shelter which will be removed. In addition to the cold storage building Craig is proposing to locate two covered concrete block material storage bins (20' deep x 15' wide) for the storage of winter salt and sand/salt.



Existing salt storage shelter to be removed and replace with 50'x60' cold storage building

1 Faraday Drive, Suite 7, Cumberland, ME 04021 Tel: (207) 939-1717 Email: pbiegel@landdesignsolutions.com 199 Middle Road Cold Storage Building Page **2** of **3**

The building is proposed to be a pre-engineered metal building with a sloped metal shed roof style. The building height will be approximately 22'-6" at the front which will be the high end. There will be three 12'-14' wide garage style doors across the front face of the building. The color is to be dark gray with black doors similar to the existing building (see image of existing building below).



The proposed cold storage building will provide storage for pallets of brick, stone and masonry supplies.

The only area proposed to be disturbed is the existing gravel yard area so there is no increase in impervious or non-vegetated area. No additional permits are required from MDEP, MDOT or the Army Corps of Engineers. The proposed cold storage building will not result in any changes to the existing business or the way it currently functions as far as employee numbers, hours of operation or waste generation.

Due to the rear yard space where the building is being located, behind the existing building, and the fact it is surrounded by paved and gravel yard area no additional landscaping or screening is proposed. Dumpster screening proposed as part of the previous yard expansion project is shown on the enclosed site plan. Waiver Requests:

- 1. Boundary Survey a boundary survey was submitted with the previous Yard Expansion Project (Notice of Decision dated April 20, 2022) so is already on file with the Town.
- 2. Lighting No additional exterior lights are proposed as part of this project.
- 3. Trees No trees are proposed to be removed as part of this project.
- 4. Landscaping No additional landscaping is proposed due to the fact that the proposed building is located in the rear yard area behind the existing building.
- 5. Buffering No additional buffering is proposed as part of this project because the cold storage building is proposed to be located in the rear yard behind the existing building.
- 6. Stormwater Management Plan A stormwater Management plan was not prepared for this project because the proposed building location area is existing impervious/nonvegetated yard area so there is no increase in the site's impervious area, and no change in the existing drainage pattern.

We have enclosed the following documents as part of this application:

- 1. Appendix A Site Plan Application for Major Staff Review
- 2. Property Deed
- 3. Site Plan (24x36)
- 4. Building Plans (11x17)

Please review the application and supporting documents, and contact me with any comments or questions. We look forward to discussing the project with the you.

Sincerely,

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Peter B. Biegel, ASLA Maine Licensed Landscape Architect

SITE PLAN REVIEW Town of Cumberland

Appendix B Site Plan Application for Major Staff Review

	Site Plan Application for Major Staff Review
Applicant's name	199 Middle Road LLC (Craig Wright)
Applicant's address	199 Middle Road, Cumberland, ME 04021
Cell phone (207) 831-	7926 Home phone Office phone (207) 797-3505
Email address	@clcme.com
Project address 199 N	Viddle Road
Project name Prop	osed Cold Storage Building
Describe project <u>cover</u>	0' (3,000 s.fr.) cold storage building (storage of pallets of brick, stone & masonry supplies), and two red concrete block bays adjacent to the cold storage building for storage of sand & salt/sand.
	Coastal Landscaping=10-30 seasonal, New England Specialty Stone = 5 tenants Dews Door and Foreside Power Equipment = 10 -12
	Typically 6 am to 6 pm Monday through Saturday, but business is weather and seasonally dependent (snow ration removal) so additional hours & days are required.
Project review and not	
	n the property?Purchase and sale agreement(provide copy of document) er, list owner's name, address and phone number
Submitted? Yes possible about the loca	No X If not, explain why and provide as much information as tion of boundary lines. Submitted for previous Yard Expansion Project trictions or easements? Yes X No If yes, provide information
and show easement loc	cation on site plan. Town of Cumberland drainage easement - is shown on the Site Plan.
Building Information Are there existing build Will they be removed? prior to demolition.)	
Will a new structure(s) Describe:50'x60' pre-er	be built on the site? Yes X No
Number of new buildin Square footage 3,000	ngs One
	including basementOne

Parking No additional parking is proposed Number of existing parking spaces 45 Number of new parking spaces 0 Number of handicapped spaces 2 existing Will parking area be paved? Yes		
Entrance No changes are proposed to the existing entrances Location:		
Is it paved? Yes No If not, do you plan to pave it?		
		site and existing snow
Water: Public waterWellX (Show location on site plan.) Existing v	vell	
Sewer/septic: Public sewer X Private septic Show location on site p submit HHE-200 septic design or location of passing test pit locations if new syst proposed. Also show any wells on abutting properties within 200 feet of the site.		No additional bathrooms or plumbing fixtures are proposed.
Electric: On site? Yes X No Show location of existing utility lines on site plan and indicate if they are above or ground.	or below	
Signs There is no proposed additional signage Number:		
Natural Features Show location of any of the following on the site plan: RiverNAStreamNAWetlandXPondNALakeNAStone Are there any other historic or natural features?No	walls <u>N</u>	A
Lighting No additional exterior lighting is proposed Will there be any exterior lights? Yes No_XShow location on site pla fixtures, wall packs on building) and provide fixture and lumen information.	an (e.g., j	pole
Trees The proposed building and storage bays are being located tin the existing gravel yard area, a removed for this project. Show location of existing trees on the site plan and indicate if any are to be removed for the site plan and indicate if any are to be site plan and indicate if any are to be removed		e being
Landscaping No additional landscaping is proposed as part of this project. Is there existing landscaping on the site? Yes \xrightarrow{X} NoShow type and lop plan.	ocation o	n site
Is new landscaping proposed? (Note: if property has frontage on Route 100, a two	enty-five	-foot

landscape easement to the Town is required.) No new landscaping is proposed. The proposed building is in the material/equipment yard area behind the existing building. Page 2 of 4 rev. 7-24-18 Buffering No buffering is proposed. The building is in the material/equipment yard area behind the existing building. Show any existing or proposed buffering measures for adjacent properties, e.g., plantings, fences.

Erosion Control Erosion control measures are shown on the site plan

Has an erosion and sedimentation control plan been submitted? Yes X No

Stormwater Management Plan

Provide stormwater information for both pre and post development of the site. Show location of any detention areas and/or culverts on the site plan. The proposed building and storage bays are replacing

Fire Protection

impervious non-vegetated area. There is no additional impervious area being created.

Location of nearest hydrant 1,000' Sprinklers? Yes _____ No ____ Do you plan to have an alarm system? Yes No × Please contact the Fire/EMS Department at 829-4573 to discuss any Town or state requirements.

Trash

Will trash be stored inside _____ outside X ___. If outside, will a dumpster be used? Yes X No . Show location on site plan and show type of screening proposed (e.g., fencing, plantings). The existing dumpster will be used, no additional dumpsters are proposed to be added. The existing dumpster locations and screening was approved as part of the previous Yard Expansion project.

Technical Capacity

List and provide contact information for all consultants who worked on the project, for example: licensed land surveyor, licensed soils evaluator, professional engineer, attorney, etc. Land Design Solutions (Site Planner / Landscape Architect) - Peter Biegel (207) 939-1717 Cumberland, ME Construx Inc. (Building Supplier & will also erect the building) - (603) 536-3533 Plymouth, NH

Financial Capacity

How do you intend to fund construction of the project? If obtaining a bank loan, provide a letter from the bank Estimated building cost is \$120,000. The applicant proposes to fund the project with cash on hand

Note: There are several areas in Town that have design standards relating to building style, materials, signs, lighting and landscaping. Please discuss this with the Town Planner if your property has frontage on Route 1, Route 100 or upper Main Street.

STAFF TO COMPLETE				
Zoning district:				
Minimum lot size:				
• Classification of propose	ed use:			
Parcel size:				
Frontage:				
Setbacks: Front	Side	Rear		
• Board of Appeals Requir				
• Tax MapLot_				
• Floodplain map number_		Designation		
• Vernal pool identified				
• Parcel in a subdivision?				
• Outside agency permits a	required:			
MDEP Tier 1N	IDEP Tier 2	Army Co	orps of Engineers	
MDEP general construct	ion (stormwater) per	mit (for dist	urbance of	square feet)
• MDOT entrance permit				
MDOT traffic movement				
• Traffic study required?				
• Hydrogeologic evaluatio	n?			
Market study?				

Entire Parcel (199 Middle Road LLC lot and Yarmouth Boat Yard lot) as shown on the Boundary Plan made for RC Hazelton Company by Titcomb Associates dated January 14, 2006

QUITCLAIM DEED WITH COVENANT

AEC REALTY OF MAINE, LLC, a Maine limited liability company, with a place of business in Cumberland, Maine (the "Grantor"), FOR CONSIDERATION PAID, grants to **199 MIDDLE ROAD LLC**, a Maine limited liability company with a mailing address of 77 Blackstrap Road Cumberland, ME 04021 (the "Grantee"), with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, located in the Town of Cumberland, County of Cumberland and State of Maine, more particularly described on **Exhibit A** attached hereto and made a part hereof.

For Grantor's source of title see Warranty Deed from R.C. Hazelton Company, Inc. to the Grantor dated November 12, 2009 and recorded of the Cumberland County Registry of Deeds in Book 27404, Page 309.

IN WITNESS WHEREOF, AEC Realty of Maine, LLC has caused this instrument to be executed by $\underline{Danul \ U \ Hazdrev}$, its $\underline{CM.c}$, there unto duly authorized, this $\underline{254}$ day of September, 2015.

Bv:

AEC REALTY OF MAINE, LLC

Print Name: Daniel W Hazelton

Witness

State of Maine County of Cumber Gref. ss September **25**, 2015

PERSONALLY APPEARED the above-named Danie W. Hazeffon, Gen. Mgr. of AEC Realty of Maine, LLC, as aforesaid, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said Limited Liability Company.

Before me,

Title: Gmap NE.

Notary Public/Attorney At Law Commission Expires: Print Name:

STEVEN W. RAND ATTORNEY AT LAW, STATE OF MAINE (AUTHORIZED TO TAKE ACKNOWLEDGMENTS PURSUANT TO 4 M.R.S.A. 1056)

Exhibit A

Certain real property situate in the Town of Cumberland, County of Cumberland, State of Maine, with the improvements located thereon, described as follows:

Beginning on the northwest side of the Grand Trunk Railroad at the junction of the Greeley Road, socalled; thence

- 1. Southwesterly by said Railroad to the lot of land conveyed by William B. Nulty to Gertrude M. Irish by deed dated September 16, 1935, recorded at the Cumberland County Registry of Deeds in Book 1480, Page 334; thence
- 2. Northwesterly by said land conveyed to said Irish as aforesaid to the Middle Road, so-called; thence
- 3. Northeasterly by said Middle Road to said Greeley Road; thence
- 4. Southerly by said Greeley Road to the point of beginning.

The premises are conveyed together with any and all easements or appurtenances of record, insofar as the same are in force and applicable.

The premises are also shown and depicted on plan of RC Hazel ton Project, B & C Project No. 200901023, 005, drawn by Bock & Clark's National Surveyors Network, dated September 3, 2009 and last revised November 12, 2009 and described thereon as follows:

A certain lot or parcel of land in the State of Maine, County of Cumberland, Town of Cumberland, situated near the intersection of Greeley Road and Middle Road, more particularly bounded and described as follows:

Beginning at an iron rod found at the intersection of the southwesterly sideline of Greeley Road with the westerly sideline of the lands now or formerly of Canadian National Railway Company; thence running

S 25°49'25" W	760.14 feet to a point, said course being by lands now or formerly of
	Canadian National Railway Company as shown in Plan Book 8, Page 8
	(1917); thence turning and running
N 42°26'56" W	576.13 feet to a point on the easterly sideline of Middle Road, said course
	being by lands now or formerly of Dale W. Spugnardi as described in
	Deed Book 22481, Page 307 (2005); thence turning and running
N 07°50'25" E	622.77 feet to an iron rod found; thence turning and running
N 17°18'25" E	312.58 feet to an iron rod found; thence turning and running
N 20°53'25" E	69.67 feet to a point; thence turning and running
S 38°34'52" E	681.67 feet to a point; thence turning and running
S 26°05'52" E	209.56 feet to the point of beginning, said last two courses being by the
	southwesterly sideline of Greeley Road.

Said plan shows the premises as containing 567,010 square feet, more or less, or 13.02 acres, more or less.

Subject to any rights the public may have in Middle Road and Greeley Road.

Bearings cited in the above description refer to true north and are based on a plan by Titcomb Associates entitled, "Plan of Boundary Survey Made for E.C. Hazelton Company," dated January 14, 2006.

Received Recorded Resister of Deeds Sep 28,2015 02:48:32P Cumberland County Nancy A. Lane Lot B - 199 Middle LLC (Yarmouth Boat Yard) as Shown on the Subdivision Plan recorded in The Cumberland County Registry of Deeds Bk 216 / Pg 90 and as Tax Map R02 / Lot 27A

WARRANTY DEED (Maine Statutory Short Form)

199 MIDDLE ROAD LLC, a Maine limited liability company with a mailing address of 77 Blackstrap Road, Cumberland, Maine 04021 (the "Grantor"), for consideration paid, grants to **199 MIDDLE LLC**, a Maine limited liability company with a mailing address of 72 Lafayette Street, Yarmouth, Maine 04096 (the "Grantee"), with Warranty Covenants, certain real estate situated in the Town of Cumberland, County of Cumberland and State of Maine, being more particularly described in the attached Exhibit A.

The within conveyance is made subject to a continuing Right of First Refusal in favor of Grantor herein as agreed between Grantor and Grantee in Section 3 of "Addendum A To Contract For Real Estate Located At 199 Middle Road, Cumberland, Maine" dated November 4, 2015, a copy of which is attached hereto as Exhibit B. The Right of First Refusal shall be a continuing covenant running with the land and shall benefit and inure to the heirs, issue, personal representatives or assigns of Grantor. For interpretive purposes, "Seller" references the Grantor herein, "Purchaser" references the Grantee herein and "Lot 3" references the real estate described on Exhibit A.

WITNESS our hands and seals this $-\frac{\gamma^{n-1}}{2}$ day of May, 2016.

In Witness Whereof, 199 MIDDLE ROAD LLC has caused this instrument to be executed this ______ day of May, 2016.

ÍTNESS

199 MHD DLE ROAD LLC By: Craig C Its: Member

STATE OF MAINE COUNTY OF CUMBERLAND, ss.

May **4**, 2016

Personally appeared before me the above named Craig C. Wright and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of 199 Middle Road LLC.

Before me,

otary-Publie / Attorney At Law

Print name My commission expires:

EXHIBIT A

A certain lot or parcel of land located on the easterly sideline of Middle Road in the Town of Cumberland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at a granite monument on the easterly side of Middle Road at the northerly corner of land now or formerly of Dale W. Spugnardi as described in a deed recorded in the Cumberland County Registry of Deeds in Book 22481, Page 307.

Thence along the following courses and distances:

1. N 07°50'25" E by said Middle Road a distance of One Hundred Fifty and 00/100 (150.00) feet to a point at the southwest corner of Lot A as shown on a plan entitled "Subdivision Plan of 199 Middle Road" by Pinkham and Greer Civil Engineering recorded in said Registry in Plan Book 216, Page 90;

2. S 82°09'35" E by said Lot A a distance of Six Hundred Eleven and 38/100 (611.38) feet to land now or formerly of Canadian National Railway Company;

3. S 25°49'25" W by said land of Canadian National Railway Company a distance of Five Hundred Forty-Four and 71/100 (544.71) feet to a granite monument at the northeasterly corner of said land of Spugnardi;

4. N 42°26'56" W by said land of Spugnardi a distance of Five Hundred Seventy-Six and 13/100 (576.13) feet to the point of beginning.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

The above described parcel contains 191,619 square feet or 4.40 acres, more or less, being Lot B as shown on a plan entitled "Subdivision Plan of 199 Middle Road" by Pinkham and Greer Civil Engineering and recorded in the Cumberland County Registry of Deeds in Plan Book 216, Page 90. The above described premises is conveyed subject to and with the benefit of the utility and access easements as shown on said Plan.

Meaning and intending to convey a portion of the premises conveyed to 199 Middle Road LLC, a Maine limited liability company, by deed from AEC Realty of Maine, LLC, a Maine limited liability company dated September 25, 2015 and recorded in said Registry of Deeds in Book 32621, Page 187.

EXHIBIT B

It is hereby agreed and acknowledged that, upon Purchaser's closing on the purchase of Lot 3 pursuant to this Contract, Purchaser intends to use Lot 3 as a storage facility for boats, vehicles and other equipment in connection with the operation of the Yarmouth Boat Yard, which is owned by Purchaser's affiliated entity and located at 72 Lafayette Street in Yarmouth, Maine (the "Yarmouth Boat Yard Property"). Purchaser hereby agrees that, if Purchaser decides to sell Lot 3 separate from and not included as part of the sale of all or any portion of the Yarmouth Boat Yard Property, then in the case of said decision to sell only Lot 3 and in the event Purchaser receives a bona fide offer therefor, the terms and conditions of which Purchaser wishes to accept, then the Purchaser shall first give written notice to the Seller of said fact together with all pertinent terms and conditions of said bona fide offer, and including, without limitation, any writing or agreement relating thereto. The Seller shall have ten (10) days from the date of receipt of said notice to elect to purchase or not to purchase Lot 3 from the Purchaser at the price offered and upon the terms and conditions specified in said bona fide offer. The election to purchase Lot 3 by the Seller shall be exercised by the Seller giving written notice to the Purchaser prior to the expiration of said ten (10) day period. The acceptance by the Seller in writing of such bona fide offer shall be deemed to create a binding agreement between the Seller and the Purchaser on the terms and conditions set forth in the bona fide offer, without the need for any further instrument or agreement, and a closing on said sale in accordance with said agreement shall occur within the later of the closing date set forth in the bona fide offer or forty five (45) days after the Seller's acceptance of the bona fide offer. If the Seller shall fail to accept any such bona fide offer in accordance herewith within said ten (10) day period from the receipt of said notice from the Purchaser, or if the Purchaser receives from the Seller a written waiver with respect to said bona fide offer, the Purchaser may then complete the transaction contemplated in said original bona fide offer in accordance with the terms thereof. Upon the Purchaser's consummation of said originally contemplated transaction pursuant to the bona fide offer, the Seller's right of first refusal with respect to Lot 3 shall be extinguished. If said transaction is not consummated, Seller's right of first refusal to acquire Lot 3 shall not terminate.

Notwithstanding anything else to the contrary herein, it is the intent of the foregoing that in event the Purchaser decides to sell Lot 3 in connection with and/or included as a part of the sale of all or any portion of the Yarmouth Boat Yard Property, then Seller shall have no rights whatsoever to purchase Lot 3 pursuant to this right of first refusal and upon such sale, Seller's rights under this right of first refusal shall automatically terminate and be of no further force and effect.

In addition, notwithstanding anything to the contrary contained herein, the provisions of this right of first refusal in this Contract shall not be triggered by or applicable to the grant of mortgages of Lot 3 or to any proceedings for the foreclosure thereof, including foreclosure auctions and the subsequent sale by a foreclosing mortgagee who is the successful bidder at the foreclosure auction(s), or any change in the ownership interests of Purchaser, or any transfer or

sale by Purchaser to the owner(s) of interests in Purchaser, children, spouse or other family members related by blood, marriage or adoption to the owner(s) of Purchaser and/or to a trust or other estate-planning vehicles of the owner(s) of Purchaser with or without consideration.

The rights under this right of first refusal shall benefit and inure to the heirs, issue, personal representatives or assigns of Seller.

All other terms and conditions shall remain the same.

Received Recorded Resister of Deeds May 04,2016 11:06:31A Cumberland County Nancy A. Lane

DOC :6417 BK:39144 PG:213

Drainage Easement to The Town of Cumberland

DRAINAGE EASEMENT

199 MIDDLE ROAD, LLC, a Maine limited liability company with a mailing address of 199 Middle Road, Unit 2, Cumberland, Maine 04021 (the "Grantor") hereby GRAN'I'S for CONSIDERATION PAID, to the TOWN OF CUMBERLAND, a municipality organized and existing under the laws of the State of Maine with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 (the "Grantee"), its successors and assigns, in perpetuity, a DRAINAGE EASEMENT located on the westerly side of Middle Road, and on and over the land of Grantor, in the Town of Cumberland, County of Cumberland, State of Maine, which is more particularly described in Exhibit A and depicted on Exhibit B, attached hereto and made a part hereof by reference (the "Easement Area").

This casement shall allow Grantee, its successors and assigns, the perpetual tight to enter the Easement Area to construct, reconstruct, install, operate, modify, alter, use, maintain, repair, replace, inspect, and monitor storm water management facilities, including, without limitation, pipes, mains, fixtures and appurtenances for conveying storm water over, under, and across the Easement Area.

This easement shall be subject to all existing easements, covenants, restrictions, and encumbrances of record. Reserving to Grantor, its successors and assigns, the use and enjoyment of the Easement Area for such purposes only as will in no way interfere with the perpetual use of the easement rights set forth herein, provided that no building or any kind of permanent structure shall be creeted in the Easement Area by Grantor, his successors and assigns, and that Grantor, his successors and assigns, shall not remove earth from the Easement Area or place fill thereon without the written permission of Grantee.

Meaning and intending to convey a permanent drainage easement over a portion of the land of Grantor described in a deed from AEC Realty of Maine, I.LC to Grantor, dated September 25, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32621, Page 187, which easement shall burden and run with Grantor's said property.

IN WITNESS WHEREOF, 199 Middle Road, LLC has caused this instrument to be executed by Craig Wrights President this 3/ St day of ________, 2022.

Signed Sealed and Delivered In the Presence of Witness

199 Middle Road, LL Name], its [Title]

STATE OF MAINE CUMBERLAND, SS.

Date: January 31, 2022

---ABBEY LOMBARD Notary Public-Maine My Commission Expires February 22, 2025

Personally appeared before me the above-named Craig wrighthe duly authorized President 199 Middle Road, LLC, and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of 199 Middle Road, LLC.

Before me, Notary Public/Attorney at Law Print: Abbey Lombard My commission express after to the forthe to

EXHIBIT A Drainage Easement 199 Middle Road, LLC To Town of Cumberland

An easement for drainage purposes, thirty (30) feet in width, located on, over, and through certain land located at 199 Middle Road, Cumberland, Maine, being more particularly shown on Map R2 of the Tax Maps of the Town of Cumberland as Lot 27, and being more particularly bounded and described as follows:

Beginning at a point on the easterly side of Middle Road, being approximately 116 feet, more or less, from the intersection of the easterly side of Middle Road and the southerly side of Greely Road, as more particularly depicted on Exhibit B.

THENCE N 17°18'25" E, along said Middle Road, a distance of 30.76 feet, to a point;

THENCE S 59°57'28" E, along the land of 199 Middle Road, LLC, a distance of 27.09 feet, to a point;

THENCE S 32°35'11" E, along the land of 199 Middle Road, LLC, a distance of 316.92 feet to a point;

THENCE S 13°29'36" E, along the land of 199 Middle Road, LLC, a distance of 311.22 feet, to a point;

'I'HENCE S 06°16'23" E, along the land of 199 Middle Road, LLC, a distance of 224.40 feet, to a point;

THENCE S 03°34'05" E, along the land of 199 Middle Road, LLC, a distance of 49.89 feet, to a point;

THENCE S 08°23'24" E, along the land of 199 Middle Road, LLC, a distance of 64.78 feet, to a point;

THENCE S 13°54'35" E, along the land of 199 Middle Road, LLC, a distance of 151.54 feet, to a point;

THENCE S 25°49'25" W, along the southerly boundary of the land of 199 Middle Road, LLC and the land now or formerly of Canadian National Railway Company, a distance of 46.93 feet to a point;

THENCE N 13°54'35" W, along the land of 199 Middle Road, LLC, a distance of 189.07 feet, to a point;

THENCE N 08°23'24" W, along the land of 199 Middle Road, LLC, a distance of 67.49 feet, to a point;

DOC :6417 BK:39144 PG:216

THENCE N 03°34'05" W, along the land of 199 Middle Road, LLC, a distance of 50.44 fect, to a point;

THENCE N 06°16'23" W, along the land of 199 Middle Road, I.J.C, a distance of 221.80 feet, to a point;

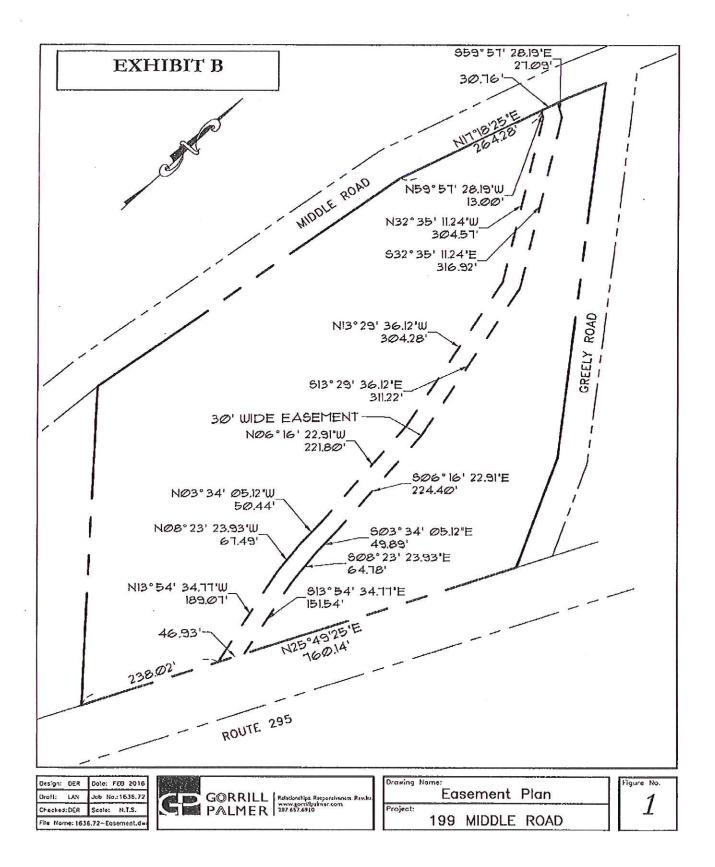
THENCE N 13°29'36" W, along the land of 199 Middle Road, LLC, a distance of 304.28 feet, to a point;

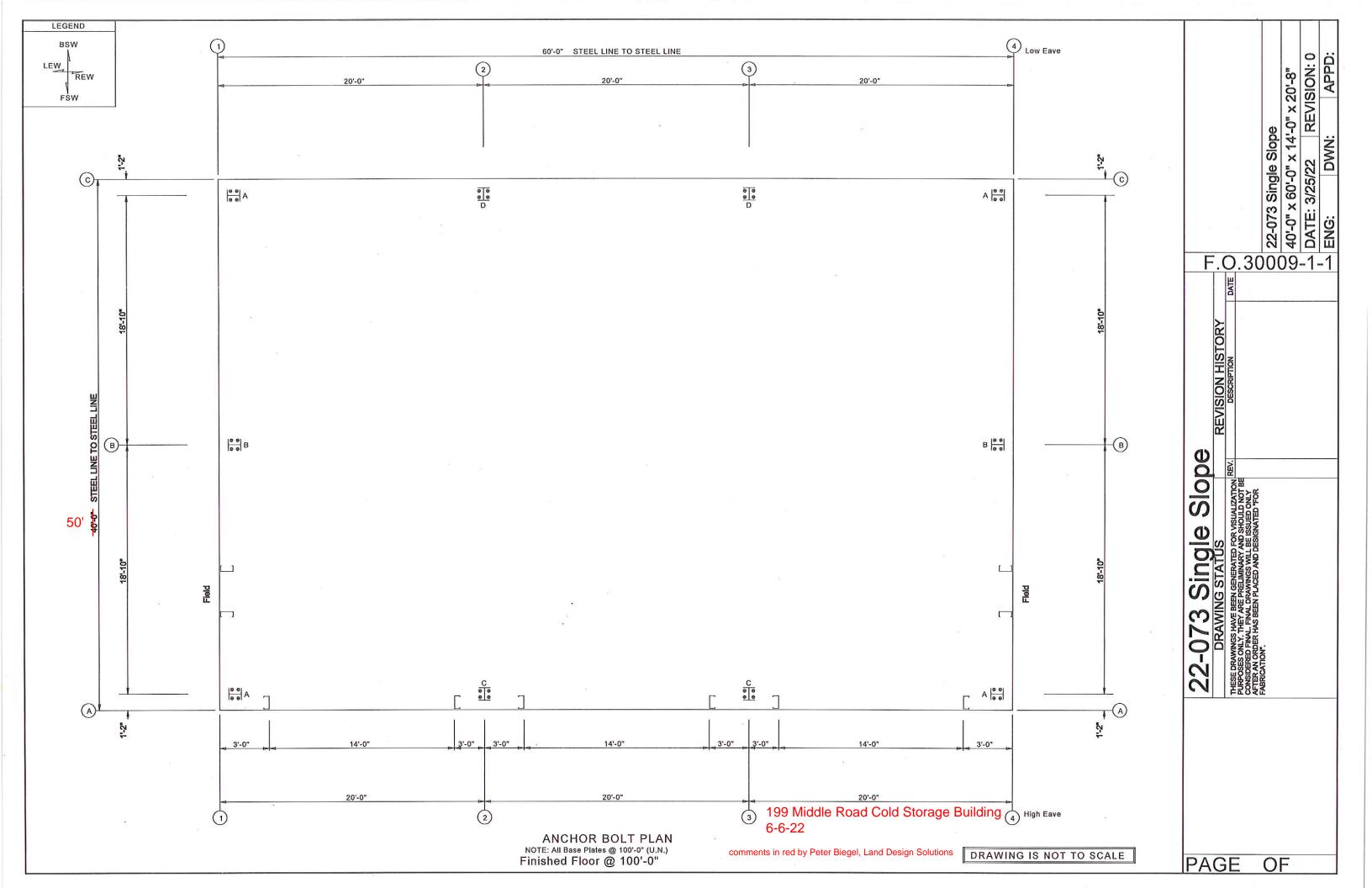
THENCE N 32°35'11" W, along the land of 199 Middle Road, LLC, a distance of 304.57 feet, to a point;

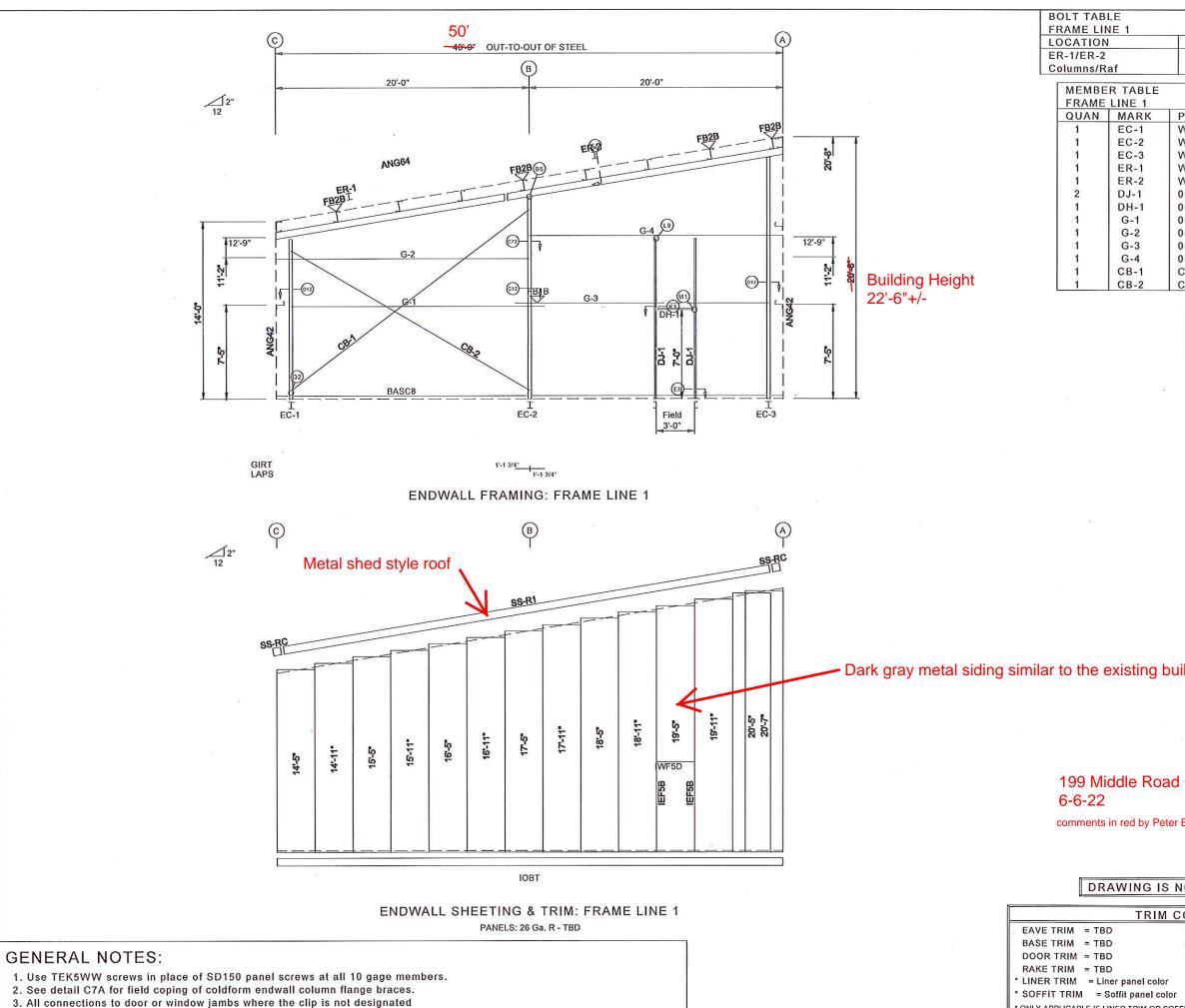
THENCE N 59°57'28" W, along the land of 199 Middle Road, LLC, a distance of 13.00 feet to the POINT OF BEGINNING.

Containing an area of 34,440 square feet, more or less. The basis of bearings for this description was the Maine State Grid Plane North American Datum of 1983 located in the West Zone.

DOC :6417 BK:39144 PG:217 RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS 02/02/2022, 11:55:44A Register of Deeds Jessica M. Spaulding E-RECORDED



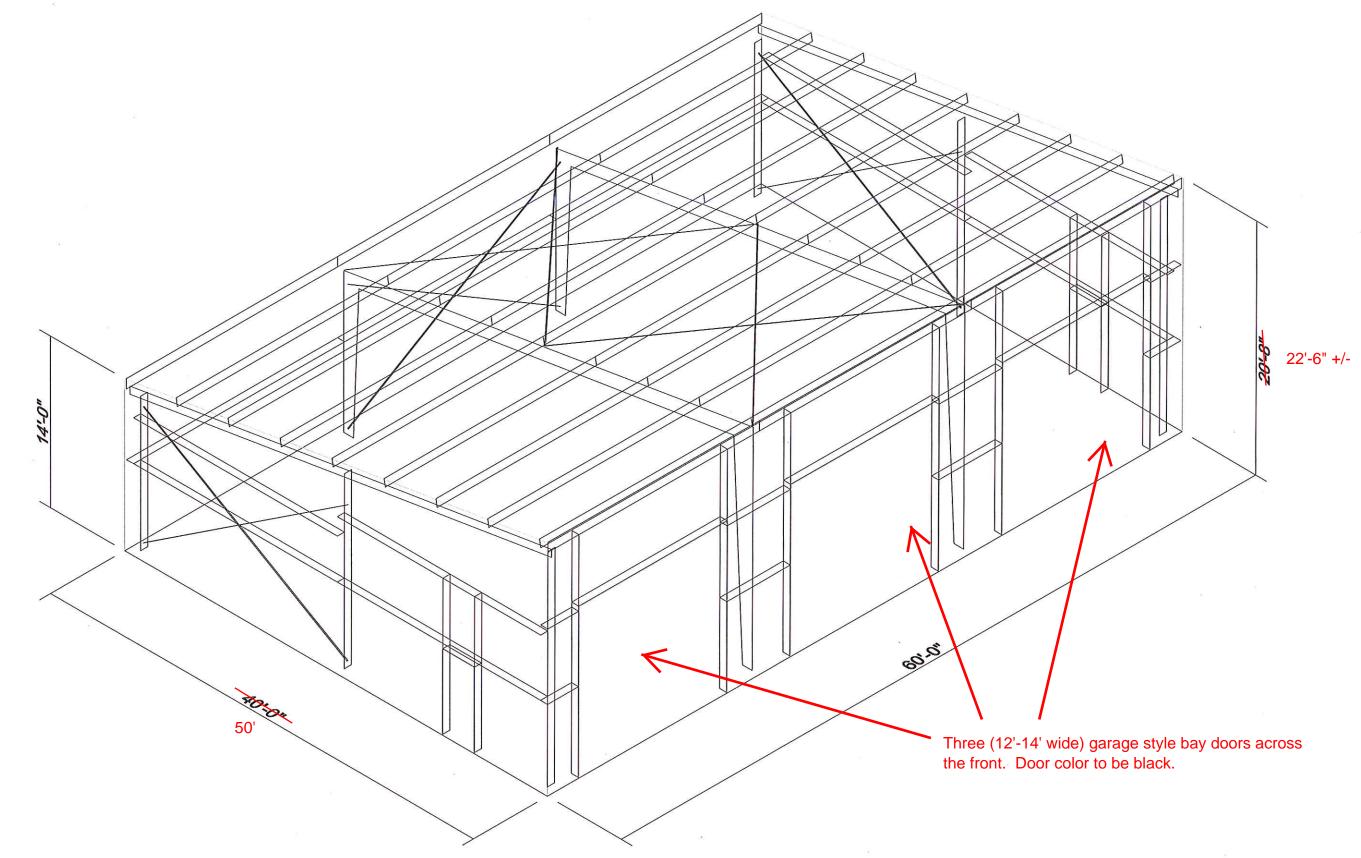




in the clip table / drawing are made with JC# clips (#= Girt Depth).

* ONLY APPLICABLE IF LINER TRIM OR S ON BUILDING ORDER.

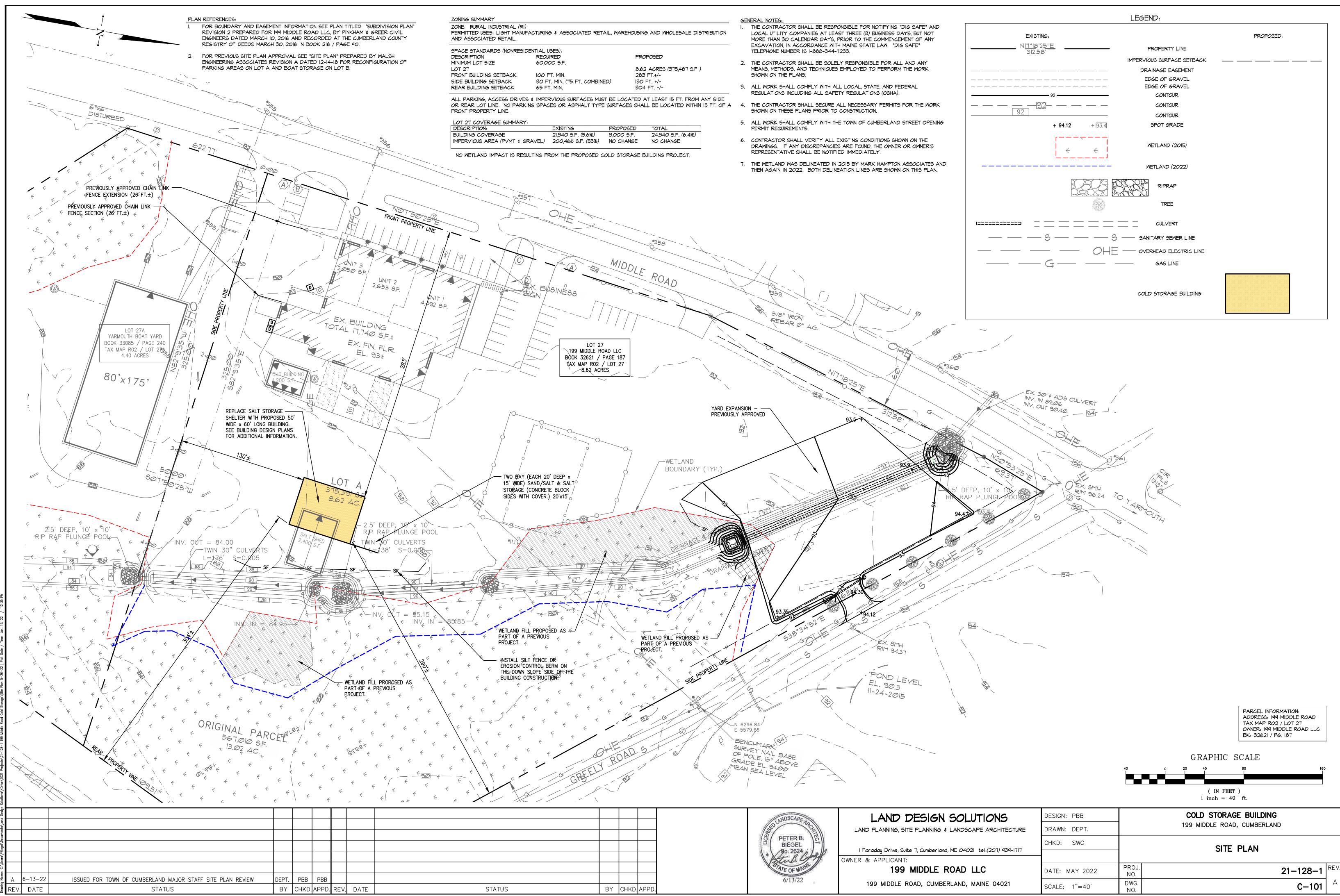
6-6-22



199 Middle Road Cold Storage Building

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comments in red by Peter Biegel, Land Design Solutions



SPACE STANDARDS (NONRESIDEN	ITIAL USES):	
DESCRIPTION	REQUIRED	PROPOSED
MINIMUM LOT SIZE	60,000 S.F.	
LOT 27		8.62 ACRES (375,487 S.F)
FRONT BUILDING SETBACK	IOO FT. MIN.	283 FT.+/-
SIDE BUILDING SETBACK	30 FT. MIN. (75 FT. COMBINED)	130 FT. +/-
REAR BUILDING SETBACK	65 FT. MIN.	304 FT. +/-
ALL PARKING, ACCESS DRIVES &	IMPERVIOUS SURFACES MUST BE LOCAT	TED AT LEAST 15 FT. FROM ANY SIDE

LOT 27 COVERAGE SUMMARY:			
DESCRIPTION:	EXISTING	PROPOSED	TOTAL
BUILDING COVERAGE	21,340 S.F. (5.6%)	3,000 S.F.	24,340 S.F. (6.4%)
IMPERVIOUS AREA (PVMT & GRAVEL)	200,466 S.F. (53%)	NO CHANGE	NO CHANGE
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LAND DE	ANDSCAPE				
LAND PLANNING, SITE PL	and the second s				
Econodou Deixo Guito T					
I Faraday Drive, Suite 7, OWNER & APPLICANT:	* Stub. Driff				
199 MI	OTATE OF MAINE				
199 MIDDLE ROAD	6/13/22				
		APPD.	CHKD.	BY	STATUS