

Date August 12, 2021  
To Town of Cumberland Planning Board  
From Carla Nixon, Town Planner  
Subject **Amendment to Major Subdivision: Broad Cove Ridge Condominiums**

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**1. REQUEST/PROJECT DESCRIPTION:**

The applicant is Jon Snell, c/o Snell Construction, LLC and 100 Route 1, LLC of 97 Ledge Brook Crossing, Brunswick, ME 04011.

The Applicant is requesting an amendment to the major subdivision approval granted by the Planning Board on July 20, 2021 for a five story, 12,800 sf building containing 50 condominium units and above and below grade parking. The amendment is for a 0.1 acre area of the parcel to be transferred to the abutting property, Ledgeview Estates, in order to prevent that parcel, which is already non-conforming in terms of lot size, to become more non-conforming which is prohibited by the Cumberland Zoning Ordinance.

The 3.16 acre parcel, owned by David Spellman, is located at 102 U.S. Route 1, Cumberland, Maine as shown on Tax Assessor's Map R01, Lot 13B in the Office Commercial South (OC-South) and OC-S Mixed Use Overlay Zone zoning districts.

Dan Diffin, P.E. of Sevee Maher Engineers prepared the subdivision amendment application and will represent the Applicant at the Planning Board meeting.

This project is subject to review under the provisions of Chapter 250 – Subdivision of Land and the Route 1 Design Standards.

**2. PROJECT HISTORY:**

- Informational Presentation to Planning Board: May 18, 2021.
- Sketch Plan Review and Public Hearing for Major Subdivision: June 17, 2021.
- Final Subdivision Approval granted by the Planning Board: July 20, 2021.
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**3. DESCRIPTION:**

**Proposed Use:** 50 Multiplex Dwelling Units (a mix of 1, 2, and 3 bedroom units)  
**Access:** 24' wide paved entrance, 40' in length from Route 1.  
**Parking:** 96 parking spaces with 9 identified visitor spaces and 4 ADA accessible spaces. 22 will be in the lower level of the building as covered parking.  
**Water:** Public  
**Sewer:** Public  
**Floodplain:** Map # 230162 0018C - Designation: Zone C: minimal flooding  
**Natural Features:** Wetlands, stream and stone wall.  
**Fire Protection:** A sprinkler system and alarm system are proposed.  
**Solid Waste Disposal:** On-site dumpster  
**Signs:** TBD  
**Open Space:** None  
**Outside Agency Approvals:**  
MDEP Stormwater Permit: Permit by Rule required.  
MDEP NRPA: Permit by Rule required.  
MDOT Entrance Permit: On-file

Portland Water District: On-file

Maine Historic Preservation Commission: Letter on file dated 4/26/21.

Maine Dept. of Inland Fisheries & Wildlife: Letter on file dated 5/11/21

Maine Dept. of Agriculture, Conservation and Forestry: Letter on file dated 4/15/21

**4. WAIVERS GRANTED:**

1. High Intensity Soils Survey
2. Hydrogeologic Evaluation
3. Market Study
4. Showing trees greater than 10 inches in caliper

**5. Chapter 250: Subdivision Review:**

**PROPOSED FINDINGS OF FACT - Subdivision Ordinance, Section 1.1:**

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

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

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

***Parcel is above sea level and not within a floodplain. The project will use public water and sewer. The Maine Natural Areas program identified no rare, threatened, or endangered plant species within the project area. Maine Department of Fisheries and Wildlife has not mapped designated essential or significant wildlife habitats in the project area.***

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

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

***The subdivision will be served by public water.***

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

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

***The subdivision will be served by public water. A capacity to serve letter from the PWD has been provided.***

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

- D. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;  
***The erosion and sedimentation control plan has been reviewed and approved by the Town Engineer.***

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

- E. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

***Traffic generation data was provided that showed 22 trips will be generated in the weekday a.m. peak hour and 27 trips in the weekday p.m. peak hour. This is below the 100 peak hour trips that would require further review by MDOT. There are no high crash locations within the area or other issues identified for access onto US Route 1.***

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

- F. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;

***The parcel will be serviced by a 160' extension of the Town's 2 inch force main along US 1 which will convey the approximately 8,220 GPD of anticipated waste water. A capacity to serve letter has been received from PWD.***

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

- G. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

***The multiplex units will have a dumpster that will be emptied by a private waste hauler.***

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

- H. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

***A letter is on file from Maine Historic Preservation Commission stating that there are no evident historic features on the site. There is a letter from the Department of Inland Fisheries and Wildlife stating there is no evidence of rare or endangered species.***

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

- I. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly

adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

***The plans have been reviewed and approved by the Town's peer review engineer and town staff. Any outstanding issues raised by the Town Engineer will be addressed as a condition of approval.***

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

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

***Technical Capacity: Technical capacity is evidenced by the applicant's use of a professional civil engineer, landscape architect, and building architect.***

***Financial Capacity: The applicant has provided a letter dated May 17, 2021 from Katahdin Trust Company stating that the applicant has an established commercial banking relationship with the lender and that subject to normal and routine conditions, the lender would finance the project.***

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

- K. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

***The proposed project will not adversely affect the quality or quantity of groundwater. There is no septic system on site.***

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

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

***The project will be served by public sewer. There will be no septic system on site.***

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

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

***Based on a review of the Federal Insurance Rate Maps, the parcel is located in Zone C-Areas of Minimal Flooding.***

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

- N. Storm water. The proposed subdivision will provide for adequate storm water management;  
***A stormwater management report was submitted and reviewed and approved by the Town's peer review engineer. A stormwater permit by rule application has been submitted to MEDEP.***

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

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

***All wetlands within the proposed multiplex are outlined in the project plan set. There are minimal impacts to the wetlands to accommodate the stream crossing for the proposed access drive.***

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

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

***An unnamed tributary to Chenery Brook is located within the proposed multiplex and outlined in the project plan set.***

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

#### **SECTION 300 - AQUIFER PROTECTION (if applicable)**

***The parcel is not located in the Aquifer Protection District.***

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

#### **Route 1 Design and Performance Standards**

***Attachment K of the application packet provides evidence that the standards have been met.***

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**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 minor 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.

**Proposed Condition of Approval:**

1. An amended subdivision plan shall be signed by the Planning Board and recorded in the Cumberland County Registry of Deeds. A copy of the recorded plan will be returned to the Planning Department prior to granting of a building permit by the Code Enforcement Officer.

August 11, 2021

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

Subject: Broad Cove Ridge Condominiums  
Planning Board Subdivision Amendment Application

Dear Ms. Nixon:

On behalf of the Snell Construction, LLC (Snell), Sevee & Maher Engineers, Inc. (SME) is pleased to submit the attached Planning Board Planning Board Subdivision Amendment Application to amend the recently approved 50-condo multiplex on US Route 1 in Cumberland. The amendment application is being submitted in response to a comment from Town Staff after approval noting that the Ledgeview Properties to the South was a non-conforming lot for the Assisted Living Facility, since the property was less than 4 acres. The proposed 0.1-acre land acquisition would make the lot more non-conforming which is not permitted.

To address this, an equitable area of land on the southwest portion of 100 US Route 1 will be transferred to Ledgeview Estates to ensure that the non-conforming lot is not made worse by the proposed land acquisition on the southern portion of the property. A revised copy of the Subdivision Plan is included with this application outlining the change.

There will be no impact to the proposed infrastructure, traffic, pedestrian circulation, stormwater management, landscaping, or other standards within the Site Plan and Subdivision Ordinances.

We look forward to discussing this minor change with the Planning Board on August 17, 2021 and appreciate your consideration of our application. Please feel free to contact me at 207.829.5016 or [dpd@smemaine.com](mailto:dpd@smemaine.com) if you have any questions or need additional information.

Very truly yours,

SEVEE & MAHER ENGINEERS, INC.



Daniel Diffin, P.E., LEED AP BD+C  
Vice President/Senior Civil Engineer

Attachments

## APPENDIX B

### APPLICATION FOR MAJOR OR MINOR SUBDIVISIONS

#### Applicant's Contact Information

Name: Jon Snell c/o Snell Construction, LLC & 100 US Route 1, LLC  
Mailing Address: 97 Ledge Brook Crossing, Brunswick, ME 04011  
Email Address: jon@jaidenlandscaping.com  
Phone#: Office: 207-751-9627 Cell: N/A Fax: N/A  
Interest in property: Purchase and Sale Agreement  
Interest in abutting properties, if any: Land Swap

#### Property Owner's Contact Information

Name: Dave Spellman  
Mailing Address: 20 Independence Drive, Suite 1A, Freeport, ME 04032  
Email Address: spellman.david@Principal.com  
Phone#: Office: 207-329-8306 Cell: N/A Fax: N/A

#### Applicant's Architect, Landscape Architect, Engineer, Planner or Surveyor Contact Information (If more than one, please attach contact info for each one.)

Name: Daniel Diffin, P.E., Sevee & Maher Engineers, Inc  
Mailing Address: 4 Blanchard Road, P.O. Box 85A, Cumberland, ME 04021  
Email Address: dpd@smemaine.com  
Phone#: Office: 207-829-5016 Cell: 207-240-3315 Fax: N/A

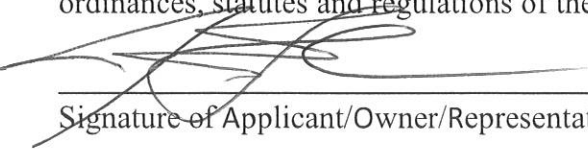
#### Project Information

Name of Project: Broad Cove Ridge Condominiums  
Address of site: 102 US Route 1, Cumberland, ME 04021  
CCRD Book/Page #: 31838/3 Tax Map/Lot #: R1/13B  
Zoning District: OC-S Overlay District (If any): Mixed Use Overlay  
Site size (acres): 3.2 # of Lots:        # Buildings: 1 # Dwellings: 50 Units  
☒ Minor Subdivision ☐ Major Subdivision ☐ Conservation Subdivision

#### OTHER INFORMATION

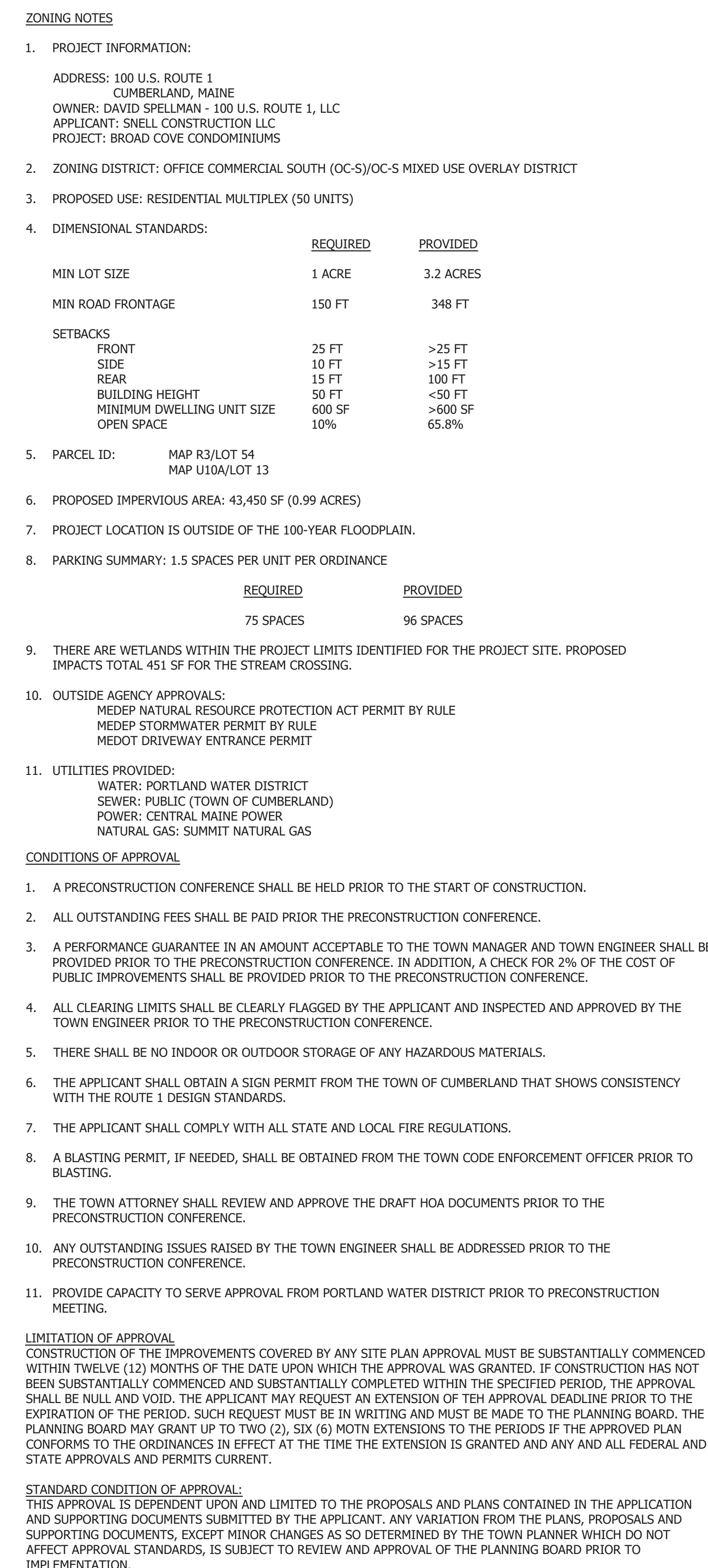
1. Is Board of Adjustment and Appeals approval required? No
2. Are any ordinance waivers requested? ☐ Yes ☒ No (If yes, attach a list of waivers requested and reason for the request.)
3. Application fee per Town ordinance: \$ 100.00
4. This application form and all accompanying materials must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered by the Planning Board.

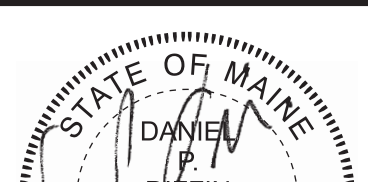

The undersigned, being the applicant, owner or legally authorized representative, states that all information contained in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the Town and in accordance with applicable ordinances, statutes and regulations of the Town, state and federal governments.

  
Signature of Applicant/Owner/Representative

  
Date





	<b>SNELL CONSTRUCTION LLC</b> <b>BROAD COVE RIDGE CONDOMINIUMS</b> <b>100 US ROUTE 1</b> <b>CUMBERLAND, MAINE</b>	
	<b>SUBDIVISION PLAN</b>	
 <b>SME</b> <b>SEVEE &amp; MAHER</b> <b>ENGINEERS</b> ENVIRONMENTAL • CIVIL • GEOTECHNICAL • WATER • COMPLIANCE 4 Blanchard Road, PO Box 85A, Cumberland, Maine 04021 Phone 207.829.5016 • Fax 207.829.5692 • smemaine.com	DESIGN BY: AML	
	DRAWN BY: SJM DATE: 7/2021 CHECKED BY: DPD LMN: SUBDIVISION CTB: SME-STD	
JOB NO. 21241.01	DWG FILE BASE	<b>C-102A</b>

	DPD	7/2021	ISSUED TO TOWN FOR REVIEW
REV.	BY	DATE	STATUS