

**CUMBERLAND PLANNING BOARD MEETING MINUTES**  
**November 15, 2022**

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

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

**C. Approval of the Minutes of the October 18, 2022, meeting.** Mr. Bingham moved to adopt the minutes of the October 18, 2022, meeting, seconded by Mr. Auclair and **VOTED, 5 years, 2 abstained (Rardin & Record), motion carries.**

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

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

**F. Hearings and Presentations:**

**1. Public Hearing: Cumberland Foreside Village Subdivision Amendment for a 350 foot extension of Sky View Dr. and to split an existing lot, Tax Assessor Map R01, Lot 11-7 into two lots. Applicant/Owner: Peter Kennedy, Heritage Village Development Group, LLC. Representative: Travis Letellier, P.E., Acorn Engineering, Inc.**

Chair Record introduced the item. Ms. Nixon noted that the review refers to the road being 24 feet wide and after discussions with the Town, the applicant now proposes to widen the road to 28 feet.

Travis Letellier, P.E., Acorn Engineering, said he is here with Peter Kennedy to present a subdivision amendment for the Heritage Development Group and Cumberland Foreside Village. Mr. Letellier displayed a plan of the subdivision and explained that the amendment is to subdivide lot 107 to create a 4.5 acre lot and to extend Sky View Dr. 350 feet. This will be a dead end road with a turnaround. The road extension will include underground utilities. Mr. Letellier explained that they initially proposed a 24 foot wide extension and after discussions with the Town Engineer and Town Manager they are comfortable extending the road to 28 feet wide to allow for a bike lane in both directions. The road will be curbed and will include a closed drainage system, an esplanade and a sidewalk on one side. Mr. Letellier noted that this project will not require an amendment to the existing DEP permit because the road was already accounted for with the initial permit.

Mr. Bingham asked if there are any issues from the Town Engineer's questions that will be difficult to comply with and Mr. Letellier said no.

Mr. Saunders referred to financial capacity and asked if they are looking at this item and the next item as one project. Mr. Letellier said these will be separate projects and he will address the questions about the financial capacity prior to construction.

Ms. Sawchuck asked if there is any project proposed for the second piece of the lot and Mr. Letellier answered no.

Ms. Perry referred to the OCS zone requirements for developed land and asked if the contract zone for this area has a similar requirement. Mr. Shane replied that this is a contract zone that waives the density requirement of the underlying zone.

Chair Record referred to the entrance and asked if another hammerhead will be needed for turning around. Mr. Letellier replied that the entrance will be designed to meet the requirements of a hammerhead and can be used as a turnaround as long as no one parks there.

Chair Record opened the public hearing.

Robert Knupp said he is a resident of Hawkes Ridge located across from the Chase/Kennedy contract zone. Mr. Knupp said there are now five commercial developments located along this perimeter of Route 1 and Route 1 is becoming a traffic hazard. Mr. Knupp explained that Tim Nastro, homeowners' association President, has addressed the concern with DOT. DOT has agreed to add signage regarding the use of the turn lane as a passing lane. This development with 55 units will add more cars to Route 1 that will soon become loaded with commercial and residential traffic. Mr. Knupp would like to have a moratorium on further development within the area. Mr. Knupp said there is a problem and the Town needs to look at this and find a creative way to cut down on development of parcels on Route 1 which will contribute significant amounts of traffic to an already existing problem.

Chair Record closed the public hearing.

Ms. Rardin thanked Mr. Knupp for his comments and said that the Planning Board is a judicial board. A moratorium would have to come from a governing board which is the Town Council. Ms. Rardin said that Mr. Knupp may wish to raise his concerns with the Town Council.

Mr. Saunders moved to waive the reading of the findings of fact, seconded by Mr. Bingham. Mr. Saunders referred to comments in the findings that need to be revised. Mr. Bingham asked if this is a preliminary review. Ms. Nixon said that this is an amendment and can be done in one meeting. Mr. Bingham suggested reading the findings of fact if this would be the only reading. The motion was then **VOTED, 1 yea (Auclair), 6 nays - motion fails.**

Mr. Auclair asked about the Engineer's comments. Ms. Nixon replied that the Engineer's comments have been verbally agreed to and there is a condition of approval that all review comments of the Town Engineer shall be addressed prior to the preconstruction conference.

Ms. Perry asked if a waiver is needed for the road width from 32 feet to 28 feet. Mr. Letellier replied that the contract zone road width standard is 28 feet and a waiver is not needed.

Mr. Saunders asked if Ms. Nixon agrees that the applicant does not need an amended SLODA permit and Ms. Nixon replied this is correct.

Chair Record read the prepared the findings of fact and corrections were noted.

Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Bingham 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 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.**

The Board reviewed the proposed conditions of approval and made changes.

Mr. Saunders moved to approve the Cumberland Foreside Village Subdivision Amendment for a 350 foot extension of Sky View Dr. and to split an existing lot, Tax Assessor Map R01, Lot 11-7 into two lots subject to the standard conditions of approval and the eight proposed conditions of approval, seconded by Mr. Bingham and **VOTED, 7 yeas – 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. 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.

**2. Public Hearing: Preliminary Major Subdivision Review 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. Applicant: Kristin Martin - The Szanton Company. Owner: Peter Kennedy, Heritage Village Development Group, LLC. Representative: Travis Letellier, P.E., Acorn Engineering, Inc.**

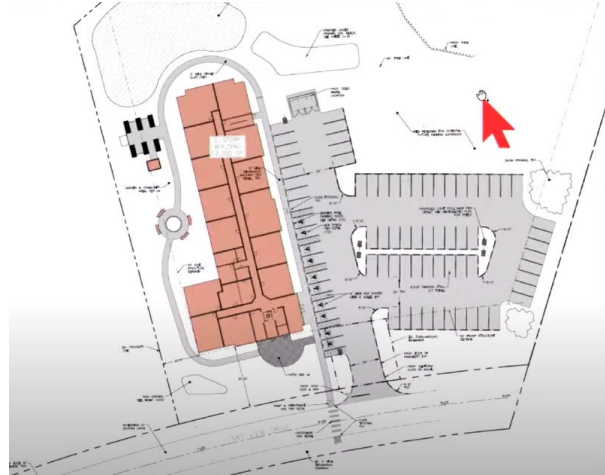
Nathan Szanton, Szanton Co. President, described his company and introduced his team including; Kristin Martin - Project Manager, Amy Cullen - Business Partner/ Cumberland resident, Ryan Sentore - Architect, and Travis Letellier, P.E. - Acorn Engineering.

Kristin Martin summarized the project for a fifty-five unit apartment building that will include 47 one bed units and 8 two-bed units. It will be age restricted to 55+ head of household and income restricted at 60% of the area median income. Amenities will include Wi-Fi, a fitness center, parking, an elevator, community spaces inside and out, weekly onsite management and coin-op laundry.



Ryan Senatore, Architect – RSA, outlined the proposed building design and noted that it is in compliance with the Route 1 Design Standards.

Mr. Senatore showed a depiction of how the building will appear from the abutting residential neighborhood.



Travis Letellier, P.E. - Acorn Engineering, displayed a project site plan and described the layout. The parking plan is for 1.4 spaces per unit. Utilities will be served underground. Portland Water District has granted the water main extension and the ability to serve. Mr. Letellier reviewed the stormwater plan.

Mr. Letellier outlined the waiver requests. Ms. Martin shared data from a parking study in support of the parking waiver request and said 1.4 spaces per unit will be sufficient. Ms. Martin identified an area on the plan where the parking area can be expanded if this is found to be needed after the development. Mr. Bingham said there should be a triggering mechanism to require the expansion of the parking. Ms. Nixon said that if the road is posted for no parking and the Town finds cars are parking on the road then this could be the trigger or there could be a requirement to visit the site after six months.

Amy Cullen, Vice President - Szanton Co. said that they could do a parking survey of the residents one year after the development. Mr. Saunders agreed that a parking study be done in one year after the development is completed.

Mr. Auclair noted that requirement for parking is 110 spots and asked if the plowed snow will tie up some of the parking spaces. Ms. Martin replied that snow is pushed to the exterior of the parking area or into unused spaces and if there is too much snow, they will have it hauled off as needed. Mr. Auclair said that he thinks 77 spaces is reasonable and he would be for the waiver. Mr. Szanton noted that forty-seven of the fifty-five apartments will be one-bedroom and the number of units with two cars is going to be very small.

Mr. Bingham asked about buffering. Ms. Martin said a landscaping plan was submitted and a concerned abutter has been provided a copy of the landscaping plan and seemed happy with the proposal.

Mr. Auclair asked about the peer review issues. Mr. Letellier said they will be addressed at the final review.

Chair Record opened public hearing.

Dr. Sean McCloy, abutter, said he would like some evergreen trees for the buffer to provide coverage year round. Dr. McCloy asked about water runoff from the parking area. Dr. McCloy referred to challenges in neighboring communities with the emergency housing shortage and the influx of new Mainers, asylum seekers and the homeless population and asked if that kind of population would be here. Ms. Cullen replied that the project is intended to be permanent housing and not emergency housing. Mr. Letellier said stormwater for the parking area will be directed to the back of the site.

Kim Young, Cumberland Foreside Village, expressed concern with how the parking area will appear from her home. Ms. Martin showed identified the location of the parking area and explained that they had to find as flat an area as possible for construction of the building. Ms. Martin said they will look at plantings and noted that there is a lot in between Ms. Young's neighborhood and this development. Ms. Young said she would like evergreen trees as a buffer and would like to be able to look out from her dining room and not see a parking lot. Ms. Young said she knows building is inevitable and lot eight that still needs to be developed and is concerned about what will go there and with the influx of traffic.

Bob Vail, Town Councilor, said one challenge that senior housing has its own set of problems and asked where the seniors will go when they're 85. Councilor Vail said he welcomes this development and the Town wants to provide housing for different need groups. Mr. Szanton replied that he has heard from Town staff that there is demand within Cumberland for affordable rental housing. The Szanton Company is proposing to build safe, affordable, good looking rental housing that will serve people's needs until the point where they can no longer live independently at which point, they would have to go to some type of continuing care or assisted living facility. Ms. Szanton noted that there will be a resident services coordinator that can help people connect to services.

Town Manager Bill Shane said that since the 90s, there have been no assisted living facilities built in Maine that can be paid for with MaineCare dollars and that is a crisis in Maine that Mr. Szanton cannot fix. Mr. Shane said there is a crisis here in Cumberland as well, for the last twenty years there have been over 150 people on the waiting list for senior housing at Hawthorne Court. Mr. Shane said he is excited about this project to bring quality residences that may be occupied by many Town residents.

Tom Foley, True Springs Farm, asked if the developer has looked at having a van service for residents to connect to public transportation routes. Mr. Szanton said their current developments do not have van service but they do not rule out having it. Mr. Szanton said the Town has a volunteer driver's program to drive people to appointments, etc.

Mr. Bingham said that the Planning Board are not social engineers and cannot tell developers where and what to build. Mr. Bingham said if a project meets the ordinances and standards then the Board is in order to approve the project.

Chair Record closed public hearing.

Chair Record asked if Cumberland residents can be prioritized. Ms. Martin replied that they can't prioritize anyone and have to process applications in the order they are received but they can market to Cumberland residents.

Chair Record gave kudos for the building design and suggested adding faux stone at the bottom to help break up the appearance. Chair Record said he doesn't have concerns about the net impact of seniors coming into the community.

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board waives the requirement for a hydro geologic study, seconded by Mr. Bingham, and **VOTED, 7 yeas – unanimous, motion carries.**

Mr. Saunders that due to the unique characteristics of the property and the project, the Board waives the requirement for a high intensity soil survey, seconded by Mr. Bingham, and **VOTED, 7 yeas – unanimous, motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board amends the requirement for two parking spaces per unit to 1.4 spaces per unit, seconded by Ms. Perry and **VOTED, 7 yeas – unanimous, motion carries.**

Mr. Saunders moved that due to the unique characteristics of the property and the project, the Board waives the requirement to note on the plan trees greater than 10" in diameter, seconded by Ms. Perry and **VOTED, 7 yeas – unanimous, motion carries.**

Mr. Bingham moved to waive the reading of the prepared findings of fact given the fact that this is preliminary approval and they have assurances that there are no major difficulties with the Engineer's comments and have come to a resolution with parking issue, seconded by Ms. Perry 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;

***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. Based on the information provided, The Board finds that the standards of this section have been met.***

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

**6. 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 who has asked for additional information for final review. Based on the information provided, the Board finds that the standards of this section have been met for preliminary 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; **A traffic impact assessment dated 10/24/22, was submitted that shows estimated trip counts indicating 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 municipal sewer. A letter from the Town Manager is required for final review. Based on the information provided, the Board finds that the standards of this section have been met for preliminary approval.**

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

**10. 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.**

**11. 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. Additional information is required for final plan submission. The Board finds that 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;

**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.**

**15. 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 an area described above. Based on the information provided, the Board finds that the standards of this section have been met.**

**16. 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.**

**17. 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.***

**18. Storm water.** 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 by the Town Engineer who has asked for additional information for final review. Based on the information provided, 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. ***Wetland areas have been identified. 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.***

Mr. Saunders moved to approve preliminary major subdivision review for White Rock Terrace 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 subject to the standard condition of approval, seconded by Mr. Auclair 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.

**G. Administrative Matters/New Business:** Mr. Auclair referred to electric school bus grants and asked if the Planning Board or Town Council have been involved in any way to write grants. Ms. Nixon said she is not aware of any grants that have been written for this. Chair Record said there is a program with the School Department that is being looked into for electric buses.

Mr. Saunders asked to have a copy of the Heritage/Cumberland Foreside Village contract zone agreement with the next packet for the Szanton item.

Chair Record reported he will be stepping down from Planning Board at end of December.

**H. Adjournment:** Mr. Bingham moved to adjourn the meeting at 8:20 pm, seconded by Ms. Rardin and **VOTED, 7 yeas – unanimous, motion carries.**

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Jason Record, Planning Board Chair

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Christina Silberman, Administrative Asst.