

MEMORANDUM

Date October 13, 2021
To Town of Cumberland Planning Board
From Carla Nixon, Town Planner
Subject Banfield Zone Change Request

This is a request for a recommendation to the Town Council for a zone change. This zone change would affect only one lot, as shown on the attached plan. It is a triangular, 1.2 acre parcel located at the intersection of the Old Gray Road and Route 100 (aka, Gray Road). There is an existing house on the parcel. The request is being made by the property owner of that lot who would like to split his property to build another house on the new lot. The property is currently located in the VOC1 district which does not permit single family homes. The zone change would shift the lot from the VOC 1 district to the VMDR zoning district which is located across the Old Gray Road from the parcel. (While the Town has tried to retain land along Route 100 for commercial uses by restricting single family residential uses, this particular parcel may not be developed as a commercial use since the Maine Department of Transportation has denied a request by the property owner for an entrance permit from Route 100.)

The Town Council Ordinance Committee forwarded the request to the Town Council for consideration and the Council has now forwarded it to the Planning Board for a recommendation.



OLD GRAY RD

ROUTE 100

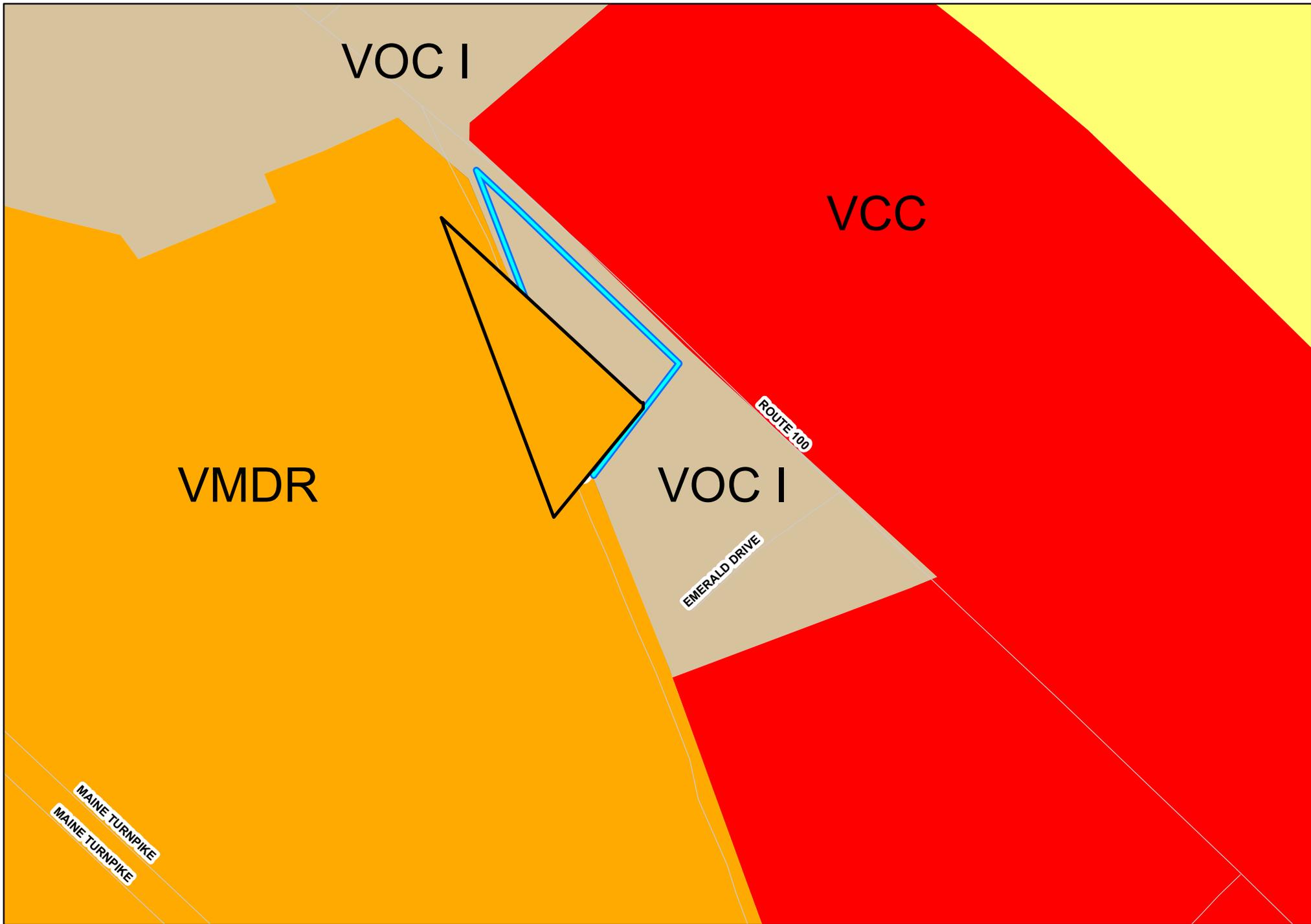
EMERALD DRIVE

MAINE TURNPIKE
MAINE TURNPIKE

100 50 0 100 Feet

1 inch = 200 feet

1.2 Acre Lot



VOC I

VCC

VMDR

VOC I

ROUTE 100

EMERALD DRIVE

MAINE TURNPIKE
MAINE TURNPIKE

100 50 0 100 Feet



1 inch = 200 feet

1.2 Acre Lot

Brenda Moore

From: Carla Nixon
Sent: Monday, August 23, 2021 11:34 AM
To: William Shane; Brenda Moore
Subject: FW: Zone Change Request Next Step
Attachments: ATT00001.htm; 21530 PSI report final.pdf

Another email



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: Carla Nixon
Sent: Tuesday, June 22, 2021 1:22 PM
To: James Banfield <jbanfield@leonspeakers.com>
Cc: William Shane <wshane@cumberlandmaine.com>; William Longley <wlongley@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>
Subject: Zone Change Request Next Step

Hi James,

You will see in this email thread that I recommended you do two things before requesting the zone change. One was getting the letter from MDOT that you can't have an entrance for a second lot onto Gray Rd. (Route 100). The other item was getting a passing soils test for a new septic.

Now that you have completed both items, the process is for you to write an email to Bill Shane requesting the zone change (your email should state that you are requesting that your property be moved from the VOC 1 zoning district to the VM DR zoning district.) Mr. Shane will bring it to the Town Council for consideration and if they are favorably inclined, they will refer it to the Planning Board for a recommendation to the Council to do the change.

The total fees (as shown in Section 84-16 of the Cumberland Code of Ordinances) are as follows:

\$500 Staff Review fee: This should be provided when applying to the Council for the zone change.

\$700 for our cost to amend the zoning ordinance and zoning map. You can pay this when the Council receives the recommendation from the Planning Board.

Please let me know if you have any other questions.

Carla

Hi Carla,

I would like to proceed with the change of zoning for our lot to VMDR. Attached is the results from the soil test.

Please let me know the process to change the zones. We have not had the survey done yet to determine the layout of splitting the lot, but I assume I should start with just changing the zone if we can because if there is an issue I would rather find out sooner before we have the survey done.

Let me know how to proceed.

Thanks
James



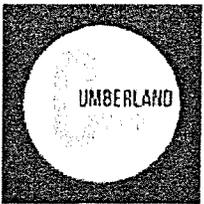
Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: Carla Nixon
Sent: Thursday, April 15, 2021 10:40 AM
To: William Longley <wlongley@cumberlandmaine.com>; William Shane <wshane@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>; John Brushwein <jbrushwein@cumberlandmaine.com>
Subject: James Banfield

Just to follow up with all of you on James Banfield's property.....I sent the message below to him on April 7th. I have not heard anything back since.....

Carla



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: Carla Nixon
Sent: Wednesday, April 7, 2021 11:22 AM
To: James Banfield <ibanfield@leonspeakers.com>
Cc: William Shane <wshane@cumberlandmaine.com>; William Longley <wlongley@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>
Subject: RE: Route 100

Hi James,

Thanks for sending this along. So the process now is for you to request that your property be moved from the VOC 1 zoning district to the VMDR zoning district. This will give you the ability to construct another residence on your parcel as long as each lot has the required minimum lot size of 20,000 sf with at least 100' of frontage on either Rt. 100 or Old Gray Road. You should also find out if the parcels will support the two septic systems that would be needed (one for

each lot) and also make sure the well/septic separation distance of 100' (which I believe State plumbing code may allow to be reduced to 75", though you should confirm that with the State).

You should make sure all this would enable you to do the two lots because when you apply for the rezoning, there is a Staff Review fee of \$500 and a fee for when we have to amend the zoning map. That fee is \$350. So, \$850 altogether, plus the expense of the survey to create the lots and the deed preparation to sell the lot(s).

All worth it given the real estate prices these days, but just want to make sure you understand this process does involve some expense.

Let me know when you are ready to ask for the zone change.

Take Care,
Carla



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: James Banfield <jbanfield@leonspeakers.com>
Sent: Tuesday, April 6, 2021 4:36 PM
To: Carla Nixon <cnixon@cumberlandmaine.com>; William Shane <wshane@cumberlandmaine.com>
Subject: Re: Route 100

WARNING: This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Hi Bill,

I have gone through the process and as we all assumed the MDOT did Deny the permit. I would like to proceed with the option to change to Zone VMDR. I am also in the process of changing my address to Old Gray Rd as that is where the entrance to the house is. The new Address at my current house is now 10 Old Gray Rd. Both the town and USPS has made the change.

Please let me know how to proceed.

Thanks
James

Brenda Moore

From: Carla Nixon
Sent: Monday, August 23, 2021 11:32 AM
To: William Shane; Brenda Moore
Subject: Banfield Info
Attachments: ATT00001.htm; 21530 PSI report final.pdf

Bill,
Brenda asked me what I had for the Banfield zone change request....I will forward all my emails relating to this in case you need any of the information contained in them.
Carla



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: James Banfield <jbanfield@leonspeakers.com>
Sent: Tuesday, July 27, 2021 12:21 PM
To: William Shane <wshane@cumberlandmaine.com>
Cc: William Longley <wlongley@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>; Carla Nixon <cnixon@cumberlandmaine.com>
Subject: Re: Zone Change Request Next Step

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Hi Bill,

I am writing this email so that we can move forward with the zone change for our property. We would like to move from zone VOC 1 and to the VMDR zone. We have lived at this location since 2008 and would like to split our land to two lots. Because of the location we can not have an entrance on rt 100 so there is no viable commercial use for this lot. I have attached a letter from the MDOT rejecting the permit request as well as the soil test.

Please let me know what you need to proceed and when I should bring a check by for the start of this process.

Thanks
James

10 Old Gray Rd.
Cumberland ME 04021



STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 REGION 1
 P.O. BOX 432
 SARBOROUGH, MAINE 04070-0350

Janet L. Mills
 GOVERNOR

Bruce A. VanNeste
 COMMISSIONER

March 18, 2021

James Banfield
 242 Gray Rd.
 Cumberland, ME 04021

Re: Driveway/Entrance Permit Application # 29188

Dear Mr. Banfield:

The Maine Department of Transportation has completed its review of your application for a MaineDOT Driveway/Entrance Permit for your property on Route 100 / Gray Road in Cumberland, Maine. Based on our review, we cannot issue the Permit for the following reasons:

Access Management rules require a minimum sight distance of 840 feet looking in both directions from the driveway location. Your proposed driveway location has 428 feet looking to the left (northerly direction).

Access Management rules require a minimum separation distance between adjacent driveways of 350 feet. Your proposed driveway location has 325 feet looking to the right (southerly direction).

Access Management rules prohibit access onto an Arterial Highway (as is Route 100) when the property has access onto another public way such as Old Gray Road.

I have attached a copy of the relevant rules for your review. Please note that as the measured sight distance fails to meet the minimum safety standard of 495 feet, it is not eligible for a waiver and therefore, a request for reconsideration will not be considered. It is suggested that you seek alternate access to your property.

Sincerely,

Anthony Fontaine
 Anthony Fontaine
 MaineDOT Senior Technician

Enclosure

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER
 PHONE: (207) 881-7500 TTY: (207) 881-7500 FAX: (207) 881-1800

On Jun 22, 2021, at 1:21 PM, Carla Nixon <cnixon@cumberlandmaine.com> wrote:

Hi James,

You will see in this email thread that I recommended you do two things before requesting the zone change. One was getting the letter from MDOT that you can't have an entrance for a second lot onto Gray Rd. (Route 100). The other item was getting a passing soils test for a new septic.

Now that you have completed both items, the process is for you to write an email to Bill Shane requesting the zone change (your email should state that you are requesting that your property be moved from the VOC 1 zoning district to the VMDR zoning district.) Mr. Shane will bring it to the Town Council for consideration and if they are favorably inclined, they will refer it to the Planning Board for a recommendation to the Council to do the change.



PRELIMINARY SOIL INVESTIGATION

DATE: June 8, 2021
21530

TO: James Banfield
10 Old Gray Road
Cumberland, ME 04021

LOCATION: The site is at 10 Old Gray Road Cumberland, Maine.

DATE OF INVESTIGATION: June 2, 2021

PURPOSE OF INVESTIGATION: The purpose is to determine the suitability of the soil and site for subsurface wastewater disposal.

METHOD OF INVESTIGATION: Hand auger and shovel.

RESULTS OF INVESTIGATION:

The test pit on this lot was labeled as TP-1 and shown on the Soils Investigation Plan. The test pit log is attached. The test pits revealed a brown, fine sandy loam with gravel topsoil and a firm, olive brown fine sandy loam subsoil. This was a dense glacial till soil with a seasonal high groundwater table at 14 inches. The Maine Subsurface Wastewater Disposal Rules designation is 3D.

CONCLUSION:

The tested site is acceptable for subsurface sewage disposal according to the Maine Subsurface Wastewater Disposal Rules for a single-family home. Further investigation will be required to prepare an HHE-200 septic system application for the site. Please contact me if you have any questions regarding this information or when you are in need of a septic system design.

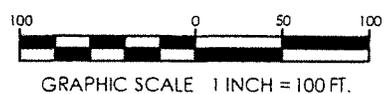
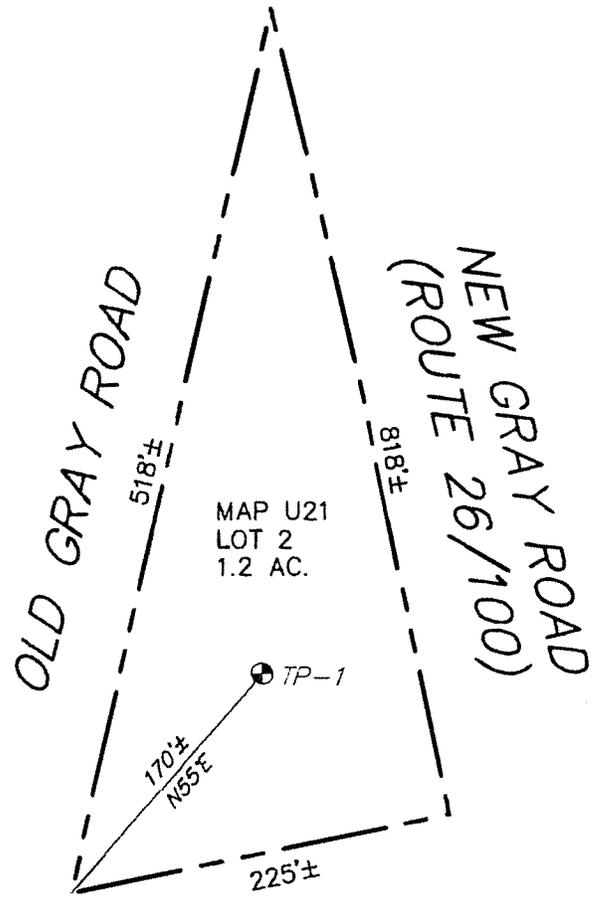
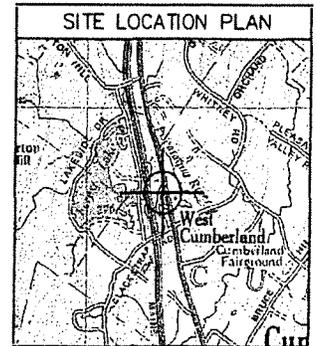
Sincerely,

SEBAGO TECHNICS, INC.



Gary M. Fullerton, LSE #355
Director of Natural Resources





LEGEND	
	PROPERTY LINE/R.O.W.
	TP-1 TEST PIT
	CULVERT

GENERAL NOTES:

1. THE BASE PLAN IS TAKEN FROM THE TOWN OF CUMBERLAND TAX MAP.
2. THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.
3. THIS PLAN WAS PREPARED FOR A PRELIMINARY SOILS INVESTIGATION FOR JAMES BANFIELD.

 WWW.SEAGOTECHNICS.COM 75 John Roberts Rd. Suite 4A South Portland, ME 04106 Tel. 207-200-2100	SOIL INVESTIGATION PLAN 10 OLD GRAY ROAD		SCALE: 1"=100'
	LOCATION: 10 OLD GRAY ROAD CUMBERLAND, MAINE	FOR: JAMES BANFIELD CUMBERLAND, MAINE	DATE: 06/08/21