

## TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES

Tuesday, February 16, 2021 at 7:00 pm

**A. Call to Order:** Chairman Auclair opened the meeting at 7 pm and introduced new Planning Board members Amanda Billing and Lorraine Rardin.

**B. Roll Call: Present:** Paul Auclair, Amanda Billing, Bill Kenny, Lorraine Rardin, Jason Record, Joshua Saunders & Ann Sawchuck, **Staff:** Carla Nixon - Town Planner, Christina Silberman - Administrative Assistant & Bill Shane - Town Manager.

**C. Approval of the Minutes:** Minor corrections to the prepared minutes were noted. Mr. Saunders moved to approve the minutes as amended, seconded by Mr. Kenny and **VOTED, 6 years, 1 abstained (Billing) - motion carries.**

**D. Staff Site Plan Approvals:** None.

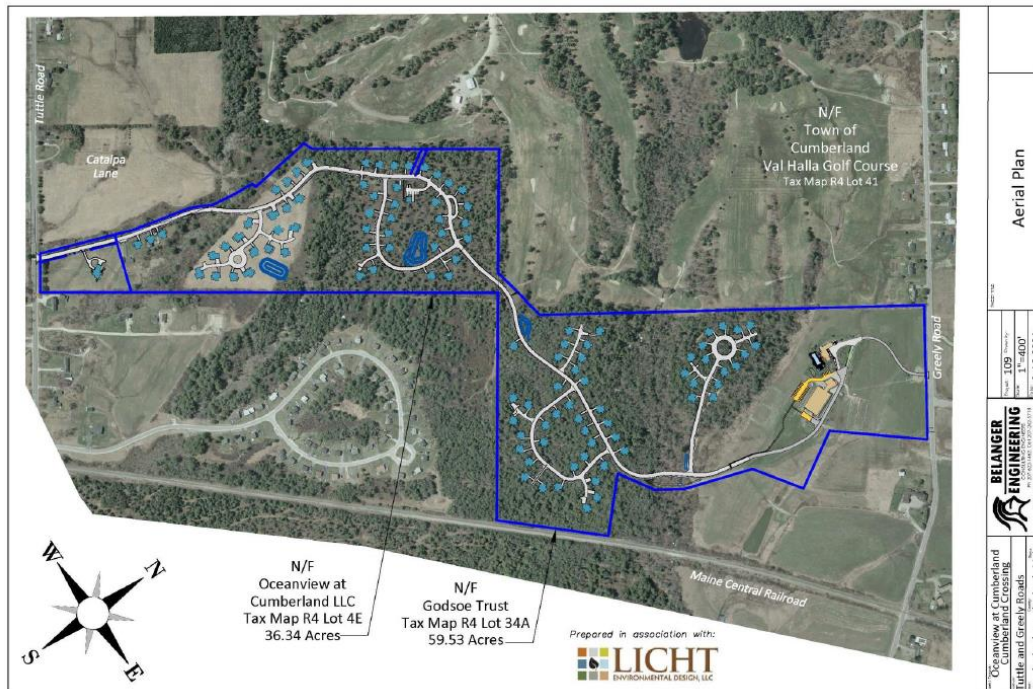
**E. Minor Change Approvals:** None.

### F. Hearings and Presentations

**1. Public Hearing:** Final Major Subdivision Review for OceanView at Cumberland, LLC (Phase 2) – 52 dwelling units plus 1 community building. Greely Rd., Tax Map R04, Lot 34A. Applicant: Ocean View at Cumberland, LLC / John Wasileski. Representative: Frederic Licht, P.E, LSE, Licht Environmental Design, LLC.

Chris Wasileski of OceanView provided an overview of the project.

## C. Crossing Ph. I & II Overlay Aerial



Rich Licht, PE-Licht Environmental Design, LLC, reviewed changes to the plans that were highlighted in the submittal memo. Mr. Licht referred to a waiver request for the requirement of a sidewalk along a portion of Little Acres Dr. that he identified on a displayed plan of the project. The applicant proposes a stone dust path from the point where the sidewalk will end that will lead across a field and to the parking area.



Mr. Licht said that the DEP and the Army Corp of Engineers permits have been received. Mr. Licht Identified the location of a main culvert on Little Acres Dr. and explained that this will be a 16' x 9' full span culvert. The subdivision road names have been accepted and some changes were made to the plan notes.

Mr. Licht outlined changes to the trail system. The proposed boundary trail has been removed from the plan. Internal trails will not be closed to the public but will be primarily for residents.

Mr. Licht reviewed plans for the community center with a pool and parking area. The house is currently on a septic system. Mr. Licht explained that an analysis of potential wastewater usage by this facility was provided with the preliminary application to support use of the septic system until it reaches capacity and, at that time, sewer would be extended through the project, if the Board agrees. The septic system will be monitored so they will know how it is doing. The water for the house is currently on a well and will remain on the well until the water is extended to this part of the project.

Mr. Licht said that a photometric plan requested by staff was provided by Mancini Electric. They have a night sky approach with this project. The intersections will be lit along the main roadways, but not a lot of lights. Each unit will have a small pole mounted light with a photo eye in front of the unit.

Mr. Licht said that the sewer and water will come in from phase 1 as the project is developed. CMP is not able to provide electric service to phase 2 from phase 1. CMP service will come from Greely Rd. for phase 2 and this will be an underground system. The community center area already has electric service.

Mr. Licht outlined minor changes to the plan and pointed out the snowmobile trail connection to the golf course. Mr. Licht reported that a proposed flood plain map amendment proved to be onerous and they withdrew their application. Mr. Licht said that they agree with the review comments and most have been addressed. They are comfortable with a condition that the rest are addressed prior to construction.

Mr. Licht referred to the phasing of the project and the performance guarantee and said that typically, the performance guarantee wouldn't be submitted until just prior to construction. In this case, phase 1 will probably take the next couple years. The infrastructure for phase 2 probably won't start for three years. Mr. Licht asked for a condition that the performance guarantee be filed prior to construction of each phase. The applicants would like the recording plat to have general phasing on it and this is not intended to be a final phasing plan. The plat would have a note saying that the phasing lines can be adjusted in the field subject to staff review and an appropriate performance guarantee to cover the phase. Further discussion was had on phasing.

Chairman Auclair referred to the stone dust path proposed in lieu of the sidewalk and asked is this is aesthetic. Mr. Licht responded that it is aesthetic and functional and he further described the path proposal. The path will be snowblowed in the winter. Mr. Licht said they would be open to safety signage. Further discussion was had about the path vs. sidewalk proposal.

Mr. Record asked about a path or sidewalk to Greely Rd. (from the clubhouse). Mr. Licht replied that there is nothing proposed. Mr. Licht explained that they do not want to encourage seniors to walk to a road that has no sidewalk and is heavily traveled. Mr. Record said a pathway doesn't disturb aesthetics and if people are walking with a car coming up and somebody gets injured... Mr. Licht said that the preservation area in the ordinance extends back about 500' and they have to maintain the character of the fields and agricultural use.

Mr. Saunders suggested a condition of approval that spoke to maintenance and signage of the path and Mr. Licht agreed.

Mr. Licht said the applicant would like to start work on the pool this spring. Phase one of construction might include a grouping of units with a certain amount of roadway and utilities coming in. There also may be a temporary construction road. Mr. Licht said they are thinking this will be a four-phase project not including the common area. Chris Wasileski provided additional information about development timelines. Ms. Nixon reviewed the ordinance language regarding phasing in Chapter 250-17.D. Atty. Scott Anderson further described the performance guarantee phasing. More discussion was had about phasing of the project.

The applicants agreed to have the path paved instead of it being stone dust.

Mr. Kenny said he thinks a paved surface would be better than stone dust.

Ms. Rardin clarified that there will be four phases of residential units, not to include the early start for the pool and clubhouse area, and the phasing approach would include a performance guarantee and a preconstruction conference prior to the beginning of each phase. The applicant agreed.

Chairman Auclair opened the public hearing.

John Jensenius, Chair of Lands and Conservation Commission Recreational Trails Subcommittee, said that Cumberland has a rich history of networking trails and the Committee is disappointed that the trails within phase 2 are not going to be networked with other Town trails but they do respect the developer's decision to keep these trails

internal. Mr. Jensenius said with respect to sidewalks, people take the shortest route from point a to point b. Mr. Jensenius sees that people going to Yarmouth are going to use the road (to Greely Rd.). The Subcommittee feels strongly that there should be some sort of paved path or sidewalk that leads the whole way through. Mr. Jensenius said that they don't care if the path/sidewalk is through the field or along the road but it needs to go to Greely Rd.

Chairman Auclair closed the Public Hearing and added that he agrees that there is going to be more traffic on this end of the road than what has been intimated and he does not think people should be walking here.

Mr. Record referred to the winding road that used to be the driveway and asked if the Board granted a waiver to keep this as is. Chairman Auclair replied yes. Mr. Licht reminded the Board about the waiver of the 18-foot width along one section of the road within the 500' preservation area where they are not allowed to increase the amount of impervious area.

The Board further discussed the stone dust path proposal.

Mr. Record said that overall he is in support of the development. Mr. Record said that he thinks this is the right sort of residences the Town needs as far as revenue coming in vs. the load on Town resources. Mr. Record disagrees with the applicant about the road and the sidewalk.

Mr. Saunders suggested a condition of approval to say that if Greely Rd. has a sidewalk in the future, the applicant will put a pathway in to run to Greely Rd. John Wasileski noted that if the proposed stone dust path gets a lot of use, they may upgrade it to a paved path because they want to keep their residents safe and happy. Mr. Wasileski said they would be fine with adding a path out to Greely Rd. if and when there is a sidewalk established on Greely Rd. Mr. Anderson clarified that within the 500' preservation area, you can have a pedestrian way so long as it doesn't adversely impact the area so doing a paved curbed esplanade sidewalk along the driveway runs afoul of the preservation language. Mr. Record asked why not put a path in now right over the utility easement. Mr. Wasileski said that this would encourage people to walk on Greely and this is not the right thing to do because Greely Rd. is an unsafe road.

Ms. Rardin said that this is a wonderful community that's being planned and one that is welcome. Ms. Rardin said that the Board is trying to anticipate what these residents' needs will be and whether or not they're going to hike out to Greely Rd. Ms. Rardin asked if OceanView responds to the residents so if they requested a path, would it be considered. Chris Wasileski replied that if they start hearing from residents with any types of concerns, absolutely they will respond.

Mr. Saunders moved that, due to the unique nature of the project, the Board grant a waiver for a paved walkway on the primary access road from station 62+100 to 73+63 Little Acres Drive to be replaced by a stone dust or paved pathway across the field from the road at station 62+100 to the Community Center further subject to a proposed condition of approval for pedestrian access to Greely Road subject to there being safe pedestrian access on Greely Road in front of the site in the future, seconded by Mr. Kenny. The Board discussed the proposed waiver. Mr. Licht announced that the



applicant has agreed that they will pave the pathway across the field. Mr. Saunders moved to amend the proposed motion to strike stone dust, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion passes.** Mr. Record noted that he is okay with the pathway to the community center but he is not okay without a pathway to Greely Rd. The motion as amended that due to the unique nature of the project, the Board grant a waiver for a paved walkway on the primary access road from station 62+100 to 73+63 Little Acres Drive to be replaced by a paved pathway across the field from the road at station 62+100 to the Community Center further subject to a proposed condition of approval for pedestrian access to Greely Road subject to there being safe pedestrian access on Greely Road in front of the site in the future was **VOTED, 6 yeas, 1 nay (Record) – motion passes.**

Chairman Auclair reviewed the prepared findings of fact. Amendments to the prepared findings were made. Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion passes.**

**FINDINGS OF FACT - Chapter 250 - Subdivision of Land:** 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:

**1. 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;

***The parcel is located above sea level. The project will utilize public water and sewer. A groundwater impact assessment was provided by the applicant and reviewed and approved by the Town Engineer. A comprehensive erosion and sedimentation control plan and stormwater management system have been reviewed and approved by the DEP and the Town Engineer. The project will include a third-party inspector to provide oversight during the construction period. Based on the information provided, the standards of this section have been met.***

**2. 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. There is a letter on file, dated July 31, 2018 from the Portland Water District stating the District's ability to serve the proposed project. Based on the information provided, the standards of this section have been met.***

**3. 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 utilize public water. There is a letter on file, dated July 31, 2018, from the Portland Water District stating the District's ability to serve the proposed project. Based on the information provided, the standards of this section have been met.***

**4. 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;

***A comprehensive erosion and sedimentation control plan and stormwater management system have been reviewed and approved by the DEP and the Town Engineer. The***

***project will include a third-party inspector to provide oversight during the construction period. Based on the information provided, the standards of this section have been met.***

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

***A traffic study was performed by Diane Morabito, PE, PTOE dated 1/2/20. The study concluded that the project will generate a modest level of vehicle peak hour trips, will not have any significant impact on off-site traffic operation, that there are no capacity constraints at Tuttle Road or Greely Road and that there are no attributable vehicular safety concerns from the development of the project. An MDOT Entrance permit up is on file. Based on the information provided, the standards of this section have been met.***

**6. 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 project will utilize public sewer. There is a letter from the Portland Water District indicating capacity to serve the subdivision. There is a letter dated 1/14/20 from Town Manager Bill Shane stating that the Town agrees to accept the sewer design flow from the project. There will be a charge of \$500 for each of the required units. Based on the information provided, the standards of this section have been met.***

**7. 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;

***Cumberland provides curbside trash collection and recycling through a contracted waste hauler. Based on a conversation with the Director of Public Services, the addition of 52 new homes in Phase 2 will not cause a burden on the municipality's ability to dispose of solid waste. Based on the information provided, the standards of this section have been met.***

**8. 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;

***Letters are on file from the relevant state agencies stating that the subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas. In addition, the SHC Ordinance created a 500 foot preservation area off Greely Road to preserve the historically agricultural character of the former Godsoe farm from Greely Road. The closest development neighborhood, Leonard Lane, will be located over 1,000 feet from Greely Road and visibility screened by a 100 foot wooded buffer towards Greely Road and abutting properties. There is an extensive landscaping and buffering plan proposed. Based on the information provided, the standards of this section have been met.***

**9. 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 planner, the town engineer and town department heads for compliance with the applicable SHC and subdivision ordinance standards. The project is located within a mapped Growth Area. The project helps to address housing for seniors in Cumberland which was an identified need in the***

**Comprehensive plan. Based on the information provided, the standards of this section have been met.**

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

**Technical capacity is evidenced by the use of the following experts: a professional engineer, a licensed land surveyor, a traffic engineer, an architect and a licensed soils scientist. Financial capacity is evidenced by a letter dated 10/14/19 from Kennebunk Savings stating that bank has approved financing of the infrastructure for the project and that Oceanview at Cumberland has the financial capacity to complete the land development and construction project as proposed. Based on the information provided, the standards of this section have been met.**

**11. 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 project does not lie in the watershed of an Outstanding River Segment, pond or within 250 feet of any wetland, great pond or river as defined under Title 38, Chapter 3, Subchapter 1, Article 2-B Shoreland Zoning.**

**Based on the information provided, the standards of this section have been met.**

**12. 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 water and sewer. Infiltration of stormwater is limited to the installation of BMP's along the access road which meet all DEP standards for treatment of stormwater prior to discharge to groundwater. Based on the information provided, the standards of this section have been met.**

**13. 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;

**The parcel is shown on FEMA floodplain maps as being in Zone C (area of minimal flooding) and a portion within Zone A (a 100 year mapped floodplain). No residences will be located within the mapped floodplain. A stream crossing and box culvert sized for the 100 year storm event which will be within the 100 year mapped flood plain. A 100 year hydrologic study was conducted for the 900 + acre upstream watershed which demonstrates that the culvert and crossing will not cause any back up or restrictions on the current stream flow. Based on the information provided, the standards of this section have been met.**

**14. Storm water.** The proposed subdivision will provide for adequate storm water management;

**A stormwater management plan was submitted as part of the application packet and has been reviewed and approved by the Town Engineer for conformance with Chapter 250-38 of the Cumberland Subdivision Ordinance. Based on the information provided, the standards of this section have been met.**

**15. 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 subdivision have been delineated and mapped by Mark Hampton Associate, Inc. and shown on the project plans. The MDEP and the Army Corp of Engineers have issued all necessary permits. Based on the information provided, the standards of this section have been met.***

**16. 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]

***Two streams as defined by the MDEP cross the site. Both streams have been shown on the project plans. All rivers, streams or brooks have been shown on the project plans. Based on the information provided, the standards of this section have been met.***

The Board discussed the conditions of approval.

Mr. Saunders moved to approve final major subdivision review for OceanView at Cumberland, LLC (Phase 2) Tax Map R04, Lot 34A subject to the Standard Condition of Approval, the Limitation of Approval and the 10 Conditions of Final Plan Approval, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion passes.**

**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.

**LIMITATION OF APPROVAL:**

Construction of the improvements covered by any site plan upon which the approval was granted shall be in accordance with section 250-20 of the Subdivision Ordinance.

**Conditions of Final Approval:**

1. All comments made in the Town Engineer's 1/11/21 review shall be addressed by the Applicant and approved by the Town Engineer prior to the first preconstruction conference.
2. The project shall be divided into four phases each of approximately 25% of the total number of residential units with the first residential phase to begin within three (3) years with the start of subsequent phases to be determined by market conditions and to be agreed upon by the applicant and the Town.
3. A statement of values for required improvements for each phase is to be submitted prior to the preconstruction conference held for each respective phase.
4. A performance guarantee in a form and amount acceptable to the Town Manager shall be provided for each phase prior to the preconstruction conference held for each respective phase.
5. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
6. Clearing limits shall be flagged and approved by the peer review engineer for each phase prior to the preconstruction conference held for each respective phase.
7. A pre-construction conference is required prior to the start of work for each phase.
8. The approved plan shall be recorded at the Cumberland County Registry of Deeds within 90 days of Planning Board approval.
9. The paved path moving from Little Acres Drive to the Community Center shall be maintained and signed consistent with the other sidewalks in the project.



10. Pedestrian access to Greely Rd. will be provided at such time as Greely Rd. is improved to allow for safe pedestrian access along Greely Rd. in front of the site.

Chairman Auclair called for a five-minute recess after which the meeting was resumed.

**2. Public Hearing:** Recommendation to the Town Council on a zone change request from Michael Record and Andrew Hagerty to change a portion of the lot located at 222 Gray Road, Tax Assessor Map U20, Lot 66 from the Village Center Commercial (VCC) zone to the Village Office Commercial I (VOCI) zone.

Chairman Auclair introduced the item.

Town Manager Bill Shane showed a plan outlining the portion of the lot located at 222 Gray Rd., formerly The Board Barn, that is the subject of the rezoning request. Mr. Shane noted that the area is shown as 59,600 square feet but is closer to 70,000 square feet. Mr. Shane explained that this item is for a recommendation to the Town Council. The Town Council heard the request through the landowner Michael Record who is working with Andy Hagerty of Emerald Commons. Mr. Hagerty is looking to add additional housing on his lot and needs additional land. Mr. Shane described the location and the proposed additional housing. The Town has asked for a drainage easement to go forward with improvements on Old Gray Rd. The request is to change from the current VCC zone to the VOC1 zone. Mr. Shane noted that this will work well because the Town will also gain four more units of housing. The extra property is needed to meet the lot size requirements.

Mr. Record asked if the new units will be similar to the current units and if it is known who is going to live there. Andy Hagerty, owner of Emerald Commons, replied that there are currently no children in the other six units. The current units have stairs up to the living space. The new units will be one bedroom first floor units which will not add any kids. The existing units are about 1,300 square feet and the new ones will be about 1,000 square feet. Mr. Hagerty explained that he needs to buy this land to get enough area to do his project and this land will not be touched.

Chairman Auclair opened the public hearing. There were no comments from the public. Chairman Auclair closed the public hearing.

Board member Jason Record noted that he is not related to Michael Record.

Mr. Saunders moved that the Planning Board recommend to the Town Council to approve a zone change request from Michael Record and Andrew Hagerty to change up to 70,000 square feet of the lot located at Tax Assessor map U20, lot 66 from the Village Center Commercial zone to the Village Office Commercial One zone, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion passes.**

**3. Public Hearing:** Recommendation to the Town Council on proposed amendments to Chapter 229 (Site Plan Review) to add agriculture related language.

Chairman Auclair introduced the item.

Town Planner Carla Nixon explained that last month some proposed language changes were before the Board for consideration with the intent that the Town would more easily be able to permit agriculture related uses. These projects would go through staff

review, which uses the exact same standards that the Planning Board does. Ms. Nixon continued that a little agricultural project would not have to wait to come to the Planning Board. The proposal is for agricultural related use to be subject to minor staff review, unless the project is over 6,000 square feet in which case the Planning Board shall conduct the review. The Town Planner may refer a staff review project to the Planning Board for review when the nature of the application warrants a public hearing or has a potential for significant impacts.

The Board reviewed the proposed amendments and recommended the amended language in 229-2-C.4 be changed from "over 6,000 sf" to "a new structure that is over 6,000 sf in size". The Board also recommended changes under 229-11 to allow for the Town Planner to grant unlimited one-year extensions to the period to commence or complete a project for approved agriculture-related projects instead of a proposal for agriculture related projects to have 5 years to commence and 10 years to complete.

Mr. Saunders moved that the Planning board recommend to the Town Council the proposed amendments to chapter 229-Site Plan Review to add agricultural related language as discussed this evening, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion passes.**

Recommendations for amendment to § 229-1 Title, purpose and authority.

A. Title. This chapter shall be known and cited as the "Site Plan Ordinance of the Town of Cumberland, Maine."

B. Purpose. The site plan review provisions are intended to protect public health and safety, promote the general welfare of the community, and conserve the environment by assuring that all development is designed and constructed in a manner which assures that adequate provisions are made for traffic, utilities, stormwater, erosion and sedimentation, wildlife habitat and fisheries, and historic and archaeological resources. Site plan review will also serve to minimize any adverse impacts on neighboring properties and to ensure that new developments will fit in harmoniously to the fabric of the community while honoring the historical roots of the Town's agriculture-based economy and providing for less costly and time-consuming review of agriculture-related businesses.

C. Review and approval authority. The Town Planner is authorized to review and approve projects classified as "staff review." However, the Town Planner may refer a staff review project to the Planning Board when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources. ~~The Planning Board is authorized to review all other projects~~ § 229-2 Classification levels.

A. There are ~~three~~ four classification levels of site plan review:

(1) Minor staff review.

(2) Agriculture- related staff review

~~(2-3)~~ Major staff review.

~~(3-4)~~ Planning Board site plan review.

B. The Town Planner shall classify each project to determine the level of review required based on the applicability standards set forth in this section. Staff review is designed for the review of smaller projects, while larger projects will be reviewed by the Planning Board. When calculating square footage as referenced below, include the total area, in square feet, of all floors of the building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements.

C. The Town Planner shall classify each project to determine the level of review required based on the applicability standards set forth in this section. Staff review is designed for the review of smaller projects, while larger projects will be reviewed by the Planning Board. When calculating square footage as

referenced below, include the total area, in square feet, of all floors of the building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements.

Type of Activity	Minor Staff Review Required Subject to § 229-1C	Major Staff Review Required Subject to § 229-1C	Planning Board Site Plan Review Required
1. The construction of a new structure (other than single-family and duplex) that contains any of the following:		Between 1,000 and 3,000 sq. ft.	Over 3,000 sq. ft. Over 1,000 cubic yards of fill or excavation
a. The expansion of a nonresidential building or structure, including accessory buildings, that increases the total floor area by: the total area, in square feet, of all floors of a building as measured from the interior faces of the exterior walls, excluding unfinished attics and unfinished basements	Less than 1,000 sq. ft.	Between 1,000 and 3,000 sq. ft.	Over 3,000 sq. ft.
b. The construction of an impervious surface such as a support pad or paved or gravel parking area:	Less than 1,000 sq. ft.	Between 1,000 and 3,000 sq. ft.	Over 3,000 sq. ft.
c. The conversion of existing approved buildings or structures from one approved use to another without enlargement of gross floor area or increase in required parking	X		
2. Excavation or fill involving over 1,000 cubic yards of material for any type of development or site work that is not otherwise subject to site plan or subdivision review, including but not limited to single-family and duplex development			X
3. Site preparation activities related to any type of development, including single-family or duplex development, consisting of over 1 acre of disturbed area, including clearing, grubbing, grading and the construction of driveways, entrances, and the installation of driveway culverts. Site plan review will not be required for any subdivision that includes the site preparation activities as part of its approval.	Less than 5 acres.		Greater than 5 acres.

4. Any of the above activities that are for an agriculture-related use shall be subject to Minor Staff Review unless the project includes a new structure that is over 6,000 sf in size, in which case the Planning Board shall conduct the review. As per Section 229-1C, the Town Planner may refer a staff review project to the Planning Board when the nature of the application warrants a public hearing or poses the potential for significant impacts on municipal facilities or natural resources.

#### **§ 229-11 Expiration of approval.**

Construction of the improvements covered by any site plan approval, except for agriculture-related projects, must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was

granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction 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 one-year extensions to the period 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.

Construction of the improvements covered by any site plan approval for agriculture-related projects must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction prior to expiration of the period. Such request must be in writing and must be made to the Town Planner. The Town Planner may grant an unlimited number of one-year extensions to the period 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.

**G. Administrative Matters/New Business:** Ms. Nixon reported that development interest is picking up with three new residential subdivisions that might be coming forward and something going on the last lot at Mill Run.

Chairman Auclair inquired about upcoming workshops. Ms. Nixon suggested that the Board may want to hold preapplication workshops on a separate night.

**H. Adjournment:** Mr. Record moved to adjourn the meeting at 9:35 pm, seconded by Ms. Billings and **VOTED, 7 yeas, unanimous - motion passes.**

**A TRUE COPY ATTEST:**

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**Paul Auclair, Board Chair**

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**Christina Silberman, Admin. Asst.**