

**CUMBERLAND PLANNING BOARD MEETING MINUTES**  
**April 25, 2023**

**A. Call to Order:** Chair Bingham opened the meeting at 7:05 pm.

**B. Roll Call: Present:** Peter Bingham - Chair, Paul Auclair, Bridget Perry, Lorraine Rardin - Vice Chair, Joshua Saunders, George Turner, Carla Nixon - Town Planner & Bill Shane - Town Manager. **Absent:** Ann Sawchuck & Christina Silberman - Admin. Asst.

**C. Approval of the Minutes of the February 21, 2023, meeting:** Mr. Auclair moved to approve the minutes of the February 21, 2023, meeting, seconded by Ms. Rardin and **VOTED, 5 yeas, 1 abstained (Perry) – motion carries.**

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

**E. Minor Change Approvals:** None

**F. Hearings and Presentations:**

**1. Public Hearing:** Reapproval (due to missed deadline) of the Cumberland Foreside Village Subdivision Amendment approved on November 15, 2022, for a 350 foot extension of Sky View Dr. and to split an existing lot into two lots, Tax Assessor Map R01, Lot 11-7. Applicant/Owner: Peter Kennedy, Heritage Village Development Group, LLC. Representative: Andrew Godfrey, P.E., Acorn Engineering, Inc.

Ms. Perry moved to reapprove the Cumberland Foreside Village subdivision amendment, originally approved on November 15, 2022, for a 350 foot extension of Sky View Drive and to split an existing lot into two lots, tax assessor map R01, lot 11-7, applicant owner Peter Kennedy Heritage Village Development Group LLC representative Andrew Godfrey of Acorn Engineering with the same findings of facts and conditions of approval as contained in the original approval, seconded by Mr. Auclair.

Chair Bingham opened the public hearing. There were no comments from the public and Chair Bingham closed the public hearing.

The proposed motion to reapprove the subdivision amendment was then **VOTED, 5 yeas, 1 abstained (Turner - not present for original approval) – motion carries.**

**EXPIRATION OF APPROVAL:** Construction of the improvements covered by any site plan approval 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 period. Such request must be made 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.

**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. A preconstruction conference is required prior to the start of construction.

2. Project costs and evidence of finance capacity shall be submitted to the Town Planner prior to the preconstruction conference.
3. All review comments by the Town Engineer shall be addressed prior to the preconstruction conference.
4. A performance guarantee in an amount and form acceptable to the Town Manager will be required prior to the preconstruction conference.
5. All clearing limits shall be flagged and approved by the Town Engineer prior to the preconstruction conference.
6. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
7. All legal and technical review fees shall be paid to the Town prior to the preconstruction conference.
8. An electronic copy of the as-built plans shall be submitted to the Town Planner prior to the release of any remaining inspection fees.

**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 proposed amendment for a road extension and lot split will not result in undue water or air pollution. Based on the information provided, the Board finds that 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; ***A water supply is not needed. Based on the information provided, The Board finds that 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 not utilize public water. Based on the information provided, the Board finds 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; ***An erosion and sedimentation control plan that includes housekeeping procedures for maintenance has been submitted and the plan has been reviewed and approved by the Town Engineer. Based on the information provided, the Board finds that 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; ***The proposed amendment for a road extension and lot split will not result in road congestion. Based on the information provided, the Board finds that 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; ***There is no need for sewage waste disposal. Based on the information provided, the Board finds that 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; ***There is no need for solid waste disposal. Based on the information provided, the Board finds that 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 State agencies indicating that the proposed subdivision will have no adverse impact on any of the above features. The Board finds that 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. The Board finds that 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;

***Financial Capacity: Project cost and financial capacity are required for final review.***

***Technical Capacity is evidenced by the use of professional technical consultants.***

***Project costs and financial capacity are pending. With a proposed condition of approval, the Board finds that the standards of this section have been met for preliminary approval.***

**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 proposed amendment for a road extension and lot split are not within the watershed of any pond or lake. Based on the information provided, the Board finds that 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 proposed amendment for a road extension and lot split will not adversely affect the quality or quantity of ground water. Based on the information provided, the Board finds that 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 development is not located within a 100 year flood plain as shown on the FEMA Flood Insurance Rate Map. Based on the information provided, the Board finds that the standards of this section have been met.***

**14. Stormwater.** The proposed subdivision will provide for adequate storm water management; ***A stormwater Management Report dated October 2022 was included in the application. The 350' extension of road will consist of 10,500 sf of paved surface. The existing Grassed Underdrained Soil Filter (GUSF) and detention pond have been constructed to take stormwater flows generated by the proposed road extension. With a proposed condition of approval, the Board finds that the standards of this section have been met for preliminary approval.***

**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. ***There are no wetlands on the site. Based on the information provided, the Board finds that 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] ***There are no streams on the site. Based on the information provided, the Board finds that the standards of this section have been met.***

**2. Public Hearing:** Reapproval (due to missed deadline) of the Final Major Subdivision review approved on December 20, 2022, for White Rock Terrace, a four story, 55 unit, senior, affordable apartment building with a 13,500 square foot building footprint to be located off Sky View Drive, on a 4.5 acre portion of the lot shown on Tax Assessor Map R01, Lot 11-7 in the Cumberland Foreside Village Subdivision.

Chair Bingham opened the public hearing. There were no public comments and Chair Bingham closed the public hearing.

Ms. Perry moved to reapprove the Final Major Subdivision plan for White Rock Terrace, a four story, 55 unit, senior, affordable apartment building with a 13,500 square foot building footprint to be located off Sky View Drive, on a 4.5 acre portion of the lot shown on Tax Assessor Map R01, Lot 11-7 in the Cumberland Foreside Village Subdivision with the same findings of fact and conditions of approval as contained in the original approval, seconded by Mr. Auclair and **VOTED, 6 years, unanimous – motion carries.**

**EXPIRATION OF APPROVAL:** Construction of the improvements covered by any site plan approval 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 period. Such request must be made 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.

**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. A preconstruction conference is required prior to the start of construction.
2. The amended SLODA permit shall be submitted to the Town Planner prior to the preconstruction conference.
3. A performance guarantee in an amount and form acceptable to the Town Manager will be required prior to the preconstruction conference.
4. All clearing limits shall be flagged and approved by the Town Engineer prior to the preconstruction conference.
5. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
6. All legal and technical review fees shall be paid to the Town prior to the preconstruction conference.
7. An electronic copy of the as-built plans shall be submitted to the Town Planner prior to the release of any remaining inspection fees.
8. The owner will be responsible for the removal of solid waste via a private waste hauler.
9. A sign permit for any proposed signs is required.
10. All storage for fuel, chemicals, chemical or industrial wastes, biodegradable raw materials, or liquid, gaseous or solid materials shall meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's office.
11. The building shall comply with the requirements of the State Fire Marshal's Office and the Town Fire Chief.
12. A parking study after one year of occupancy shall be conducted to determine if the area reserved for additional parking should be utilized.
13. A final landscaping plan with additional tree plantings between the building and Skyview Drive and between the building and Nautical Way be reviewed and approved by the Town Planner prior to the pre-construction conference.

**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;

**There are no flood plains on site. The project will be served by public sewer. There are no streams on the site. Based on the information provided, the Board finds that 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 project will be served by public water; a capacity to serve letter is on file from the Portland Water District. Based on the information provided, The Board finds that 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 55 apartment units will not create a burden on the existing municipal water supply as indicated in the capacity to serve letter from Portland Water District. Based on the information provided, the Board finds 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; **An erosion and sedimentation control plan that includes housekeeping procedures for maintenance has been submitted and the plan has been reviewed by the Town Engineer. Based on the information provided, the Board finds that 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 impact assessment dated 10/24/22 was submitted that shows estimated trip counts. The report states that the project will be a low trip generator and will not require a traffic movement permit from MDOT. Based on the information provided, the Board finds that 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 not cause an unreasonable burden on the municipal sewer system as indicated in the capacity to serve letters from the Portland Water District and the Town Manager. Based on the information provided, the Board finds that 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; **The property management company or owner will be responsible for locating the solid waste and recyclable material to the space allocated for solid waste storage as noted on Site Plan Sheet C-10. A commercial waste hauler will dispose of the trash that is placed in the dumpster. Based on the information provided, the Board finds that 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 State agencies indicating that the proposed subdivision will have no adverse impact on any of the above features. The Board finds that 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. The Board finds that 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;

**Financial Capacity:** The total project budget is approximately \$19,000,000. A statement of Financial Capacity, including funding sources, was submitted in the application packet.

**Technical capacity** is evidenced by the use of professional technical consultants as outlined in the application packet. In addition, a statement from the developer was provided that gave an overview of past projects completed in Maine and New Hampshire.

**The Board finds that 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 is not situated in any of the areas listed above. Based on the information provided, the Board finds that 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 residential apartments, which will be served by public water and sewer, will not adversely affect the quantity or quality of groundwater. Based on the information provided, the Board finds that 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 development is not located within a 100 year flood plain as shown on the applicable FEMA Flood Insurance Rate Map. Based on the information provided, the Board finds that the standards of this section have been met.**

**14. Stormwater.** The proposed subdivision will provide for adequate storm water management; **A stormwater Management Report dated October 2022 was included in the application. The proposed development has been designed to manage stormwater runoff through Best Management Practices approved by MDEP. The plan has been reviewed and approved by the Town Engineer. Based on the information provided, the Board finds that 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. **Wetland areas have been identified on the plans. Based on the information provided, the Board finds that 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] **There were no streams identified on the site. Based on the information provided, the Board finds that the standards of this section have been met.**

**3. Public Hearing:** Site Plan Amendment Review for LGC Clinical Diagnostics, located at 221 US Route 1, Tax Assessor Map R02, Lot 10A to add a .5 acre solar array with 1.57 acres of perimeter fencing and a 170 foot long gravel access drive. Applicant: Todd Anderson, Sr., VP Operations – LGC Clinical Diagnostics. Representative: Ken Costello, RLA - SMRT Architects and Engineers. Owner: LGC North America, Inc.

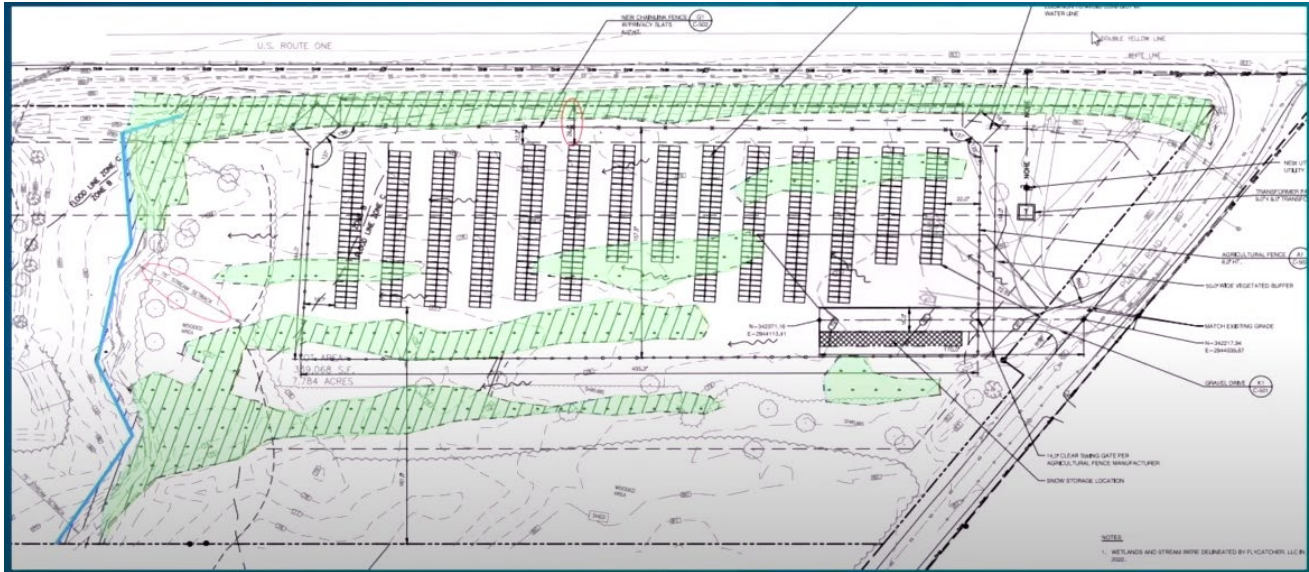
Chair Bingham introduced the item. Town Planner Carla Nixon reported that the applicant proposes the solar array for their own use to offset their electric costs. Ms. Nixon said one issue that needs to be looked at is buffering.

Mr. Auclair referred to buffering regulations in Chapter 229 and in the Route One Design Standards and asked if the Town wants solar panels to be completely buffered because it is not clear in the Town Ordinances. Ms. Nixon replied that solar panels were not anticipated when the ordinances and Route One Standards were written. Ms. Nixon said that when the Town put a solar array on the landfill, the Planning Board did look at the extent to which it could be buffered and the Town did as much as they could to buffer it. Ms. Nixon said the standard to look at here is what can be done and how visible will the solar array be, especially from the neighbors.

Chair Bingham noted that a kind of precedent was set when the Town solar array was approved and the neighbors had issues with buffering.

Joe Graham of LGC Clinical Diagnostics and Gretchen Prouty, PE, of SMRT introduced themselves. Mr. Graham reported that LGC operates 52 sites in 18 countries. LGC purchased the Main Standards facility that was built at 221 U.S Route 1 in 2015 where they have approximately 70 employees on site. LGC is a clinical diagnostics company and they manufacture products for quality measurement tools and provide products to hospitals and clinicians all over the United States. Mr. Graham reported LGC has a lead silver accreditation and has an ESG (environmental, social and governance) goal to maintain environmental and energy standards to be carbon net zero by 2050. LGC is looking to make this investment into offsetting their entire energy consumption at the Cumberland Foreside facility with the solar array. Mr. Graham reported on details of the proposed solar array.

Gretchen Prouty, PE – SMRT, reported that a Storm Law Permit Amendment has been issued from MaineDEP. A tier one NERPA permit application was made and Maine DEP determined the project is exempt and the Army Corps did not determine the project is exempt. The project has gone through the Army Corps review and the permit has been received.



Ms. Prouty outlined a plan of the proposed solar array. Ms. Prouty said that the wetland locations are the reason why a setback reduction from 75 feet to 25 feet has been requested. Pushing the array closer to Route 1 significantly reduces the wetland impact. Selective cutting of things that would shade the solar panels is planned. Ms. Prouty reported that to meet MaineDEP Chapter 500 requirements, the area within the solar array fencing will be maintained as a meadow that will not be cut more than twice per year. Ms. Prouty referred to landscaping and said they did not choose plants that would mature to a height in excess of eight feet because they would shade the solar array.

The project proposes both a screened fence and landscaping along Route 1. The eastern property line currently has trees that will remain. Most of the existing vegetation and trees at the Powell Rd. property line will remain but some vegetation will have to be removed to install a sixteen foot wide gravel road.

Mr. Auclair said there are fourteen rows of panels. Ms. Prouty said yes and they are about three feet deep and eleven feet high at the highest point. Mr. Auclair said if they eliminated three panels from each row, they could be a lot further from the road. Ms. Prouty said they worked with ReVision on placement of the panels and this orientation has to do with receiving the sunlight. Mr. Graham noted if they remove panels, they will not achieve the offset and it would provide significantly less power.

Mr. Saunders asked what the right of way is for US Route 1. Ms. Nixon said she does not know and they can vary. Ms. Nixon confirmed the project is not within the right of way.

Chair Bingham opened the public hearing.

Harvey Wheeler, 25 Powell Rd., said he is a concerned abutter and he does not like the look of panels. Mr. Wheeler would like to know what it will look like from his property. Mr. Wheeler said there are tall pine trees on his property and the vegetation is at the top. In the winter, Mr. Wheeler can see and hear the traffic on US Route 1 but in the summer he cannot see the traffic and the noise is greatly reduced. Ms. Prouty identified Mr. Wheeler's property line on the plan and said the solar panels will be 160 feet away. Ms. Prouty said Mr. Wheeler will see the vegetation that is already there and will continue to grow. Mr.

Wheeler asked if he will be able to see the fence. Ms. Prouty showed a picture of the view from Mr. Wheeler's driveway that includes a depiction of the solar array and said this is what he will see. The fence will be a six foot high agricultural fence with wooden posts and wire squares that can be seen through.

Riva Krut, 103 Schooner Ridge Rd., said she sent some comments into the Town. Ms. Krut serves on the Lands and Conservation Commission (LCC) and the Sustainability Subcommittee. Ms. Krut said Mike Schwindt of the LCC provided comments also. Ms. Krut is in favor of the concept of solar panels. Ms. Krut said wetland conservation is important. Ms. Krut said she is concerned about the conflict between the solar and preserving the ecology. Ms. Krut said the fence will be six feet high and the solar panels will be eleven feet high and this is something to think about in terms of the viewscape for people driving by and for neighbors. Ms. Krut is concerned with what the fence will look like and with the landscaping on Route 1. Ms. Krut said there is a difficult turn here because it is an acute angle and she asked if anyone has worked to be sure the proposal isn't going to make any difference to what she thinks is already a hazard. Ms. Prouty said the fence along Route 1 is proposed to be a chain link fence with black slats and the landscaping was chosen to be a naturalized look.

Robert Knupp, Hawks Ridge, said he is a big proponent of buffering and it is very important along Route 1.

Mr. Turner said aesthetics are important. Mr. Turner referred to the picture from Mr. Wheeler's driveway and questioned what it would take to build a decent buffer on the other side of the trees and he does not think this is unreasonable.

Mr. Auclair agreed with Mr. Turner. Mr. Auclair referred to the waiver for the buffer on Route 1 and said that if the solar array is further back and some panels are eliminated, maybe they could plant a buffer that would obscure the panels without shading them.

Chair Bingham said the Route One Design Standards protect the view and he has a problem with not adding more dense vegetation. Chair Bingham said something needs to be done regarding Mr. Wheeler's issue with the buffer.

Chair Bingham shared the following comments from Planning Board member Ann Sawchuck regarding the solar array, "I applaud LGC Clinical Diagnostics for going solar and I think we need to encourage a successful installation. However, I would want to know Lands and Conservation comments on the waiver of the setback - particularly on the question of impact to the wetlands. Is the waiver really necessary to protect the wetlands? I'm not sure the buffering really does the job on Route 1. The not very attractive fence looks low. Is there another suggestion for plantings that would both hide the array but not cut the light? Could an earthen berm with plantings on top work instead of a fence?"

Mr. Saunders said he is not certain that the requirement of buffering is for complete obscurance but to buffer in some degree, which is a judgement call. Mr. Saunders said his biggest concern with the array going fifty feet into the buffer on Route 1 and not having something that then would make up for the lack of distance. Mr. Saunders said he does not want to call into question the Planning Board's ability to enforce the buffer and be consistent with the Board's prior decisions.



Ms. Rardin said she is a proponent of solar and has a solar array on her roof. Ms. Rardin said she heard the abutters and the need to protect abutting properties. Ms. Rardin suggested the Board table this item and set up a site walk to visit the property.

Mr. Saunders moved to table the item until the next Planning Board meeting, seconded by Mr. Turner and **VOTED, 6 yeas, unanimous – motion carries.**

**4. Public Hearing:** Amendment to an approved site plan for MSAD #51 for reconfiguration of portable classrooms at the Greely Middle School campus located off Main St. at Tax Assessor Map U11, Lot 1 and for the Mabel I Wilson campus located off Tuttle Rd. at Tax Assessor Map U11, Lot 9. Owner/Applicant: MSAD 51. Representatives: Patrick J. Carroll – Carroll Associates and Doug Breer – Stephen Blatt Architects.

Chair Bingham introduced the item. Ms. Nixon described the proposal for the addition of two new portable classroom buildings, a shade structure, a small concession stand, the relocation of a third portable classroom building and the removal of five existing portable classroom buildings on the campus. They are proposing to do this in three phases. Phase one would involve the work at the Mabel I. Wilson school and it's slated for completion in the fall 2023. Ms. Nixon noted there is a time sensitivity with the portable review. Phase two will be for changing out the portables at the Greely Middle School in 2024 and phase three will be the addition of the concession stand at Greely Middle School also in 2024. The use is classified as an accessory building to a municipal use and is a permitted use in the Medium Density Residential Zoning District. The minimum lot size is one acre, the parcel is 51.4 acres in size and there's also a setback overlay that is applicable. Ms. Nixon reported that the Town Engineer has reviewed this and all of the comments have been addressed.

Pat Carroll, Landscape Architect – Carroll Associates, noted that a proposal for a new school was voted down but kids continue coming into the school system and the school district has a strong demand for classroom space. Mr. Carroll said that Mabel I. Wilson school is the most overcrowded and currently there is a ten-classroom building and two two-classroom buildings there. The intent is to take the ten-classroom building and shift it around on the site to where the playground area is and to replace the two two-classroom buildings with a twelve-classroom building in that location. The playground area would be relocated to the existing softball field.

Mr. Carroll said the Middle School location currently has three two-classroom buildings and the intent is to remove these and replace them with a ten-classroom building at the same site.

Mr. Carroll said between the High School and the Middle School is a soccer field and an equipment shed with restrooms and they propose putting in a new snack shack in this location.

Mr. Carroll outlined revised site plans for the project areas and said they would also like to provide a shade pavilion near the playground area. The new classroom buildings will have water and sewer. Mr. Carroll showed examples of a ten-classroom and twelve-classroom building and described the layouts.

Ms. Rardin asked if the portable buildings are secure. Scott Poulin, MSAD 51 Director of Finance, replied that this is one of the reasons that the district wants to go with the larger buildings because they have greater security. There will be a card swipe system to access entry to the building and they will be fully alarmed. Mr. Poulin said they also plan to increase the size of the fence along the roadway.

Mr. Auclair asked if the classrooms have sprinklers and Mr. Poulin replied that they have to per Code.

The Board reviewed the waiver requests and it was determined that these were not needed.

Mr. Poulin reported that the capacity of Mabel I. Wilson school is 550 and there are currently 763 students. In 2028 they expect to have 822 students. The Middle School current enrollment is 795 and the capacity is 650. In 2026 they expect to have 922 students and in 2029 they expect to have over a thousand students.

Chair Bingham opened the public hearing.

Bill Shane, Town Manager and Grandfather to a MSAD 51 student, asked if the fence at the Mabel I. Wilson school ballfield can be moved to maximize the available space. Mr. Carroll said the fence can be moved but it is not a flat area. Mr. Shane said they need the space and this is a crisis. The Town will have to work together to get through this and it will be a difficult few years for the school. Mr. Shane noted that almost two million dollars will be spent this year on portable classrooms and reconfigurations. Mr. Shane said we have to do better for our kids and the future of the communities of North Yarmouth and Cumberland.

Chair Bingham closed the public hearing.

The Board reviewed the proposed findings of fact. Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Auclair and **VOTED, 6 yeas, unanimous – motion carries.**

**Findings of Fact Chapter 229 - Site Plan Review, Section 10: Approval Standards and Criteria:** The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

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

***The proposed portable classroom building at MIW and GMS will be located on existing developed areas with direct access to building support services. The existing Tuttle Town playground will be relocated to the outfield of the softball field and MIW and enlarged, along with the addition of a shade structure. The additional hard play area and Pre-K play area are also being located on areas previously developed adjacent to support services and building access. The proposed concession stand will be located at the west end of the football field adjacent to other associated buildings with similar needs with direct access to the access way through the campus. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

**B. Traffic, Circulation and Parking**

**(1) Traffic Access and Parking.** Vehicular access to and from the development must be safe and convenient.

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

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

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

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

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

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

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

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

(1) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

(2) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.

## **(2) Access way Location and Spacing**

Access ways must meet the following standards:

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

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

**(3) Internal Vehicular Circulation.** The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

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

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

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

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

**(4) Parking Layout and Design.** Off street parking must conform to the following standards:

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

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

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

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Skew Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

(d) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(e) Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

(f) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

**(5) Building and Parking Placement**

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

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

**(6) Pedestrian Circulation:** The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

***There are no proposed changes to the existing site circulation, parking areas or pedestrian ways. All ramps and stairs from the new modular units will connect to existing paved walkways and hard surface areas. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

**C. Stormwater Management and Erosion Control**

**(1) Stormwater Management.** Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

(a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

(b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

(c) The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

(d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

(e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

(f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

(g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

**(2) Erosion Control**

(a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

(b) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

***All existing drainage patterns will be maintained wherever possible. The temporary modular classroom buildings are installed on concrete piers/pads over existing grade which allows existing drainage to move under them with no disturbance of existing patterns. Four-foot wide drip edges along each long side of the new and related portables will be installed. Erosion control measures including silt fence and silt sack catch basin inlet devices are proposed and detailed. The buildings will be placed over existing developed surfaces. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

**(D) Water, Sewer, and Fire Protection**



**(1) Water Supply Provisions:** The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

**(2) Sewage Disposal Provisions:** The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

**(3) Utilities:** The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

**(4) Fire Protection:** The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance.

***Public water and sewer connections will be made to each of the modular classroom buildings. A new sewer service will be required for the concession stand. Underground power and communication service will connect all modular classroom buildings with the existing school buildings. Power will be connected to the concession stand. A letter from the Portland Water District indicating capacity to serve is a proposed condition of approval. All portable classrooms will be fully accessible by emergency vehicles and personnel. A minimum 20' clear zone has been maintained between the buildings and the existing school. Sprinkler service connections are proposed to each of the modular classroom buildings. Based on the above findings of fact, and the proposed condition of approval, the Planning Board finds the standards of this standard have been met.***

#### **E. Water Protection**

**(1) Groundwater Protection:** The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

**(2) Water Quality:** All aspects of the project must be designed so that:

**(a)** No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

**(b)** All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

**(3) Aquifer Protection:** If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

***The modular classrooms are served by public water and sewer and will not impact any groundwater sources on adjacent properties. No hazardous materials are proposed to be used at this site. The site is not located within the Town Aquifer Protection Area. Based on the above finding of fact, the Planning Board finds that the standards of this section have been met.***

**F. Floodplain Management:** If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

***The project is not located within a special flood hazard area as identified in the latest FEMA flood maps. Based on the above finding of fact, the Planning Board finds the standards of this section have been met.***

**G. Historic and Archaeological Resources:** If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

***There are letters on file from previous site plan applications stating that the Maine Historic Preservation Commission has not found there to be any historical or archaeological resources present on the site of the school campus. Based on the above finding of fact, the Planning Board finds the standards of this section have been met.***

**H. Exterior Lighting:** The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

***No new exterior lighting is proposed other than that provided by lights at either ends of the portables. School uses are proposed to occur during daytime hours. The existing school buildings have several wall mounted lights that provide security lighting for the hard surface play area and internal walkways. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

#### **I. Buffering and Landscaping**

**(1) Buffering of Adjacent Uses:** The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

**(2) Landscaping:** Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

***The proposed project site is within the interior of the campus and is limited visually from abutting properties. Given their temporary nature, the installation of landscaping to buffer the portables is not feasible. Based on the above findings of fact, the Planning Board finds the standards of this section have***

**J. Noise:** The development must control noise levels such that it will not create a nuisance for neighboring properties.

***The portables will not generate noise that would affect neighboring properties. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

#### **K. Storage of Materials**

**(1)** Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

**(2)** All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

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

***Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

**L. Capacity of the Applicant:** The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

**Technical Ability:** *The applicant has retained an architect, landscape architect, civil engineer and surveyor to assist in preparing the site plan.*

**Financial Capacity:** *The leasing of the portables will be paid for from the operating budget of the MSAD.*

***Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

#### **M. Design and Performance Standards**

**(1)** Route 100 Design Standards

**(2)** Route 1 Design Standards

**(3)** Town Center District Design and Performance Standards

**(4)** Village Mixed Use Performance Standards.

***None of the above are applicable to this project.***

The Board reviewed the proposed conditions of approval.

Mr. Saunders moved to approve the amendment to an approved site plan for MSAD #51 for reconfiguration of portable classrooms at the Greely Middle School campus located off Main St. at Tax Assessor Map U11, Lot 1 and for the Mabel I Wilson campus located off Tuttle Rd. at Tax Assessor Map U11, Lot 9, subject to the limitation of approval, the standard condition of approval and two proposed conditions of approval, seconded by Ms. Perry and **VOTED, 6 yeas, unanimous – motion carries.**

**STANDARD CONDITIONS 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 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) 1 year 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.

**Conditions of Approval:**

1. All local permits such as building, plumbing and electrical shall be obtained from the CEO prior to the placement of the portables.
2. A letter from the Portland Water District stating capacity to serve is required prior to the issuance of a building permit.

**5. Public Hearing:** One Year Extension of Site Plan Review Approval for construction of a 10,280 square foot professional office building on Condominium Unit 3, at 2 Faraday Drive as shown on Tax Assessor Map U-20, Lot 73 in the Village Center Commercial (VCC) zoning district. Applicant: James Schmidt. Owner: Grun Properties, LLC.

Chair Bingham introduced the item. Ms. Nixon said that Mr. Schmidt is requesting a one year extension. The project ran into problems with acquiring necessary supplies during Covid and labor shortages.

Chair Bingham opened the public hearing. There were no comments and Mr. Bingham closed the public hearing.

Mr. Saunders moved to approve a one-year extension of site plan approval for the construction of a 10,280 square foot professional office building on condominium unit 3 at 2 Faraday drive as shown on Tax Assessor Map U20, lot 73, seconded by Mr. Auclair and **VOTED, 6 years, unanimous– motion carries.**

**6. Public Hearing:** Recommendation to Town Council on the re-adoption of the February 22, 2016, version of the Route One Design Standards, as recommended by the Town Attorney.

Mr. Bingham introduced the item.

Town Manager Bill Shane said that they found that the online ordinances were not updated. Ms. Nixon was using the correct standards for Planning Board meetings but the online version was the old standards for Route One. Mr. Shane said the Town Attorney said the Town should readopt the 2016 version.

Chair Bingham opened the public hearing. There were no comments and Mr. Bingham closed the public hearing.

Mr. Saunders moved to recommend to Town Council to re-adopt the February 22, 2016, Route One Design Standards, seconded by Mr. Turner and **VOTED, 6 years, unanimous – motion carries.**

**7. Public Hearing:** Recommendation to Town Council on amendments to Chapter 315 (Zoning), Article IV (Lot Regulations), to add Section 33.1 (Effect of Demolition of Dwelling Units), and update lot densities 315-10, 315-11, 315-16, 315-17, 315-18, 315-20 (these will clarify minimum lot area per dwelling unit), and add 315-17E (LDR) to include design standards for multiplexes, and 315-14 (definition for shed), and 315-45 (section for conversions) A, A(3), and A(4b), as recommended by the Ordinance Committee.

Chair Bingham introduced the item.

Mr. Shane reported that this is a lot of clean up work to align with LD2003 that will take effect on July 1<sup>st</sup>. The intent of this legislative action has been to increase affordable housing. Mr. Shane believes strongly that Town Ordinances are in really good shape and these amendments are truly housekeeping. Mr. Shane noted a change to the demolition ordinance where you can't demolish a house and put a multiplex up to get a density bonus. Mr. Shane noted that the changes do not do anything to make the ordinances prohibitive but do clarify the language. Mr. Shane noted that there is a wild card in that we do not know what is going to come out of Augusta in the next few months related to LD2003.

Mr. Auclair referred to section 315-10, Island Residential District, item C2 previously had duplex development that was deleted and now just has a minimum lot area and asked if duplex doesn't have to be there. Mr. Shane replied no. Mr. Auclair referred to section 315-7. B and asked about the difference between home occupations and home based occupations. Mr. Shane said one is where things are made in the home and the other is where there is a storage shed where you might have a landscaping business but you are leaving the site.

Mr. Saunders asked if accessory dwelling units (ADU) are considered in the number of dwelling units allowed per lot size. Ms. Nixon replied that ADUs are considered secondary dwelling units and the ordinance has a whole section on ADUs and she does not think there is a need to differentiate them. Mr. Shane said the Town is waiting to hear from the State about tiny house models that might be coming next and the Town ordinance does not recognize these.

Mr. Saunders moved to recommend to the Town Council to approve amendments to Chapter 315 as presented and discussed tonight, seconded by Ms. Perry and **VOTED, 6 yeas, unanimous – motion carries.**

**G. Administrative Matters/New Business:** Ms. Nixon said she will set up the site walk for as soon as she can and suggested a 5 pm time.

**H. Adjournment:** Mr. Auclair moved to adjourn the meeting at 8:50 pm, seconded by Mr. Saunders and **VOTED, 6 yeas, unanimous – motion carries.**

#### **A TRUE COPY ATTEST:**

\_\_\_\_\_  
Peter Bingham, Planning Board Chair

\_\_\_\_\_  
Christina Silberman, Administrative Asst.