

TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES
Tuesday, April 21, 2020 at 7:00 pm – Virtual Meeting via Zoom

A. Call to Order: Chairman Auclair opened the meeting at 7 pm. Chairman Auclair noted that the Planning Board did not meet in March.

B. Roll Call: Present: Paul Auclair, Lee Buffinton, Bill Kenny, Steve Moriarty, Jason Record, Joshua Saunders & Ann Sawchuck **Staff:** Carla Nixon - Town Planner, William Shane - Town Manager & Christina Silberman - Administrative Assistant.

C. Approval of the Minutes of the February 18, 2020 Meeting:

Mr. Saunders moved to approve the minutes of the February 18, 2020 meeting as written, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Paul Auclair - Aye, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Abstained, Joshua Saunders - Aye, Ann Sawchuck - Aye, **6 yeas, 1 abstained - motion carries.**

D. Staff Site Plan Approvals:

1. Minor Staff Site Plan approval for Alan Blanchard to construct one high hoop greenhouse adjacent to an existing greenhouse, located at 169 Greely Rd., Tax Assessor Map, R04, Lot 31. Town Planner Carla Nixon explained that Alan Blanchard has a farm at 169 Greely Rd. This project is to add a greenhouse. Ms. Nixon has granted staff site plan approval for this.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: Amendment to an Approved Subdivision for Jordan Farm Estates for a trail maintenance project, Tax Assessor Map R03, Lot 43E located in the RR2 Zone. Applicant: 99 Chets Way, LLC. **Representative:** Joshua Tompkins, Joshua Tompkins Landscape Architecture, LLC.

Chairman Auclair introduced item.

Joshua Tompkins, Joshua Tompkins Landscape Architecture, LLC, described the project at 99 Chets Way. The property owner is 99 Chets Way, LLC. The LLC Manager is Laura Beck. This trail maintenance project and is part of the Jordan Farm Estates Subdivision. This is for minor alterations of wetlands to improve accessibility of an existing trail. The project was reviewed by Maine Department of Environmental Protection and determined to be exempt from permitting. A permit has been received from the US Army Corp of Engineers.

Chairman Auclair opened the Public Hearing. There were no comments. Chairman Auclair closed the Public Hearing.

Mr. Saunders moved to approve the amendment to an approved subdivision for Jordan Farm Estates for a trail maintenance project, Tax Assessor Map R03, Lot 43E, seconded by Ms. Buffinton.

Mr. Moriarty asked if the wetlands are being moved to make room for a portion of the trail. Mr. Tompkins explained that there will be approximately 170' of a 9' wide section of trail

The proposed motion was then voted. **ROLL CALL VOTE:** Auclair - Yes, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Aye, Joshua Saunders - Aye, Ann Sawchuck - Aye, **7 yeas - motion carries, unanimous.**

Chairman Auclair introduced the item.

Mr. Diffin outlined goals of the Public Works site to improve needed space for public works, to relocate the compost pad & salt shed, to accommodate bus parking and maintenance, to minimize impact to environmental constraints and to improve landscaping and buffers.

Mr. Diffin showed a plan of the proposed site and highlighted some proposed changes.



Mr. Diffin further described future plans for the Public Works site and answered questions from the Board.

Chairman Auclair reviewed comments as follows from the Lands & Conservation Commission;

- The 60% increase in school bus parking spaces seems unwarranted without further clarification of the student increase projections and possible amelioration of increases in the bus fleet by more efficient routing. Fewer spaces at this time would reduce cost and enhance the visual buffer to the north and west.
- To reduce light pollution the timers on the light systems should be set to turn off at 9pm and back on again at 6am.
- The 6 parking spaces for Town Forest users will be an eyesore to the Village Green neighborhood which is already aggrieved by the Town's inability to re-site the garage. They should be eliminated unless demand studies for Town Forest usage compel their installation. On street parking up the hill to the east should be adequate.

Respectfully, Denny Gallaudet, Lands and Conservation Commission

Mr. Diffin responded to the comments to say that when designing a project like this, it is always good to design for future needs. Public Works has indicated that they could use the extra space proposed as bus parking as overflow parking and equipment storage. The Town is committed to turning lights off from 9 pm to 6 am with the exception of some lighting around the building. Parking spaces at the Town Forest trailhead are proposed because there is not a good area for parking near there and with existing pavement already there, it would be easy to maintain and improve upon.

Mr. Shane explained that they are seeking the Board's recommendation. The Town is amenable to pulling back on the bus parking if the Board wants to. Ms. Buffinton suggested that the Town designate an area for the future bus parking but not pave it over yet. Ms. Buffinton asked if bus maintenance is done on site now. Mr. Diffin replied that it is done there now. Ms. Buffinton noted that the findings under noise are unclear and she asked if there will be an increase in noise. Mr. Diffin said no, there is a typo in the finding and this should read that there will be a decrease in noise. Ms. Buffinton asked if there are outstanding neighbor concerns. Mr. Diffin said the Town had good discussions at the neighborhood meetings and a majority of neighbors' concerns have been covered.

Mr. Kenny asked if the administrative building will be handicap accessible. Mr. Diffin said there is an accessible entrance with parking on the side of the building.

Mr. Moriarty noted that three of the neighborhood meetings were in Council Chambers with presentations and they took questions and shared maps. People were encouraged to make notes on the maps and share their comments and concerns. A fourth meeting was based on input from the three prior meetings and was a live broadcast and a few questions were emailed in.

Mr. Moriarty referred to potential bus parking late at night and said that in these cases, busses could park in front of the Public Works bays and not go out back which would trigger the lights then the bus could be moved in the morning. Mr. Moriarty referred to parking for the trailhead and said that access from Drowne Rd. is important. The trailheads are used heavily. Mr. Moriarty said that he does not think the trailhead parking on Drowne Rd. will be unsightly and it won't be used after dusk. Mr. Moriarty noted the

Town is not adding staff or vehicles at Public Works. The parking spaces for buses that have not been acquired yet will be used for Town vehicle parking as needed. Mr. Moriarty said he could go either way on whether these are paved and painted.

Ms. Sawchuck said that this plan is a nice solution and looks good. Ms. Sawchuck asked if there are currently buses being parked elsewhere. Mr. Shane replied no, this is what the school wants for the future. Ms. Sawchuck referred to lighting and said that she hopes the safety of personnel after dark is considered. Mr. Shane replied that there is ample parking on the parcel. The back parking area will be lit until 9 pm and there will be no reason to go in the back after 9 pm.

Mr. Moriarty said that the current bus fleet is 25 and they are planning space for 40. Ms. Buffinton suggested permitting all of the spaces but only constructing 30 now. Mr. Shane said that the Town would have to come back later, by Ordinance, to increase the number of spaces but this is not a big deal. The plan is designed for the future and the Town will have to decide what is best in the short term.

Mr. Record said that he agrees with Mr. Moriarty and going from 25 to 40 isn't a lot. The cost to put in the additional 10 spaces is small and if done later would cost a lot more. Mr. Record stated that parking at the trailhead makes sense and he added that the plan, in general, is laid out very well.

Chairman Auclair opened the Public Hearing.

Town Councilor George Turner said, speaking as private citizen as far as the paving is concerned, consideration should be given to the possibility that it is more cost effective to do the paving now as opposed to five to fifteen years from now when costs will be higher.

Deb Barber, 72 Wyman Way, thanked the Town for the neighborhood meetings and said that it makes sense for the neighborhood to do all of the construction at once now instead of having multiple stages of construction.

Mr. Shane noted that there was an earlier question about funding and the funding hasn't changed for the project. The Town is working with Ledgewood Construction to bring the project in at or below budget. Mr. Shane said that plans are to break ground this summer.

Chairman Auclair referred to school bus fumes and noted that there is a webinar tomorrow on schools acquiring electric buses and Ms. Nixon is looking into this.

Beth Waldman, Wyman Way, said she appreciated the public meetings. Ms. Waldman is concerned with the fuel tank area and asked if any fencing will be in place in this area. Mr. Diffin replied yes, they did speak about a fence in this area and have focused on plantings. Ms. Waldman is concerned with vehicles pulling in to gas up at night and said a fence could shield the headlights. Mr. Diffin said the 4' earthen berm should block most of the headlights. Ms. Waldman remarked that the new brush dump is beautiful.

Chairman Auclair closed the Public Hearing.

Mr. Saunders moved to waive the following requirements due to the specific scope and characteristics of the project; the requirement for a high intensity soil survey, a requirement for performing a hydrogeological evaluation as well as performing a market study, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Auclair - Yes, Lee Buffinton - Aye,

Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Aye, Joshua Saunders - Aye, Ann Sawchuck - Aye, **7 yeas - motion carries, unanimous.**

Mr. Saunders moved to waive the reading of the findings of fact as provided in the project documents due to the unusual nature of the format of this meeting, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Auclair - Aye, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Aye, Joshua Saunders - Aye, Ann Sawchuck - Aye, **7 yeas - motion carries, unanimous.**

Mr. Saunders moved to adopt the Findings of Fact as written, seconded by Ms. Buffinton and voted. **Roll Call VOTE:** Auclair - Aye, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Aye, Joshua Saunders - Aye, Ann Sawchuck - Aye, **7 yeas - motion carries, unanimous.**

CHAPTER 229 – SITE PLAN REVIEW - §229-10 Approval Standards and Criteria

A. Utilization of the Site: Proposed site modifications are meant to minimize impact to adjacent properties and natural resources. Public Works is not currently located in an environmentally sensitive area or a significantly mapped sand and gravel aquifer. The Maine Natural Areas Program (MNAP) identified no rare, threatened, or endangered plant species within the project area.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) Service has not mapped designated essential or significant wildlife habitats in the project area. Tree clearing is not necessary for this project and will not affect Maine's endangered species of bats. Request letters and responses from the MNAP and MDIFW are included in Attachment D for reference.

The site will reduce the overall footprint of impervious area through the removal of the salt shed and gravel areas surrounding it and the removal of approximately 1.2 acres of the compost pad. Both of these areas will be replaced with a vegetated soil cover that will be planted with New England Meadow Mix and maintained as a meadow. In addition, the Public Works activities, storage, and equipment parking that occurs will be removed from the Civic Lot and the gravel removed and loamed and seeded to replace with green space. This area too will be allowed to regrow as a meadow.

B. Traffic, Circulation, and Parking: traffic access to the Public Works Garage and new Administrative building is proposed from two (2) entrances, approximately located at the existing entrances. The access drive dimensions are 30 feet wide and 120 feet long into the property with 25-foot entrance radii. The existing central entrance to the site will be removed. The entrance turning radii are sized for access to the site from semi-trailer trucks and fire engines by the American Association of State Highway and Transportation Officials (AASHTO). Areas of the parking lot are proposed to maneuver maintenance equipment and school buses. Access to the fuel island at the rear of the property was designed to accommodate access from buses and fire trucks coming from either direction. A horizontal distance of 80 feet between the Maintenance Garage and employee parking will allow emergency vehicle access to the facility and fire truck access into the wash bays.

Sight distances in excess of 500 feet exist in both directions at the proposed access nearest to Tuttle Road. The second access has sight distances of approximately 350 feet in the direction of Wyman Way and in excess of 500 feet toward Tuttle Road. Access issues to the property from Tuttle Road are not anticipated.

The Town currently does not plan to hire additional Public Works staff. The parking was designed to provide adequate space on site for current Public Works staff, equipment, and visitors. This parking includes: 27 spaces around the new administrative building; three new on-street visitor parking spaces to the south of the Public Works building; and two ADA accessible spaces south of the admin building.

The School District currently has 25 school buses that park at the facility, generally around the bus maintenance garage on the northeast portion of the site and around the existing Public Works building. The district projects the need for approximately forty (40) buses for the potential growth in student population. Therefore, the site was sized to accommodate the forty buses and 44 spaces for bus driver and administrative parking. More details of the proposed parking and direction of traffic flow is indicated on the project plan set.

The increased parking at the facility will include 15 bus parking spaces and 15 school bus staff parking spaces and will result in a slight increase in the peak hour traffic, assumed to be when the buses exit the site. Based on this, parking improvements will not generate 100 or more passenger car equivalent trips during peak hours of traffic and a Traffic Movement Permit from the Maine Department of Transportation (MEDOT) will not be required.

Pedestrian circulation at the Administrative Building and direct parking areas is maintained by paved sidewalks and walkways to the building entrances. The system of pedestrian ways provides safe visitor access to the building. Public and visitor access are not anticipated to the Maintenance Garage and Cold Storage Building and not proposed in this project.

C. Stormwater Management and Erosion Control: Stormwater management of the site is described in detail in the Stormwater Management Report included as Attachment E. Erosion control measures are included on Drawing C-300 and were designed in compliance with the October 2016 edition of the Maine Erosion Control Best Management Practices Manual for Designers and Engineers.

D. Water, Sewer, and Fire Protection: Public water for Public Works is supplied by the Portland Water District (PWD). The number of municipal employees at the facility is not expected to increase. Additions to the site include a vehicle wash bay and is expected to increase to water usage by approximately 1,000 gallons per day.

SME has requested a capacity to serve letter from the Portland Water District (PWD) to verify adequate water supply for the proposed project and will provide a final authorization letter once received from PWD. A copy of the capacity request letter is provided in Attachment F. Separate water entrances for domestic water and sprinkler services have been coordinated with PWD and are shown into the two buildings at the site.

The parcel is currently serviced by the Town sewer system. A request letter was sent to the Town to confirm its capacity to allow an increase of 1,000 gallons of wastewater per day. The request letter is provided in Attachment G for reference. The sewer from the Public Works garage will be redirected to the north of the new administrative building. Flows from the maintenance bays and wash bay will flow through oil water separators prior to entering the public sewer.

Both buildings will be sprinklered for fire protection. The single water entrance into the Public Works garage will be separated into a domestic water entrance and sprinkler entrance at the request of PWD, providing more reliable sprinkler access.

Existing utilities are shown on the Existing Conditions Plan, Drawing C-101. Proposed water and sewer utilities are shown on the Site Utilities Plan, Drawing C-104.

E. Water Protection: There will be no groundwater used or hazardous materials discharged as a result of this project. The proposed composting will be on the gravel pad constructed to MEDEP Chapter 400 standards. Sand and salt will be stored, mixed, loaded, and unloaded inside the proposed sand/salt shed which will be constructed on an asphalt pad designed to drain internally. The pavement outside of the building will be graded to drain away to minimize runoff or snow melt inside of the building.

There will be no hazardous materials stored on site. The property is not located within an area designated as a source protection area or a sand and gravel aquifer. No effects to groundwater are anticipated from this project.

The Town is required to operate the sand/salt shed in accordance with MEDEP Water Quality Bureau Chapter 574 Siting and Operation of Road Salt and Sand-Salt Storage Areas. As part of the project, the Town is submitting a Salt and Sand-Salt Storage Area Registration Form and Request for Variance. Approval will be forward to the Planning Board once received.

F. Floodplain Management: The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the project area is included in Attachment H. The project is located in Zone C and is indicated as an area of minimal flood hazard.

G. Historic and Archaeological Resources: A site review has been requested from the Maine Historic Preservation Commission (MHPC). A copy of the request for review and the written response from the MHPC is provided in Attachment I. There are no known National Register eligible properties or areas considered sensitive for archaeological resources.

H. Exterior Lighting: Exterior lighting proposed for the site will provide adequate lighting to provide safe use of the site during early and late hours of the day for Public Works employees and school bus drivers. The lighting at the property has been minimized to the areas of the site where use is expected during nighttime or early morning hours. The lights will be full cut-off LED lights that are located around the outside of the building, in the areas of the administrative building along Drowne Road, down the middle of the school bus parking and at the fuel island. This will provide safe access during routine work hours.

Timers will be set for the light systems to avoid light during the night when it will not be necessary. The lights will be set to turn off at 10 p.m. and back on again at 5:30 a.m. to provide use of the facility by bus drivers arriving to pick up buses. Building lights on the Public Works facility facing the admin building will be left on to provide for bus parking during late night hours. The bus will be parked at the front of the building that is lit and then moved in the early morning hours when drivers arrive to begin their day.

Lighting at the fuel island will include a low level of light during all times for arriving vehicles to access the fuel during the night. These vehicles will typically be the police vehicles that are in use overnight. This low- level lighting will permit the vehicle to access the island; upon vehicle arrival, the larger light will be then turned on for full use of the island.

I. Buffering and Landscaping: The site is bounded by residential properties to the north and west, Village Green Cumberland LLC property to the south, and Drowne Road to the east of the Public Works facility. Existing landscape plantings and additional landscape are proposed to buffer site to the abutting properties and the view from Drowne Road. The fence adjacent to the Oak Street properties will be extended to the Civic Lot boundary to provide more screening of the residences along Oak Street from headlights and site use.

A 4-foot-tall landscape berm and evergreen plantings are proposed to screen site equipment to the Wyman Way residential properties. Proposed plantings will soften the appearance of the development and municipal building additions. A detailed Landscape Plan prepared by TJD&A is attached in the project plan set.

J. Noise: Noise levels at Public Works are anticipated to decrease from the proposed site improvements. The noise at the site currently includes general traffic, composting operations during the warmer months, mixing of sand and salt during the winter months, back-up alarms of vehicles, and the start-up of school bus and equipment engines. After the project is complete, the compost and sand/salt activities will have moved to a different site. Therefore, a minor decrease in noise is anticipated.

Construction of the project will generally consist between the hours of 7:00 am and 7:00 pm on Mondays through Fridays. Blasting is not proposed for this project. If ledge is encountered, it will be removed mechanically.

K. Storage of Materials: Equipment storage on site will be located outside on a gravel pad and within the Public Works Garage. The gravel equipment pad location is outlined on the Site Layout

Plan within the project plan set. The exposed storage area will be screened and buffered by a landscape berm and plantings.

A dumpster concrete pad is proposed on site and will be enclosed with a gated fence. The location of the dumpster receptacle is outlined on the Site Layout Plan.

L. Capacity of the Applicant:

- Financial Capacity – The project will be funded with Town Council approved funds.
- The Town has hired Boundary Points Professional Land Surveyors, Albert Frick Associates for the wetlands, Terrence J. DeWan & Associates for landscaping plan, and SME to assist with the project design. Construction and maintenance of the project will be performed by experienced contractors as necessary.

M. Design and Performance Standards: Proposed improvements to the Public Works are consistent with the performance standards of VMUZ. New buildings, proposed lighting, drainage design, parking standards, and landscaping are in conformance with §315-18, Section F.

Mr. Saunders moved to approve Site Plan Review for the Town of Cumberland Public Works site, located at 23 Drowne Rd., Tax Assessor Map R03, Lot 54 per the Limitation of Approval, the Standard Conditions of Approval and the six Conditions of Approval, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Auclair - Aye, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Aye, Joshua Saunders - Aye, Ann Sawchuck - Aye, **7 yeas - motion carries, unanimous.**

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

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

CONDITIONS OF APPROVAL:

1. All required local, state and federal permits shall be submitted prior to the preconstruction conference.
2. A preconstruction conference shall be held prior to the start of construction.
3. All clearing limits shall be flagged prior to the preconstruction conference and inspected and approved by the Town Engineer.
4. A blasting permit, if blasting is required, shall be obtained from the Code Enforcement Officer prior to blasting.
5. That any outstanding issues identified by the peer review engineer be addressed prior to the preconstruction conference.
6. That the comments from the Fire Chief be addressed during the building permit process;
 - The fire sprinkler system connections to the buildings shall be 5" stortz style fittings.
 - A key box approved by the fire department shall be installed on each building.

3. Public Hearing: Site Plan Review for Town of Cumberland Town Hall parking lot expansion, Tax Assessor Map R03, Lot 51 located at 290 Tuttle Rd. Applicant: Town of Cumberland; Representative Daniel P. Diffin, PE – Sevee & Maher Engineers.

Chairman Auclair introduced item.

Dan Diffin described the project to add parking adjacent to the Town Office to increase parking capacity for large overflow events such as voting and parking for ball fields. Mr. Diffin reported that the Town had a neighborhood meeting to review the project. The project is sited to avoid wetland impacts. MDEP and DOT permit applications have been filed and are considered as a common scheme development.

Mr. Diffin displayed a plan of the proposed parking lot addition and described the project.

Ms. Buffinton referred to the lack of lighting and said that if overflow parking is needed at night, people will have to make their way in the dark. Mr. Diffin said that the pedestrian access is along the existing sidewalk along Tuttle Rd.

Ms. Buffinton noted that the Lands and Conservation Commission has raised several concerns about the land use and environmental impacts. Ms. Buffinton asked if alternatives were considered at the existing Town Hall parking lot by reconfiguring the spaces. Mr. Diffin replied that part of the conceptual phase of the project was to put the parking spaces closer to Town Hall. The issue with the property is that it is subject to existing wetlands permitting through DEP under NRPA requirements. If the Town impacts any more wetlands with this project, the Town will have to pay the equivalent of \$3.50 per square foot of wetlands that have been impacted over time which could be up to \$100,000 and this drove the plan away from adding to the existing parking area. The proposed location is the high and dry spot closest to town hall. Ms. Buffinton commented that 36 is a lot of additional spaces and asked about a deed limit. Mr. Shane replied that the deed restriction issue has been resolved. There are no restrictions on the Town Forest property. The property cannot be sold and can be for municipal uses. Mr. Shane continued that in looking at the future, the Town may have to move the Police Department and there is a possible location near this proposed parking lot.

Mr. Saunders asked about the peak run off rate post development. Mr. Diffin explained these calculations and said DEP generally wants to see less than 1 CFS (cubic feet per second) and the project satisfies this. Mr. Saunders asked if the DEP isn't okay with this, will they let the Town know. Mr. Diffin replied yes, if DEP has an issue the Town could adjust one of the soil filters and this would be a minor change.

Chairman Auclair opened the Public Hearing.

Mike Schwindt, Lands & Conservation Commission Chairman, said the Lands and Conservation Commission stands behind the letter that was sent. Mr. Schwindt said that for the justification that was provided for this parking lot, it seems that it doesn't need to take up so much ground, paving it over and taking more trees. Mr. Schwindt said that the initial information the Commission received did not talk about a police station going in next to the parking lot. Mr. Schwindt said there were other alternatives for overflow parking without paving another chunk of the property. Mr. Record asked Mr. Schwindt to speak to what other suggestions there are. Mr. Schwindt said the Town could make parking available along Tuttle Rd. or offer shuttle parking from other parking places.

Ms. Buffinton asked if a smaller lot on a crushed rock base was considered. Mr. Schwindt replied that the Commission was not asked about this. Mr. Shane replied that the Town is not adverse to a reclaimed surface but the runoff is almost identical as with a paved

surface. It is easier to maintain a paved surface and there is less sediment runoff. Mr. Shane said planting will be done to compensate for trees that are coming down. 36 spaces came from looking at uses in the summer and for elections, ball games and other uses. Mr. Shane said that is easier to build now than it is to come back and add spaces later. Chairman Auclair remarked that in his experience, 36 spaces may not be nearly enough.

Jenn Grasso, member of the LCC, said she stands behind the letter they sent and she asked if, for elections, the Town could use the school. Mr. Shane said the Town has tried unsuccessfully to do this. The only way this would work would be for the school to have a holiday or there would be no parking. The school is not willing to do this. There is also a safety issue to keep the public away from the students. Mr. Shane said that until the State recognizes Election Day as a holiday, elections will not be in the schools.

Mr. Record asked if there is any solid data to say these spaces will solve the problem. Mr. Shane replied that there is no quantitative data and that a lot of things happen around the Town Hall. The Town saw that it could maximize the number of spaces at 36 and felt this was a good start. Mr. Record asked if this is the only option for something close to Town Hall. Mr. Shane said the Town has use of the overflow lot at the apartments at Drowne Rd. as the closest satellite lot.

Rob Verrier, 276 Tuttle RD., said he is supportive of this parking lot. The ball games easily use 25-30 spaces. The safety of this location is enough to make it worth the while for a safe place to park and not be on the side of the road. Mr. Verrier asked about the circulation in and out of the lot. Mr. Diffin said that they evaluated a one way circulation but it didn't really save much space so the plan is for a 24' wide access way for safe navigation.

Chairman Auclair closed the Public Hearing.

Ms. Sawchuck commented that she is not in favor of this. She attends the farmers' market, she votes and attends meetings and is rarely inconvenienced for more than a few minutes. Ms. Sawchuck doesn't feel it is necessary and if thinking of a new police station, she would like to see this combined with that proposal.

Mr. Record asked what the budget is for this project and Mr. Shane answered \$150,000.

Mr. Moriarty commented that the use of a school property for voting has come up many times and this can't be done while school is in session. The school chooses not to close for purpose of elections.

Mr. Moriarty asked if board members have the authority to deny an application if they simply don't like it, if the criteria are otherwise met? Ms. Nixon replied that the general answer is no. A board member cannot not approve a project because they don't like it. If a Board member finds an area where a project doesn't meet criteria, like the circulation pattern or not enough lighting, they can deny for reasons like this. Mr. Moriarty said that he feels that the Board does not have the authority to substitute their judgement for the desirability of a proposed project apart from consideration of the criteria in the ordinance. Chairman Auclair agreed and said that the Board's authority is only to make sure the criteria are adhered to.

Mr. Saunders moved that due to specific scope and characteristics of this project, the Board waive the following requirements; the requirement for a high intensity soil survey, the requirement for performing a hydrogeological evaluation, and the requirement for performing a market study, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Auclair - Yes, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Nay, Joshua Saunders - Aye, Ann Sawchuck - No, **5 yeas, 2 nays - motion passes.**

Mr. Saunders moved to waive the reading of the Findings of Fact as found in the project documentation due to the unusual nature and format of this meeting, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Auclair - Yes, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Aye, Joshua Saunders - Aye, Ann Sawchuck - No, **6 yeas, 1 nay - motion passes.**

Mr. Saunders moved to adopt the Findings of Fact as written, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Auclair - Aye, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Nay, Joshua Saunders - Aye, Ann Sawchuck - No, **5 yeas, 2 nays - motion passes.**

CHAPTER 229 – SITE PLAN REVIEW - §229-10 Approval Standards and Criteria

N. Utilization of the Site: Proposed site modifications are meant to minimize impact to adjacent properties and natural resources. The parking expansion will occur in an undeveloped wooded area adjacent to the existing parking lot. The area is not currently located in an environmentally sensitive area or a significantly mapped sand and gravel aquifer. The Maine Natural Areas Program (MNAP) identified no rare, threatened, or endangered plant species within the project area. The Maine Department of Inland Fisheries and Wildlife (MDIFW) Service has not mapped designated essential or significant wildlife habitats in the project area. Tree clearing for the project will occur between July 31 and June 1.

Request letters and responses from the MNAP and MDIFW are included in Attachment D, for reference.

There were natural resources identified on the property, including forested wetlands south of the access drive and parking area, and a small stream between the new parking and the ballfields. The parking design was completed to avoid any additional wetlands impacts or work within 25 feet of the stream. Construction is required within 75 feet of the stream, which requires a NRPA Permit-by-Rule from the MEDEP.

O. Traffic, Circulation, and Parking: Access to the parking addition will be provided from a new entrance off Tuttle Road to the western side of the existing parking area. The entry dimensions are 24 feet wide and 52 feet long into the property. Entrance radii at the proposed access are 25 feet to provide safe access to the site. Existing sight distance from the entrance is in excess of 1,000 feet looking southbound and approximately 700 feet looking northbound. A copy of the Maine DOT Driveway/Entrance Permit is provided in Attachment E, for reference.

Town Hall hours of operation are Monday to Wednesday, 8:00 am to 5:00 pm and Thursday, 8:00 am to 6:00 pm. About 25 employees work during the regular hours per day and approximately 65 customers visit per day. Peak hours of the day are from 9 to 11 am and from 3 to 5 pm. Proposed parking on site includes 36 spaces with 24-foot-wide internal travel lanes throughout the paved lot. The orientation of the parking spaces is at 90 degrees and a typical space is 9 feet wide by 18 feet long. Two (2) American with Disabilities Act (ADA) parking spaces with van accessibility are proposed near the pedestrian access to the ballfields.

The Town currently does not plan to hire additional Town Hall employees. Supplementary parking is planned for the overflow of the public during increased times of demand such as Election Day and for use of the ballfields. The additions include 36 parking spaces, which totals an estimated 36 trips

generated from the increase in parking. Parking improvements will not generate 100 or more passenger car equivalent trips during peak hours of traffic and a Traffic Movement Permit from the Maine Department of Transportation (MEDOT) will not be required.

The pedestrian access to the Town Hall is a proposed 6-foot-wide sidewalk connection from the parking area to the Tuttle Road sidewalk. Pedestrian access from the parking area to the ballfields is proposed as a 5-foot-wide mowed grass path to a 5-foot-wide by 30-foot-long wood footbridge over a stream to the south of the parking area.

P. Stormwater Management and Erosion Control: Stormwater management of the site is described in detail in the Stormwater Management Report included as Attachment F. The report includes analysis for multiple projects as submitted to the MEDEP for the SLODA permit application. Erosion control measures are included on Drawing C-300 and were designed in compliance with the October 2016 edition of the Maine Erosion Control Best Management Practices Manual for Designers and Engineers.

Q. Water, Sewer, and Fire Protection: The site will not be served by public water or sewer. There are no wells or subsurface wastewater disposal systems proposed as part of site development. Utilities and fire protection are not proposed for this project.

R. Water Protection: There will be no groundwater used or hazardous materials discharged as a result of this project. There will be no hazardous materials stored on site. The property is not located within an area designated as a source protection area or a sand and gravel aquifer. No effects to groundwater are anticipated from this project.

S. Floodplain Management: The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the project area is included in Attachment H. The project is located in Zone C and is indicated as an area of minimal flood hazard.

T. Historic and Archaeological Resources: A site review has been requested from the Maine Historic Preservation Commission (MHPC). A copy of the request for review and the written response from the MHPC is provided in Attachment H. There are no known National Register eligible properties or areas considered sensitive for archaeological resources.

U. Exterior Lighting: There will be no exterior lighting of this parking lot.

V. Buffering and Landscaping: Existing wooded buffers will remain to reduce the visual impact of the parking lot. A minimum buffer of 25 feet will remain between the parking area boundary and the tree line on Tuttle Road. A buffer of 10 feet will remain between the access road and the tree line on Tuttle Road.

Landscaping is provided around the perimeter of the parking area through the preservation of trees, which has been maximized through the design of low-impact parking area.

W. Noise: Noise levels at the parking expansion will be minimal with minor increase only during use. The area is anticipated to be used during regular hours of operation at the Town Hall. Regular daily hours are from Monday to Wednesday from 8:00 am to 5:00 pm and Thursday from 8:00 am to 6:00 pm. Noise levels on site are not anticipated to create a nuisance for neighboring properties.

Construction of the project will generally consist between the hours of 7:00 am and 7:00 pm on Mondays through Fridays. Blasting is not proposed for this project. If ledge is encountered, it will be removed mechanically.

X. Storage of Materials: The parking expansion will not be used as a storage area. Wastes will not be stored on site; therefore, a dumpster reciprocal will not be required. There will be no hazardous materials stored on site.

Y. Capacity of the Applicant:

- Financial Capacity – The project will be funded with Town Council approved funds.
- Technical Capacity - SME of Cumberland, Maine is providing technical assistance for the site design and environmental permitting. The Town is working with subconsultant David Bouffard, LSE of Boundary Points Maine Land Surveying of Cumberland, ME to support the project

Z. Design and Performance Standards: Not applicable to this project.

Mr. Saunders moved to approve Site Plan Review for the Town of Cumberland Town Hall parking lot expansion, Tax Assessor Map R03, Lot 51 located at 290 Tuttle Rd subject to the Limitation of Approval, the Standard Condition of Approval and the five proposed Conditions of Approval, seconded by Mr. Kenny and voted. **Roll Call VOTE:** Auclair - Yes, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Nay, Joshua Saunders - Aye, Ann Sawchuck - No, **5 yeas, 2 nays - motion passes.**

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

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

CONDITIONS OF APPROVAL:

1. All required local, state and federal permits shall be submitted prior to the preconstruction conference.
2. A preconstruction conference shall be held prior to the start of construction.
3. All clearing limits shall be flagged prior to the preconstruction conference and inspected and approved by the Town Engineer.
4. A blasting permit, if blasting is required, shall be obtained from the Code Enforcement Officer prior to blasting.
5. That any outstanding issues identified by the peer review engineer be addressed prior to the preconstruction conference.

4. Public Hearing: Recommendation to Town Council on the proposed Capital Improvement Plan for Fiscal Years 2021-2026. Presented by Town Manager William Shane.

Town Manager Bill Shane said that this review of the Capital Improvement Plan is required by the Town Charter. Mr. Shane noted that the COVID19 virus has put a wrench into capital budgets this year. The Council is suspending the budget process and has asked staff to come back with a new budget. Mr. Shane said that the capital spending proposed for this summer may be deferred until next year.

Mr. Shane reviewed the capital improvement plan and answered questions.

Capital Improvement Plan 2021 Proposed

CAPITAL IMPROVEMENTS			FY 2018	FY 2019	FY2020	FY2021	Difference	Difference
910			Actual	Actual	Current	Proposed	Dollar	%
0910	3445	Town Buildings Reserves	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ -	0.00%
0910	3460	Environmental Reserves	\$ 32,000	\$ 32,000	\$ 32,000	\$ 32,000	\$ -	0.00%
0910	3470	Equipment Reserves	\$ 336,000	\$ 467,300	\$ 489,256	\$ 483,200	\$ -	0.00%
0910	8115	Road Paving	\$ 275	\$ 150,000	\$ 199,805	\$ 344,266	\$ 144,461	72.30%
		Total Capital Improvements	\$ 418,275	\$ 699,300	\$ 771,061	\$ 909,466	\$ 138,405	17.95%

\$200,000 funded from TIF funds this year to pay for Tuttle Road Sidewalk Completion 50/50 with MDOT

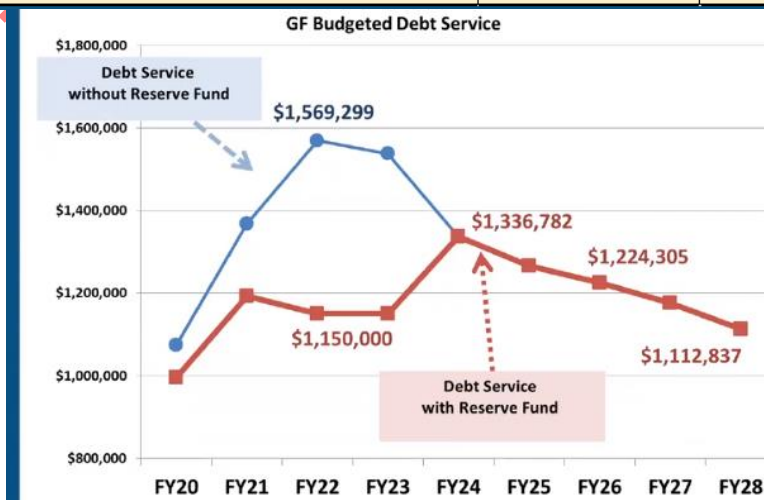
Council Order 19-99 - \$170,000 for Quiet Zones at RT 9 by Cross Rd - Greely Rd and Tuttle Rd

Money is in Road Paving Funds for RR Crossing Work. Summer of 2020 Paving Plan will be deferred. Road Paving Plan needs to be rebuilt and committed to \$800,000. Too many "crisis projects" have derailed the current schedule.

MDOT projects need a separate level of funding - \$200k per year if we want to continue to secure State funds.

Capital Projects on the Horizon	Preliminary Costs (2020)	Funding Source	Annual Escalation (5%) 2025 Cost
1- Fund Balance Catch-up	\$700,000	General Fund - 3.5% Esc	\$831,380
Annual CIP Depreciation Catch-up Funding	\$400,000	General Fund - Lease Purchase	\$400,000
Annual Paving - Catch-up	\$300,000	TIF- General Fund	\$382,884
Property Revaluation - FY 2022 or 2023	\$350,000	General Fund	\$350,000
Solar Field Funding - FY 2026	\$640,000	General Fund- Bonding	\$640,000
Annual Paving - MDOT Cost Sharing Projects Blackstrap , Blanchard, Skillin, Tuttle, Rt 9, Rt 100, Rt 88, Main St, Longwoods Rd, Winn Rd	\$175,000	TIF- General Fund	\$223,349
Land Acquisition Reserves	\$500,000	Crossing Brook Sales and End of Year surplus	\$500,000
Route 100 Sidewalk Safety Improvements	\$930,000	TIF- General Fund	\$1,186,942
Bruce Hill Rd Water Tank @ Blueberry Hill - PS - for WC System	\$4,000,000	TIF- General Fund	\$5,105,126
Bruce Hill Rd Area (N) Water lines for Homes & Fire Protection	\$6,000,000	General Fund- Bonding	\$7,657,689
Greely Rd Shoulders & Paving	\$5M to \$7.6 M	General Fund- Bonding	\$6.4M to \$9.7M
Greely Rd Extension Sidewalk or Shoulders & Paving	\$2.3M to \$3.5M	General Fund- Bonding	\$2.94M to \$4.8M
Prince Memorial Library	\$6,000,000	Fund Raising	\$7,657,689
Middle Road North Waterline Project - Loop connection	\$860,000	General Fund- Bonding	\$1,097,602
Police Station Renovation or new Station	\$3,000,000	General Fund- Bonding	\$3,828,845
Range Road Rehab Completion + Rt. 100 Water Line loop	\$1,320,000	TIF- General Fund	\$1,684,692
Future - Asset MGMT Project underway by Fin. Dir			
Twin Brook Field Renovations	TBD	General Fund- Bonding	TBD
Town Property Invasives	\$10,000 per 2 day work	General Fund- Bonding	\$10,000 per 2 day work
Town Property Improvements(roofs, paving, etc.)	\$75,000	General Fund- Bonding	\$75,000
Other Neighborhood Projects	TBD	General Fund- Bonding	TBD

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Debt Schedule For Planning Purposes

Every \$1M Bonded Requires \$80,000 of New Debt

Other Options vs Bonding

- Grants
- TIF Fund
- General Fund Budget
- Reserves – Saving over a period of Time

Chairman Auclair opened Public Hearing.

Rob Verrier, 276 Tuttle Rd., said that a lot these things are needed. Mr. Verrier said in thinking about the future of growth, maybe some land acquisition is the way to do it so the Town has more control over how land is developed instead of allowing for private development. This could slow down some of the growth which effects the school system and the open space that is left. Mr. Verrier questioned what Cumberland will mean in the future, will it go rural or urban, and this is a decision we are at now.

Chairman Auclair closed the Public Hearing.

Mr. Moriarty moved to forward the proposed Capital Improvement Plan for fiscal years 2021-2026 to the Town Council for their consideration, seconded by Ms. Buffinton and voted. **Roll Call VOTE:** Auclair - Yes, Lee Buffinton - Aye, Bill Kenny - Aye, Steve Moriarty - Yes, Jason Record - Aye, Joshua Saunders - Aye, Ann Sawchuck - Yes, **7 years - motion carries, unanimous.**

5. Growth Management Ordinance - Chapter 118-9, Report on Growth Permits.
Presented by Town Manager William Shane.

Town Manager Bill Shane shared a chart of growth permits issued over the last 5 years.



Note: Green slashed bar above indicates number of new home permits issued.

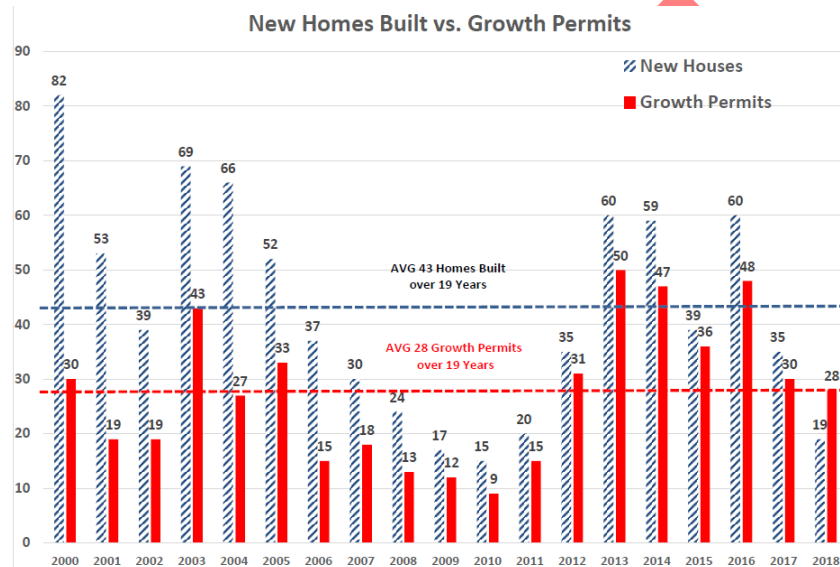
Mr. Shane referred to the Greater Portland Council of Governments (GPCOG) report that he shared with the Board last year that showed impacts of the negative aspects of growth, traffic and other things, have been more so from outside of our community than from within our community. Much of Cumberland's increase in population has been from turnover in neighborhoods from seniors to families and seniors staying in the community in other aspects of housing that are offered. Mr. Shane said that Cumberland is one of the more popular communities to raise a family and to be a senior.

Chairman Auclair asked how many months are represented in the 2020 graph and Mr. Shane replied two.

Code Enforcement Officer Bill Longley reported that the current level of growth permits approved by the Town Council is 65 per year and we haven't issued close to that.

Mr. Record asked if the GPCOG report has been published. Mr. Shane said that it was sent to the Council and Planning Board and he could share the report on the website. Chairman Auclair asked if this report goes into the Annual Report. Mr. Shane said no, it is about six to ten pages. Mr. Record remarked that it would be valuable to share the highlights of the report and it is good information. Ms. Sawchuck agreed that she would like to see the report posted and a lot of people would find it very interesting.

Mr. Shane shared a chart of growth permits issued from 2000 through 2018.



Mr. Shane said that big growth happened in the 80's and 90's and there have been peaks over time. Historically, over 19 years, the Town has averaged 28 growth permits and 43 homes per year. Mr. Shane said that growth impacts aren't just with new families and the schools, growth impacts senior housing and services they require as well. Mr. Shane wondered if 65 growth permits per year is the right number and noted that many Councilors have struggled with this. The opinion of the Planning Board matters and any feedback given to the Town Council would be helpful.

Mr. Record asked if Mr. Shane is aware of other options Towns use to soften the peaks and valleys of growth over time. Mr. Shane said that the Town has impact fees and many towns have eliminated impact these. The Town has collected from \$50,000 up to \$130,000 per year in impact fees. Mr. Shane said that the fees go to open space and recreational areas and this is a very positive thing.

Mr. Record asked if the Town increased the impact fee, would this help to soften growth. Mr. Longley responded that the fees are based on calculations approved by the Council and are used for open space and recreation. Mr. Longley said that, to his knowledge, people have not chosen not to build in Cumberland because of the impact fee. The fee is \$1.40 per square foot of the house size less 1,000 square feet. This is \$2,000 to \$3,000 on average.

Ms. Buffinton proposed looking at a staged impact fee where it goes up proportionately and said she hopes affordable housing has minimal fees. Ms. Buffinton suggested the Town start looking at other ways to channel growth and manage it better. The Town could look at what other towns and states are doing. The Town wants to be very realistic about impact fees and should be proactive. Mr. Kenney said that Colorado has an impact fee for new houses dedicated to a new school construction fund.

Chairman Auclair commented that if the number of growth permits issued per year is 65 and if the Town really doesn't want this, they can lower the number. Chairman Auclair said that it doesn't seem like the charts Mr. Shane has shared are alarming.

Mr. Moriarty noted that when the Council first passed an impact fee ordinance and building permit cap, the cap was 44 homes, with some allowance for Habitat homes. The Town currently averages 43, some 25 years later. Mr. Moriarty recalled that when the Town threatened to drop this number, it provoked a strong backlash on Chebeague Island which was then part of the Town. People felt that they had to build immediately or would lose their opportunity to do so. Mr. Moriarty said that tampering with this as a growth management technique could be problematic. Mr. Moriarty said that the impact fee is tied to recreational needs and is not to be used as a deterrent to development.

Ms. Buffinton asked if there are impact fees for utilities like water and sewer connections other than just a flat fee per household that could go towards a new water tank and expansions. Mr. Shane said that the sewer system in Town is paid for by the users and extensions are done by developers, typically, and not by individual home owners. Water main extensions have been done mostly by the Town, primarily for public safety purposes. There are water issues in some areas and if the Town has development in these areas, consideration can be given to the limitations of natural resources. Mr. Shane continued that unless the Town amended the impact fee ordinance to allow the fee to go to different areas, the fee will continue to go towards recreation and open space. Ms. Buffinton urged the Town to think broader about this.

Mr. Record asked if the Town can check other sources of data to see what other towns have done. Mr. Record also asked if there is a way to have a certain number of growth permits issued per year with a premium paid to go above this number and this money can be used for other things. Mr. Shane said he can do some research on this and changing the formula around could be looked at by the Planning Board. Mr. Shane suggested a workshop to discuss ideas. Mr. Shane recalled when the Town tried to limit the number of permits per subdivision, this was problematic with people buying up the growth permits and then hanging on to them even though they weren't building houses. The Town wants to ensure that when a growth permit is purchased, construction happens within six months.

Chairman Auclair asked if the issue with the number of school children increasing is because of new building or because of families buying homes from people without children in school. Mr. Shane replied that the GPCOG study showed that the turnover of existing homes resulted in the larger school population. Chairman Auclair commented that limiting new construction wouldn't necessarily affect the schools.

Mr. Record asked if there is any fee when an existing house transfers to a new owner that has children. Mr. Shane answered not in the State of Maine, this ability comes from the State Legislature. The only way the Town is allowed to collect impact fees is to conduct a

study that shows the impact and is not unheard of if the Board wants to look at expanding the fee.

Town Councilor George Turner said that there are State transfer fees on house sale transactions and this money goes to Maine State Housing. Mr. Shane said this is correct.

Chairman Auclair recalled that two years ago or so, at a previous presentation, the goal was to attract families with children. The Town wanted seniors to have a place to go and to sell their homes so families could move in. Mr. Shane said that Cumberland has more senior housing than a lot of communities around us. The Town has been unsuccessful with getting assisted living in Town. Cumberland is a 55 and over community in many parts. Cumberland, outside of Portland, is the fastest growing community by percentage in the 35 to 45 year old group. A lot of younger families are moving into the homes that seniors are downsizing from to go into the senior communities.

Chairman Auclair thanked Mr. Shane for his report.

G. Administrative Matters/New Business: Ms. Nixon said that there are a couple of projects in the hopper but she isn't sure what will be coming for the next meeting. She will be following up with developers.

Mr. Shane encouraged the Board to tune into the Town Council workshop to discuss a proposal for a solar farm off Route 100 at 6 pm on Monday. This would require a zone change to move forward. Mr. Shane said that this will be a Zoom meeting and should be less than 1 hour.

H. Adjournment

Mr. Moriarty moved to adjourn the meeting, seconded by Ms. Buffinton and voted, **7 yeas - motion carries, unanimous.**

A TRUE COPY ATTEST:

Paul Auclair, Board Chair

Christina Silberman, Administrative Asst.