

TOWN OF CUMBERLAND PLANNING BOARD MEETING MINUTES
Tuesday, May 18, 2021 at 7:00 pm

A. Call to Order: Chairman Auclair opened the meeting.

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.

C. Approval of the Minutes of the April 20, 2021 meeting: Minor amendments were noted. Mr. Record moved to accept the minutes as amended, seconded by Mr. Kenny and **VOTED, 6 yeas, 1 abstained (Saunders) - motion carries.**

D. Staff Site Plan Approvals: MSAD #51. Expansion of 8 portable classrooms to 10. Ms. Nixon reported this is for additional classroom space at the Mabel I. Wilson school.

Mr. Saunders asked if the school came to the Town and wanted to do 10 classrooms in one fell swoop, would it be over what is allowed for staff (review). Ms. Nixon replied that staff review is based on the square footage. Mr. Saunders asked if someone wanted to do a big project, could they iteratively every year come and do a little piece to go through staff site plan. Mr. Nixon replied that this is possible. Mr. Saunders said this could be an issue and asked if next year the school wants to remove the portables, would they have to come back for site plan approval. Ms. Nixon said she hasn't thought to have this done. Mr. Saunders replied that this is something to think about.

E. Minor Change Approvals: None.

F. Hearings and Presentations

1. Public Hearing: Sketch Plan Review for a 3 lot Major Subdivision, Ross Estates, on a 12.41-acre parcel located on Blanchard Rd. Ext., Tax Assessor Map R08, Lot 68i in the Rural Residential 2 (RR2) Zoning District. Applicant/Owner: Stonewood Land, LLC. Representative: Kevin P. Clark, PLS, Sitelines Civil Engineers and Surveyors.

Chairman Auclair introduced the item.

Kevin Clark, Sitelines, (via Zoom), said he represents Stonewood Land, LLC and Nate Ross and he described the proposed 3 lot subdivision. The lots will have private water and septic. Mr. Clark said that the applicant will preserve the existing trail system and will avoid environmental features to the greatest extent possible.

Mr. Clark noted that at the preapplication workshop the Planning Board choose the conservation subdivision option versus the traditional option despite the applicant's preference and asked if there is any recourse to readdress this. Ms. Nixon replied that the decision is binding unless the Board wants to go back to the preapplication workshop step. The Board discussed the reconsideration process.

Mr. Grant displayed the proposed plan and outlined revisions since the last meeting. Open space has been added around the perimeter. The lots were modified to gain frontage on the private right-of-way that will come off Blanchard Rd. Ext. One trail will probably need to be moved outside of the building envelopes.

Mr. Record recalled that the applicant is agreeable to working with the trails committee for putting trails through the conservation area regardless of who owns it. Mr. Grant replied that this is correct.

Chairman Auclair opened the public hearing.

John Jensenius, Vice Chair - Lands & Conservation Commission, said that the developer is proposing a reasonable plan. Mr. Jensenius referred to two existing trails and said he is glad to hear that the developer is working on changes to keep the trails open. Mr. Jensenius noted that the five subdivisions/proposed subdivisions in the area could provide a nice trail system for residents but private open space ownership creates challenges for establishing trails. Mr. Jensenius asked if the developers would consider offering the Town either the open space or a public easement for the open space. Mr. Jensenius noted that the Commission is interested in ensuring that the open space has an acceptable forest management plan.

Jeff Kalinich, 371 Blanchard Rd. Ext., noted that when he came to the prior workshop it was a minor subdivision but now it is a major subdivision. Chairman Auclair explained that it is designated major because a new road will be added. Mr. Kalinich asked about road issues. Ms. Nixon explained that this information will come at the next meeting with the preliminary plan review. Ms. Nixon added that the Board has to use the same standards for minor and major subdivisions. Mr. Clark noted that Mr. Ross is working on an agreement to make some improvements to the road.

Chairman Auclair closed the public hearing.

Mr. Saunders referred to section 250.37.G indicating that walkways shall be provided along all roads within a proposed subdivision and noted that the Board may need some clarity on if the road is within the subdivision.

Mr. Kenny referred to the Commission's request to have an easement/open space turned over to the Town and said that he is not in favor of turning it over to the Town for getting it off the tax rolls and he prefers the easement. Chairman Auclair agreed. Discussion ensued regarding easements vs. Town ownership of open space and who determines this.

Mr. Saunders moved that the Board received the sketch plan review and found it to be satisfactory, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

2. Public Hearing: Preliminary Major Subdivision Review for a 14 lot (13 homesites) subdivision, Blanchard Oaks, on a 51.78-acre parcel located at 365 Blanchard Rd. Extension, Tax Assessor Map R08, Lot 68A in the Rural Residential 2 (RR2) Zoning District. Applicant/Owner: Chris Axelson. Representative: Travis Letellier, P.E. Northeast Civil Solutions, Inc.

Chairman Auclair introduced the item.

Mr. Saunders noted that he was not present at the last meeting when the project came for sketch plan review. Mr. Saunders said he was present for the workshop where the Board discussed the same information. Mr. Saunders has watched the video of the meeting and read the minutes and he does not think his absence will affect his ability to hear this item. Chairman Auclair called for a vote of Board members that are in favor of Mr. Saunders participation in this item, **6 yeas, 1 abstained (Saunders).**

Ms. Nixon noted that this is the first substantive review of a major subdivision, a two-step process, the preliminary plan review and then final plan review. The application tonight is asking for the preliminary plan approval.

Jim Fisher, Northeast Civil Solutions, explained that Travis Letellier, who is the design engineer, is at a different meeting this evening. Mr. Fisher explained that this is a proposal for a 13-house lot subdivision off Blanchard Rd. Ext. Mr. Fisher displayed the proposed subdivision plan and noted that it comes off the Blanchard Road Ext. public area with a dead-end road of 2,200 linear feet. The applicant is seeking a waiver of the 2,000 linear foot limit.

Mr. Fischer said that this is an approximate 44-acre site. The applicant plans to develop approximately half and this is a conservation subdivision. Mr. Fischer described the open space. The DEP permit is outstanding and they hope to have this for the final approval. The project proposes 13 house lots on private wells and septic. Electricity will be buried. Mr. Fisher said that they are looking at minimal impact of wetland crossings. The project will have the requisite buffers. Mr. Fisher indicated that Gorrill Palmer did the review and came up with a list of criteria that has been addressed.

Mr. Fisher outlined the waiver requests. The homes will all be sprinklered.

Chairman Auclair referred to potential issues with lot 5 and noted that additional information was sent to the Board earlier today that he has not reviewed and asked if this was what Mr. Fisher said was sent to the Town. Mr. Fisher replied yes. Chairman Auclair asked if the Town Engineer has looked at this. Ms. Nixon replied not yet.

Mr. Record said that the Board has received comments from residents in the area with a lot of concerns about water tables and he is hesitant to waive anything. Mr. Record said he is hesitant to waive the soils. The Board does not have an answer from the Fire Chief whether he is okay with the road length. Ms. Nixon said that the Fire Chief typically does not have an issue with something that is a few hundred feet longer. Mr. Record added that he is in favor of sidewalks. Mr. Record referred to the curbing and asked Ms. Nixon if there are concerns. Ms. Nixon replied no. Mr. Record asked what depicting the location of the houses on the plan does. Ms. Nixon said she isn't sure why this is in the requirements and she will think about modifying this. Ms. Nixon added that the plan shows the building envelopes which is all the Board really needs. Mr. Record asked about trails for public use. Mr. Fisher said the applicant wouldn't have a problem in theory with members of the public being able to use a trail system, the issue is who is responsible for it.

Mr. Saunders said he would like to have the peer review engineer opinion on the waivers and he would like to hear from the Fire Chief on the dead end. Mr. Saunders might be open to some flexibility regarding the byways. Mr. Saunders asked about some of the findings and discussed the financial capacity/commitment letter.

Ms. Billing inquired about the reasoning for the soils waiver and Mr. Fisher explained.

Ms. Sawchuck said she has two main concerns, one being traffic, but the traffic report has come back and seems satisfactory. Ms. Sawchuck said she does like Al Palmer's suggestion that a crash that occurred could be looked into more closely for safety purposes. Ms. Sawchuck is also concerned with the water with the addition of wells and

septic systems but the reports came back and look good. Ms. Sawchuck referred to the neighbors who commented previously and said that she hopes if they have disputes then they should come forward. Ms. Sawchuck thinks the project looks very good.

Mr. Record asked about a streetlight and Mr. Fisher said there is one existing now.

Mr. Saunders referred to ordinance section 250.37.B.4 and asked if the Town would want a utility easement and or up to a 20' right of way for pedestrians/bikes.

Chairman Auclair discussed wells and water issues.

Ms. Rardin asked if the abutting Orchard Cove subdivision has sidewalks. The answer was no.

Chairman Auclair opened the public hearing.

John Jensenius, Vice Chair - Lands and Conservation Commission (LCC), said the developer is proposing a reasonable plan for the subdivision. The LCC would support the waiver to not depict trees 10" or greater in diameter and would support the waiver to allow the road length. The LCC has concerns with the plan for the HOA (Homeowners' Association) to own the open space and hold the conservation easement on the open space. The LCC prefers conservation easements be held by an entity other than the property owner. Mr. Jensenius said the open space could provide a nice trail system, however, open space can create challenges when privately owned. The LCC would like the developers to consider offering the Town the open space or a public easement to the open space. Mr. Jensenius said the LCC is interested in ensuring that the open space has an acceptable forest management plan.

Chairman Auclair asked if the LCC discussed the sidewalk. Mr. Jensenius replied not with this project, but with other projects the LCC has opted to have a sidewalk.

Denny Gallaudet, 67 Range Rd. & Chair - LCC Forestry subcommittee, said that he is a woodlot owner. Mr. Gallaudet noted that Cumberland has 1,200 acres of forest land that is owned outright on 13 properties, one of which is Westbranch Pond right down the road (from the project). Mr. Gallaudet opined that this is the most beautiful woodland in Town and he has great hope for this open space from a forestry perspective. The LCC is taking a keen interest in how this is developed as the first conservation subdivision. The Town has 260 acres of open space as a result of past developments. This is a significant amount of forest land that the LCC does not directly engage themselves with, except to educate and work with the landowners. The LCC has investigated forest management plans for these 260 acres and found that they could be more complete. Town forests are managed pursuant to guiding principles approved by the Council that are a linked to standards of the Forestry Stewardship Council, a global standard granting agency.

Mr. Gallaudet said the LCC hopes that the homeowners' associations will seek to have more granularity and specificity in the way they manage, and the standards to which they hold, their own land. The LCC would like a separation of duties between the owner and the person that owns the easement. The LCC hopes homeowner associations look at the LCC's guiding principles, in particular the Forestry Stewardship Council standards, to see if they can't build those into the management of their own properties. Mr. Gallaudet thinks it would be better for there to be a separate conservation easement running to the Town or a land trust so there is a more complete understanding of the

resource that the Town has in the forest. Mr. Gallaudet added that it's going to be a beautiful forest and will ensure rise of the standard of Westbranch woods.

Jeff Kalinich, 371 Blanchard Rd., pointed to section A of the road on the displayed plan and the open space and said he is concerned with making the open space public because the easiest way to get there is over the private road. Mr. Kalinich said it is important to him as an abutter that there be some way to control what is happening. Mr. Kalinich said he thinks there is plenty of water. There is a pond nearby where people can go to visually monitor the groundwater level. Mr. Kalinich expressed concern with traffic in the area.

Chairman Auclair closed the public hearing.

The Board reviewed and discussed the waiver requests.

Mr. Saunders moved that due to the unique character of the property and the project that the Board waive the requirement for depiction of trees 10" or greater on the plans, seconded by Mr. Record and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the unique character of the project and the property that the Board waive the requirement for submission of a high intensity soils survey, seconded by Ms. Billing and **VOTED, 5 yeas, 2 nays (Kenny & Record), motion carries.**

Mr. Saunders moved that due to the unique character of the project and the property that the Board waive the requirement for depiction of building locations on the plans, seconded by Mr. Record and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the unique character of the project and the property that the Board wave the 2,000 linear foot limit of the dead-end road length and allow up to 2,400 feet, seconded by Ms. Rardin and **VOTED, 3 yeas (Billing, Rardin & Sawchuck), 4 nays, motion fails – waiver denied.**

Mr. Saunders moved that due to the unique character of the property and the project that the Board waive the requirement for a sidewalk along the subdivision road, seconded by Ms. Billing and **VOTED, 5 yeas, 2 nays (Record & Saunders), motion carries.**

Mr. Saunders moved that due to the unique character of the property and the project that the Board waive the requirement for curbing along the curve of the road seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Chairman Auclair reviewed the proposed findings of fact. Amendments were noted. The Board reviewed the proposed conditions of approval.

Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

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 13 lot residential subdivision is not located in a mapped floodplain. Each lot will have a private septic system and passing soils tests for each of the proposed lots have been provided. The residential development will not result in undue air pollution. Streams will not be used for the disposal of effluents. A nitrate plume analysis has been completed and shows no offsite impacts to groundwater. 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 lots will be served by private wells. A hydrogeologic evaluation report outlines the water usage on the property and calculates the amount of recharge the property will contribute to the underlying aquifer. The report concludes that there will be little if any drawdown to the aquifer due to the 13 new wells, one for each lot. The Town Engineer has reviewed and approved the findings of the hydrogeologic report. Based on the information provided, the standards of this section have been met for preliminary approval.

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 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;

The applicant has submitted an erosion and sedimentation control plan that has been reviewed and approved by the Town Engineer. An MDEP Stormwater permit is required which will include details on erosion and sedimentation control. 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 assessment dated April 26, 2021 was prepared by Traffic Solutions. The assessment shows that the proposed 13 single family homes can be expected to generate a total of 123 trips during a typical weekday. The Maine DOT Accident Records Section crash data for the period 2018 – 2020 shows that the defined study area is not a high crash location. Based on the information provided, the standards of this section have been met for preliminary approval.

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;

Each home will have a private septic system. A preliminary soil test report was conducted on April 22, 2021. The report dated March 26, 2021 shows that the soil is suitable for subsurface wastewater disposal. Soil test pit locations are shown on the plan. A complete wastewater disposal system design (HHE-200) is needed for a permit to install the system once building locations, building sizes and site development are conceptualized. 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. The addition of 13 new homes 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;

The area of proposed developments has been designed to impact as little of the protected natural resources as possible and over 20 acres of the property will be preserved as part of the approval. Letters from state agencies stating that no areas of the site contain significant wildlife or habitat areas or that significant impacts to historic

or protected natural resources will occur. Based on the information provided, the standards of this section have been met for preliminary approval.

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 by the town planner, the town engineer and town department heads. Review comments are being addressed by the Applicant's engineer. Based on the information provided, the standards of this section have been met for preliminary approval.

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, land use attorneys and a wetland scientist.

Financial capacity: There is a letter dated April 21, 2021 from Ballentine Partners stating that Chris Bowden holds in excess of \$800,000 in liquid securities that will fund the completion of the project. Additional evidence is required for final submission.

Based on the information provided, 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 project will involve the filling of a small portion of the overall wetlands on site and there will be a stream crossing. All work within these areas needs to be permitted by the Maine DEP. Based on the information provided, the standards of this section have been met for preliminary approval.

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

A hydrogeologic evaluation was conducted that concludes there will be little if any drawdown to the aquifer due to the 13 new wells. The report concludes there will be little effect on the groundwater quality due to the private septic systems that will be used within the development. Based on the information provided, the standards of this section have been met for preliminary approval.

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. 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 Permit application has been submitted to MEDEP. A copy of the stormwater management report supporting the application was provided in the packet. Receipt of the MEDEP Stormwater Permit will be required for final approval. The Town Engineer has reviewed the stormwater management plan and has made several comments which will need to be addressed for final submission. Based on the information provided, 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.

All wetlands have been mapped and shown on the plan. Impact to the wetlands has been minimized to the greatest extent possible. A wetlands permit is required from the Maine DEP. Based on the information provided, the standards of this section have been met for preliminary approval.

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 two streams on the parcel. A Maine DEP Permit by Rule has been applied for. Based on the information provided, the standards of this section have been met for preliminary approval.

Mr. Saunders moved to approve Preliminary Major Subdivision Review for a 14 lot ,13 homesite, subdivision, Blanchard Oaks, on a 51.78-acre parcel located at 365 Blanchard Rd. Extension, Tax Assessor Map R08, Lot 68A subject to the Standard Condition of Approval and the six recommended Conditions of Preliminary Plan Approval, seconded by Ms. Billing and **VOTED, 7 yeas, unanimous - motion carries.**

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 PRELIMINARY PLAN APPROVAL:

1. That the Board has acted on the requested waivers.
2. That any necessary MDEP and Army Corp of Engineers approvals be submitted for final review.
3. That all comments made by the Town Planner and Town Engineer be addressed prior to final submission.
4. That the required HOA documents be submitted in a form acceptable to the Town Attorney.
5. That an estimate of values be submitted and an updated letter of commitment for financing be provided by the applicant.
6. The applicant will provide an intersection grading plan as part of the final submission.

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

3. Public Hearing: Site Plan and Subdivision Amendment for an additional three residential apartment units within one 3,312 sf single story building at 5 Emerald Drive. The 3.1-acre site is located on Tax Assessor Map U21, Lot 1 in the Village Office Commercial 1 (VOC 1) Zoning District. Applicant/Owner: Andrew Hagerty. Representative: Alton Palmer, P.E., Gorrill Palmer Engineers.

Chairman Auclair introduced the item.

Al Palmer, P.E.-Gorrill Palmer, said he is here on behalf of Mr. Hagerty, along with Brad Pineau of Gorrill Palmer. Mr. Palmer said this property has been in front of the Board previously, including earlier this year for the zone change. The site was previously developed as a six-unit, one lot subdivision. Plans in front of the Board are to add three additional units so it would be a one lot, nine-unit subdivision. Mr. Palmer said technically this requires both an amended subdivision plan and site plan approval under the Ordinance. Mr. Hagerty will be purchasing approximately 70,000 square feet of land from the adjacent property to allow the construction of this building.

Mr. Palmer explained that Mr. Hagerty thought this would be four units at the rezoning meeting. The existing units are two stories and these units will be one level living which makes the building bigger. Mr. Hagerty elected to drop one unit and have one of the units as two bedrooms to fit better on the site so this building will have three units with four bedrooms.

Mr. Palmer said they have responded to comments received from Sevee and Maher and he believes all of the concerns can be addressed. Mr. Palmer outlined some outstanding items and explained the waiver request for a high intensity soils survey. Mr. Palmer described the location of the property and outlined the proposed plan.

Chairman Auclair referred to the list of comments from the review and confirmed that these have been addressed. Mr. Palmer replied that information was submitted to the Town late Friday and they have addressed the concerns. The Board discussed the response to peer review comments. Dan Diffin of Sevee and Maher said he did review the comment response from Mr. Palmer and his responses are acceptable. Mr. Diffin noted that he would support the high intensity soil survey waiver.

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

The Board discussed the peer review comments regarding outstanding items.

Mr. Saunders moved that due to the unique characteristic of this project and the property that the Board waive the requirement for high intensity soil survey, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Chairman Auclair reviewed the proposed findings of fact for subdivision review. There were many amendments. Ms. Nixon referred to the findings of fact for site plan review and said that these have the same types of language as the subdivision findings and the Planning Board has chosen to waive the reading of findings for things that are duplicated like this. Chairman Auclair asked if any of the Board members have a problem with waiving the reading. There were no objections to waiving the reading.

Mr. Saunders moved to adopt the findings of fact for subdivision ordinance as amended, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

FINDINGS OF FACT - Subdivision Ordinance, Section 1.1: The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

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 not located in a 100-year floodplain. The test pit information for subsurface wastewater disposal has been reviewed and found satisfactory. 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;

Water will be public. A letter from PWD indicating there is sufficient water for the needs of the subdivision is required. Based on the information provided the standards of this section have NOT been met but will be with a condition of approval.

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

A letter from PWD indicating that the proposed units will not cause an unreasonable burden on the existing water supply is required. The standards of this section have NOT been met but will be based on a condition of approval.

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;

The site is generally flat with well-drained sandy soils. The Town Engineer has requested several changes to the plan. Based on the information provided the standards of this section have NOT been met but will be dealt with a condition of approval.

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 increase from 6 to 9 residential units should not create unsafe road conditions however an updated MDOT Entrance Permit may be needed and updated traffic study information be provided. Based on the information provided the standards of this section have NOT been met but will be dealt with a condition of approval.

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 plan shows the location of a septic area. Test pit data is included. 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;

There will be no dumpster. Trash will be stored inside units. Information on whether the Town or a commercial waste hauler collects the trash. Based on the information provided the standards of this section have NOT been met but will be dealt with a condition of approval.

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;

Updated letters from State agencies are required. Based on the information provided the standards of this section have NOT been met but will be dealt with a condition of approval.

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 plan is not in conformance with the Town's ordinances as indicated in this review.

Additional information is required. Based on the information provided the standards of this section have NOT been met but will be dealt with a condition of approval.

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

The applicant has provided a letter dated 4/20/21 from Biddeford Savings indicates that the applicant has the financial capacity and wherewithal to complete the proposed project. A statement of values and a performance guarantee will be provided prior to the preconstruction conference. 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;

Wetlands have been delineated on the plans. The proposed development will not adversely affect the wetland areas. 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 proposed development will utilize public water. 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;

According to the National Flood Insurance Program's Flood Insurance Rate Map #230162 0015B, the property is located in Floodplain Overlay C-areas of minimal flooding. No special precautions are necessary in Zone C. 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;

The applicant has provided a "Stormwater Management Report" that has been reviewed by the Town Engineer. Minor modifications are needed. Based on the information provided the standards of this section have NOT been met but will be dealt with a condition of 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.

Wetlands have been identified on the plans and building envelopes and driveways have been drawn to avoid impacting them. 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]

No rivers, streams or brooks have been found on the site. Based on the information provided the standards of this section have been met.

Mr. Saunders moved to waive the reading of the findings of fact for the site plan ordinance, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

Mr. Saunders moved to adopt the findings of fact for site plan ordinance subject to various proposed conditions of approval to address those standards not currently met, seconded by Ms. Billing and **VOTED, 7 yeas, unanimous - motion carries.**

FINDINGS OF FACT: Site Plan Ordinance 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.

10.1 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 development is situated so as to avoid environmentally sensitive areas such as wetlands. Updated letters from State agencies are required. The Board finds the standards of this section have NOT been met but will be dealt with a condition of approval.

10.2 Traffic, Circulation and Parking

10.2.1 Traffic Access and Parking: Vehicular access to and from the development must be safe and convenient.

10.2.1.1 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.

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

10.2.1.3 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.

10.2.1.4 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.

10.2.1.5 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.

10.2.1.6 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.

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

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

a. 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.

b. 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.

The plan has been reviewed by the Town Engineer. An updated MDOT Entrance Permit may be required and this will be dealt with a condition of approval.

10.2.2 Access way Location and Spacing: Access ways must meet the following standards:

10.2.2.1 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.

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

The above standards have been met. The plan has been reviewed and approved by the Town Engineer.

10.2.3 Internal Vehicular Circulation: The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

10.2.3.1 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.

10.2.3.2 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).

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

10.2.3.4 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.

The above standards have been met. The plan has been reviewed and approved by the Town Engineer.

10.2.4 Parking Layout and Design: Off street parking must conform to the following standards:

10.2.4.1 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.

10.2.4.2 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.

10.2.4.3 Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
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

10.2.4.4 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.

10.2.4.5 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.

10.2.4.6 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.

All the above standards have been met.

10.2.5 Building and Parking Placement

10.2.5.1 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 with 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.

Parking is located to the front of the building. Additional landscaping may be required.

10.2.5.2 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.

Planting beds are provided between the parking area and the buildings.

10.2.6 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 is an existing paved access drive from Route 100. There are no existing sidewalks to connect with. All the above standards have been met. The plan has been reviewed and approved by the Town Engineer. The Board finds the standards of this section have been met.

10.3 Stormwater Management and Erosion Control

10.3.1 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.

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

10.3.1.2 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.

10.3.1.3 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.

10.3.1.4 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.

10.3.1.5 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.

10.3.1.6 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.

10.3.1.7 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.

The stormwater plan has been reviewed by the Town Engineer. Minor changes have been requested.

10.3.2 Erosion Control

10.3.2.1 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.

10.3.2.2 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.

The erosion control plan has been reviewed and approved by the Town Engineer.

10.4 Water, Sewer, and Fire Protection

10.4.1 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.

A letter from the PWD indicating there is adequate capacity to serve is required and will be a condition of approval.

10.4.2 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.

Wastewater will be disposed of in conformance with Maine Wastewater Disposal Rules.

10.4.3 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.

Electrical, telephone, and cable service will be underground from an existing pole located on the west side of Old Gray Road. An ability to serve letter from CMP is on file.

10.4.4 Fire Protection: The Fire Chief or his/her designee shall review the site plan for conformance with the Fire Protection Ordinance and may provide the Planning Board a list of suggested conditions of approval.

The proposed water service will be provided by the Portland Water District. An Ability to Serve letter is required. An existing fire hydrant is located 230' north of the access drive. The buildings will have sprinklers.

10.5 Water Protection

10.5.1 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.

The project will not generate 2000 gallons per day.

10.5.2 Water Quality: All aspects of the project must be designed so that:

10.5.2.1 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.

10.5.2.2 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.

There will be no storage of fuels or chemicals.

10.5.3 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 proposed residential development will not adversely affect the aquifer.

10.6 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 Ordinance.

The site is not located in a floodplain.

10.7 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.

This is a vacant site, there appear to be no historic or archaeological resources, however a letter from the Maine Historic Preservation Commission is required and this is listed as a proposed condition of approval.

10.8 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.

Additional lighting information is required.

10.9 Buffering and Landscaping

10.9.1 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.

Buffering will be provided by existing and proposed plantings along the property lines.

10.9.2 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 landscaping plan provides for trees, shrubs and foundation plantings. A 25' landscape easement to the Town is provided along the Route 100 property line.

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

The residential development is not anticipated to have noise levels which would be a nuisance to neighboring properties.

10.11 Storage of Materials

10.11.1 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.

10.11.2 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.

10.11.3 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.

There will be no non-residential storage of materials.

10.12 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.

The applicant has utilized a professional engineer, surveyor, soils evaluator and landscape architect.

Financial capacity is evidenced by a preliminary approval letter from Biddeford Savings.

The applicant will need to provide a performance guarantee in an amount acceptable to the town engineer and town manager prior to the preconstruction conference.

10.13 Design and Performance Standards

10.13.1 Route 100 Design Standards: All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.

The proposed buildings have been set back from Route 100. Existing and proposed vegetation/landscaping will provide a visual buffer to the Route 100 corridor. The buildings' architecture consists of gabled roofs and clapboard siding. There is ample open space and a 25' landscape easement along the Route 100 property line has been given to the Town for possible future sidewalk and/or landscaping. Lighting is minimal to provide for adequate safety of the residents. All fixtures are fully shielded.

The Board reviewed the proposed conditions of approval.

Mr. Saunders moved to approve amendments to site plan and subdivision approvals to allow for an additional three residential apartment units within one 3,312 sf single story building at 5 Emerald Drive, located on Tax Assessor Map U21, Lot 1, subject to the Limitation of Approval, the Standard Condition of Approval and the eight recommended Conditions of Approval, seconded by Ms. Sawchuck and **VOTED, 7 yeas, unanimous - motion carries.**

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.

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

CONDITIONS OF APPROVAL:

- 1.** That all fees be paid as required.
- 2.** That all clearing limits be flagged and approved by the Town Engineer prior to the start of construction.
- 3.** That a performance guarantee in an amount acceptable to the Town Manager be provided prior to the preconstruction conference.
- 4.** That a preconstruction conference be held prior to the start of construction.

5. That all comments made by the Town Engineer and the Town Planner be addressed prior to the preconstruction conference.
6. That receipt of approval from the Maine Department of Transportation and letters from the IF&W, Maine Historic Preservation Commission and Department of Conservation be submitted prior to the preconstruction conference.
7. That receipt of the Portland Water District Capacity to Serve subject to the design build to be provided with Building Permit application.
8. That the Applicant shall provide information on how solid waste will be disposed of.

4. Pre-Application Presentation for a proposed 50-unit residential condominium building to be located at 100 US Route 1. The 3.16-acre parcel is shown on Tax Assessor Map R01 Lot 13 in the Office Commercial (South) Retail, Restaurant, Multiplex Dwelling, Mixed-Use Overlay District. Owner: David Spellman. Representative, Dan Diffin, P.E., Sevee and Maher Engineers.

Chairman Auclair introduced the item.

David Spellman introduced himself as the owner of the property and provided information on his background. Mr. Spellman provided information about the development challenges for the property.

Dan Diffin, P.E. - Sevee and Maher Engineers, said he is here with Travis Nadeau from Platz Associates who is the architect on the project. Mr. Diffin showed an aerial view of the property and described the site. The plan is for a five story 50-unit condominium building. There is public sewer nearby that the project can connect to. Public water is also available. Mr. Diffin reported that they have talked with the Fire Chief about access to the site. Mr. Diffin shared a proposed plan of the project and described the plan. Mr. Diffin outlined permitting needed for the project.

Travis Nadeau, Platz Associates, showed plans of the proposed building and described the features. The building will be a mix of two and three bedroom units with open floor plans and island kitchens.

The Board asked questions of the applicants and thanked them for the presentation.

5. Public Hearing: Recommendation to the Town Council on an Amendment to Section 250 Subdivision of Land for: 1) Section 250-3 Definitions: to add a definition of Sketch Plan Review; 2) Section 25—17A to remove requirement for the Sketch Plan step from the major subdivision review process when a Planning Board Workshop as per Section 250-14B has been held.

Chairman Auclair introduced the item. Ms. Nixon explained the proposed amendments. The Board discussed the proposal.

Mr. Saunders moved that the Board recommend to the Town Council an amendment, as amended tonight, to Section 250 Subdivision of Land for: 1. Section 250-3 Definitions to add a definition of sketch plan review; 2. to Section 250-17A to remove requirement for sketch plan step from the major subdivision review process when a Planning Board workshop, as per section 250-14B, be held; and 3. that the Town further amend section 250-12-1 Flowchart, seconded by Mr. Record and **VOTED, 7 yeas, unanimous - motion carries.**

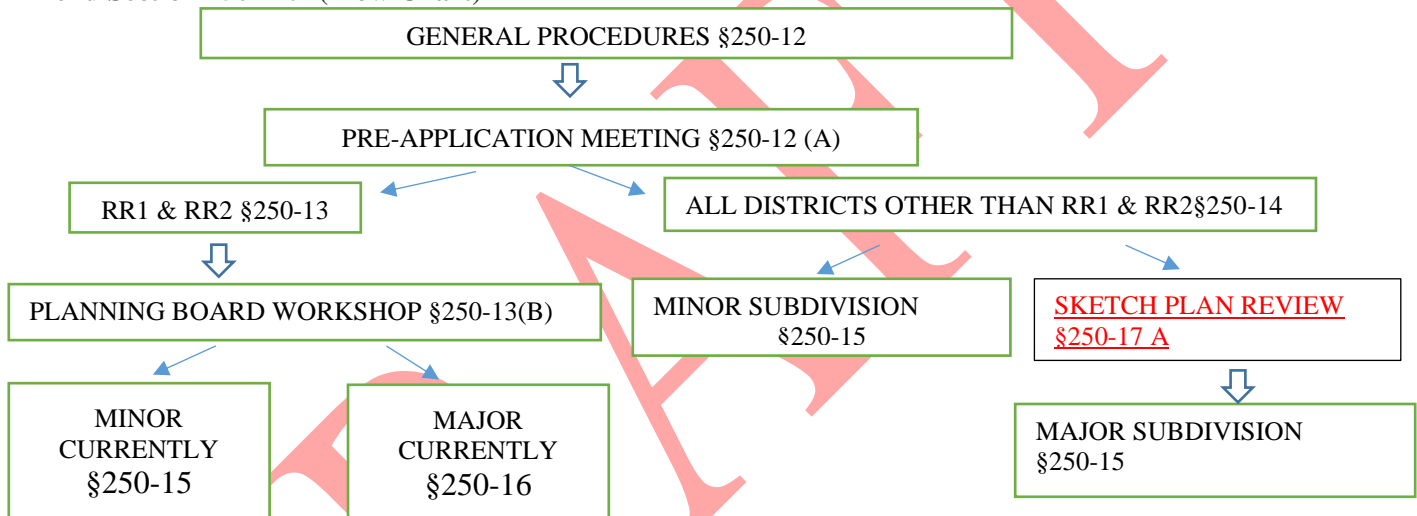
Amend Section 250-3 (Definitions) to add:

Sketch Plan - A preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern. The sketch plan shall be based on a survey plan of the parcel (or parcels) and show proposed location of roads, lots, parking and open space, if any. Sensitive natural areas such as wetlands, ponds or land in a resource protection district shall also be shown.

Amend Section 250 – 17A: Sketch plan review.

(1) The purpose of sketch plan review is for the applicant to submit a concept plan or plans to the Planning Board and to receive the Planning Board's decision as to which type of subdivision is most appropriate for the site. An application for sketch plan review and any accompanying materials shall be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered. The application shall be submitted electronically and two full-size paper copies shall be delivered to the Town Planner. Sketch plan review is not required when the type of subdivision plan (i.e., Conservation, Clustered or Traditional) has been determined in a Planning Board Workshop as per Section 250-14B.

Amend Section 250-12.1 (Flow Chart)



Chairman Auclair noted that there were no members of the public present or queued up on Zoom to speak during conduction of a public hearing on for item 5.

6. Public Hearing: Recommendation to the Town Council on an Amendment to Section 229 Site Plan Review section 2.C.3 to amend the minor staff review column to indicate “5 acres or less”.

Chairman Auclair introduced the item and noted it is a minor correction to the table that was amended previously.

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

Mr. Saunders moved that the Board recommend to Town Council to make an amendment to Section 229, Site Plan Review, section 2.C.3 to amend the minor staff review column to indicate five acres or less, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion carries.**

G. Administrative Matters/New Business: Mr. Record said he would like an update on surveys and growth reports.

H. Adjournment: Mr. Record moved to adjourn the meeting at 10:21 pm, seconded by Mr. Kenny and **VOTED, 7 yeas, unanimous - motion passes.**

A TRUE COPY ATTEST:

Paul Auclair, Board Chair

Christina Silberman, Admin. Asst.

DRAFT