

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, September 17, 2019 – 7:00 pm**

A. Call to Order: Chairman Auclair opened the meeting at 7:03 pm and noted that item #3 for the Cumberland Foreside Condominium review has been tabled.

Chairman Auclair noted that six members of the Board are here. Board member Peter Sherr has recently resigned for personal reasons. Chairman Auclair, on behalf of the entire Board, gives sincere appreciation for Mr. Sherr's efforts and noted that his expertise will be sorely missed.

B. Roll Call: Present: Paul Auclair, Bill Kenny, Steve Moriarty, Jason Record, Joshua Saunders & Ann Sawchuck. **Staff:** Carla Nixon - Town Planner, Christina Silberman - Administrative Assistant & William Shane - Town Manager. **Absent:** The Board currently has one vacancy.

C. Approval of the Minutes of the August 20, 2019 Meeting: The Board noted minor corrections to the prepared minutes. Mr. Saunders moved to approve the minutes of the August 20, 2019 meeting as amended, seconded by Mr. Moriarty and **VOTED, 6 yeas, unanimous - motion carries.**

D. Staff Site Plan Approvals:

1. Town of Cumberland, 290 Tuttle Rd., Tax Map R03, Lot 51A for the placement of a 10' x 16' storage shed to be located on the westerly side of the town office building.

Town Planner Carla Nixon reported that the ordinance allows her, as staff to the Planning Board, to look at minor projects and consider whether they meet the ordinances. Ms. Nixon said that this is to place a small garage of 160 square feet on the Town lot next to the existing maintenance garage and this was approved.

E. Minor Change Approvals:

1. MSAD #51 - Mabel I. Wilson School, 353 Tuttle Rd., Tax Map U11, Lot 9 to replace three existing portable classrooms with one 8 classroom unit.

Ms. Nixon reported that this minor change is for Mabel I. Wilson School to replace three existing portable classrooms with one, eight classroom unit.

F. Hearings and Presentations:

1. Public Hearing: Amendment to an approved 10 lot Major Subdivision due to an ownership change for Orchard Road Subdivision, Tax Assessor Map R08, Lot 59.
Applicant: W. P. Clark and Sons Homebuilders, Inc.

Chairman Auclair introduced the item.

Ms. Nixon reported that this is an approved subdivision on Orchard Rd. that has had ground broken. The developer who initially brought the development through the Planning Board for review has sold their interest in the project. W. P. Clark, a/k/a Bill Clark, is now the owner. State statutes require that the Planning Board go back and

make a finding on the financial capacity. Mr. Clark has provided a letter of credit from his bank.

Chairman Auclair asked if the amount is the same and Ms. Nixon replied that it is slightly different.

William Clark, principal owner of W. P. Clark and Sons Homebuilders, Inc., said that they are single family, custom homebuilders and have been building homes for thirty plus years. Mr. Clark said they recently purchased this property from T Z Properties. Mr. Clark said that they have secured funding for the road and the letter of credit through a local lender.

Chairman Auclair opened the Public Hearing. There were no comments. Chairman Auclair closed the Public Hearing.

Mr. Moriarty moved that the Board amend its previous motion granting final approval for the Orchard Rd. Subdivision by indicating that the new owner W. P. Clark and Sons Homebuilders, Inc. has shown satisfactory financial capacity within the meaning of the Subdivision Ordinance and that that criterion has been satisfied, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Mr. Moriarty moved that the Board amend its' previous motion granting final approval for the Orchard Rd. Subdivision to note the change of ownership and the current owner is W. P. Clark and Sons Homebuilders, Inc., seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

2. Public Hearing: Final Review for Christmas Creek 20 Lot Major Subdivision, located on Tuttle Road, Tax Assessor Map R04, Lot 10. Applicant: Beta Zeta Properties, LLC; Representative: Thomas Perkins, PE - Dirigo Architectural Engineering, LLC.

Chairman Auclair introduced the item.

Ms. Nixon noted that this is a subdivision that has been under review for some time now. The project has been very close to getting final approval but the Maine Department of Environmental Protection (DEP) had some concerns about stormwater management. More work was done sizing culverts and this had an impact on the Town culvert. Ms. Nixon said that at this point the permit, while not in hand, is imminent and they do not expect any changes.

Chairman Auclair reviewed the project history.

Tom Perkins, PE – Dirigo Architectural Engineering, said that they have been working with Ms. Nixon to address comments that DEP has had on the site law application.

Mr. Perkins showed an updated plan and noted there has not been a lot of change, some notes have been added. Mr. Perkins said that some of the building envelope windows have been massaged due to wetlands.

Chairman Auclair confirmed that Mr. Perkins does not expect any major changes and Mr. Perkins agreed.

Ms. Sawchuck asked if the plan on display was included in the Board's meeting materials. Mr. Perkins said that the displayed plan does have some additional language.

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

Mr. Kenny asked if adding the fill areas on the lots changed the building envelopes. Mr. Perkins replied that it did. Chairman Auclair asked if the Board has drawings with these changes and Mr. Perkins replied that they do. Ms. Sawchuck confirmed that the plan on display is the final plan and Mr. Perkins agreed.

Mr. Record asked what Chapter 482 is, the reason for the changes. Mr. Perkins replied that this is for when you are using an existing stream crossing and improving it, you don't have to count any additional wetland impacts. Mr. Perkins noted that previously they had accounted for the wetland impacts with the side slopes.

Chairman Auclair reviewed waivers. The only waiver needed is the requirement for a survey of trees over 10" in diameter.

Chairman Auclair reviewed the proposed Findings of Fact. Some updates were made to the findings

Mr. Saunders moved to adopt the Findings of Fact as amended, seconded by Mr. Kenny and **VOTED, 6 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 20 lot residential subdivision will be served by public water and sewer; it will not result in undue water or air pollution.

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 public water. A letter from the Portland Water District indicating capacity to serve is on file.

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

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

The subdivision will utilize public water. A letter from the Portland Water District indicating capacity to serve is on file.

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.

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;

The plans have been reviewed and approved by the Town Engineer.

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

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

The project will utilize public sewer. A capacity to serve letter from the PWD is on file along with a letter from the Superintendent of Wastewater in Falmouth. Sewer user permits will be obtained from the Town Manager prior to the preconstruction conference. This is a condition of approval.

With the proposed condition of approval, 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 20 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;

Letters are on file stating that the subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural areas.

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

9. Conformity with local ordinances and plans. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

The plans have been reviewed and approved by the town planner, the town engineer and town department heads.

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

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

Technical capacity is evidenced by the use of the following experts: a professional engineer, a licensed land surveyor, and a wetland scientist.

Financial capacity is evidence by a letter dated 7/29/19 from Machias Savings Bank stating that the developer has the financial capability to finance the estimated costs of the project which is estimated to be \$2,060,000.

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

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as

defined in Title 38 chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water;

The proposed subdivision will not adversely affect the quality of the mapped wetland or unreasonably affect the shoreline of the stream on the parcel. The proposed stream crossing and wetland impacts will conform to, the requirements of the MDEP and ACOE. This is a condition of approval.

With the proposed condition of approval, 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 20 lot residential subdivision which will be served by public water and sewer will not adversely affect the quality or quantity of ground 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;

The parcel is shown on FEMA Floodplain Map # 23005C0538F as being in Zone C (area of minimal flooding).

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

14. Storm water. The proposed subdivision will provide for adequate storm water management; ***A stormwater management plan was submitted as part of the application packet and has been reviewed and approved by the Town Engineer. A copy of the stormwater management report supporting the application was provided in the packet. A Stormwater Permit application has been submitted to MEDEP. Receipt of the MEDEP Stormwater Permit is a condition of approval.***

With the proposed condition of approval, the standards of this section have been met.

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

All wetlands within the proposed subdivision were delineated by Sebago Technics and are outlined in the project plan set.

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]

A perennial stream has been identified on the site. ACE has approved the subdivision plan.

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

Mr. Saunders moved that the Board approve final review for the Christmas Creek 20 lot major subdivision, located on Tuttle Road, Tax Assessor map R04, lot 10 subject to the Standard Conditions of Approval, the Limitation of Approval and the thirteen recommended Conditions for Final Plan approval, seconded by Mr. Moriarty and **VOTED, 6 yeas, unanimous - motion carries.**

STANDARD CONDITIONS OF APPROVAL: This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except de minimis changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

LIMITATION OF APPROVAL: Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2) 1 year extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

CONDITIONS OF FINAL PLAN APPROVAL:

1. MDEP, SLODA and NRPA wetland permits to be submitted prior to releasing the plat for recording at the Cumberland County Registry of Deeds.
2. A Schedule of Values and a Performance Guarantee in a form and amount acceptable to the Town Manager shall be provided prior to releasing the plat for recording at the Cumberland County Registry of Deeds.
3. The Applicant shall provide an escrow for 2% of the cost of the Schedule of Values to be used for inspection fees.
4. A blasting permit, if required, shall be obtained from the Code Enforcement Officer.
5. The Town Engineer to approve the final stormwater quantity calculations at the Tuttle Road culverts prior to releasing the plat for recording at the Cumberland County Registry of Deeds.
6. A preconstruction conference is required prior to the start of work.
7. Clearing limits shall be flagged and approved by the peer review engineer prior to the preconstruction conference.
8. The proposed stream crossing and wetland impacts will conform to the requirements of the MDEP and ACOE.
9. The Applicant shall provide evidence of the reservation of the required number of sewer user permits from the Town Manager prior to the preconstruction conference.
10. The Applicant shall be responsible for the repair to Tuttle Road from any damage caused to new pavement by the installation of utilities.
11. The Applicant or the HOA (once in place) shall have a continuing obligation to maintain required plantings in a good and healthy condition. Any dead or diseased trees shall be removed and replaced with a plant of the same type, subject to the Town Planner's approval. No invasive species of plants are permitted.
12. The Home Owners Association documents, as reviewed and approved by the Town Attorney, shall be recorded at the Cumberland County Registry of Deeds prior to the preconstruction conference.
13. The subdivision lot deeds, referencing the HOA documents, shall be recorded at the Cumberland County Registry of Deeds prior to the issuance of building permits.

~~3. TABLED Public Hearing: Cumberland Foreside Condominiums 4 lot Minor Subdivision review, Kings Highway, Tax Assessor Map R02, Lots 10E & 10F. Applicant: David Chase; Representative: Thomas S. Greer, PE—Walsh Engineering Associates, Inc.~~

4. Public Hearing: Site Plan Review for Town of Cumberland Compost Pad and Sand/Salt Shed relocation to parcels shown on Tax Assessor Map R03, Lots 50 & 53 located off Tuttle Rd. Applicant: Town of Cumberland; Representative Daniel P. Diffin, PE – Sevee & Maher Engineers.

Chairman Auclair introduced the item and noted that there was a site walk on Saturday for the Planning Board and the public that was very helpful.

Town Manager Bill Shane noted that back in 2011 a master plan for Village Green was created. As part of that master plan, Public Works was proposed to be moved. Mr. Shane reported on the search for a new Public Works site. Mr. Shane noted that 15 sites in total were looked at and rejected.

Mr. Shane said that in July 2017 the Town Council developed the Senior Housing Overlay District, which includes the properties being presented tonight, and began the development of TIF (tax increment financing) district #8. In March 2018 the TIF district was approved. This has been consistent with the Council's continued reinforcement that this property would be developed in the future.

Mr. Shane said that before the Board tonight is the proposal for development of the rear parcel and the NELMA parcel would still be in a developable state. In 2018, the Lands and Conservation Commission (LCC) gave the Town Council a recommendation that included the development of the front parcel, the NELMA piece, which is not proposed to be developed tonight. The recommendation also included leaving the rear parcel in its natural state. Mr. Shane reported that the Council felt that with over 1,000 acres of open space in the community, the Town is at a point where additional open space is not warranted and these properties were purchased for development.

Mr. Shane said that on July 24th he notified the LCC of the Council's desire to move forward with the compost pad and salt shed. Mr. Shane sent a layout sketch to the Committee and explained that future neighborhood meetings would be coming. On August 7th Bill Longley, Code Enforcement Officer, met with the LCC and reported that two neighborhood meetings regarding the project would be held in August and the Council would be acting on August 26th to move the project to the Planning Board. The Council voted six to one in support of the move. The Council liaison to the LCC voted against the order.

Mr. Shane reported that several weeks ago the Town received a letter from the Maine Department of Environmental Protection (DEP) stating that the Town must cease compost operations by December 1st and that by January 31st all materials must be removed from the facility.

Mr. Shane said that the Town does need Planning Board approval, with conditions, this evening in order to be under construction by early November. Work cannot start on the project without DEP approval and these permits are expected within the next few weeks. Mr. Shane said that the critical piece of this is the compost pad. The Town has nearly 15,000 cubic yards per year of yard waste and brush generated by the community. The compost facility is currently open on Tuesdays and Saturdays and the plan is to keep these hours.

Chairman Auclair asked about the common scheme development issue. Mr. Shane said they are still waiting to hear back from DEP on this and are moving forward with moving the compost pad and the sand/salt shed. If this changes the permit approval from DEP, the Town will not do anything with the sand/salt shed until approved by DEP and this would come back to the Board.

Mr. Kenny asked if the Town looked at the LCC suggestion to flip the proposed location of the compost pad and the sand/salt shed. Mr. Shane replied that location of the compost pad was strategically placed for buffering from neighbors.

Dan Diffin, Sevee and Maher Engineers, displayed an overview map of the area and identified the current and proposed locations of the compost pad and sand/salt shed. Mr. Diffin said that the proposed location is about 1,300' from the nearest residence. The site will be accessed off Tuttle Rd. where an existing historical railroad bed sits today and this will be widened to 22' with gravel and reclaimed asphalt. The entrance permit from MDOT has been received. Mr. Diffin identified the layout of the road that will travel into the site from the Town Office/Town Forest property.

Mr. Diffin described the layout of the new site. There are no utilities proposed for the site. The site will be secured by a locked gate. Mr. Diffin explained that when the NELMA site was purchased, an agreement was made to put in a landscaped buffer. Mr. Diffin described the buffer and identified the proposed location. The Town is working with abutters on buffering options as well. Mr. Diffin reviewed required permits for the project. Mr. Diffin identified locations of wetlands and a vernal pool on the plan.

Mr. Diffin explained that the common scheme of development is a regulatory tool with DEP to ensure developments that are owned or managed by the same entity are regulated as a whole development and not in pieces by parcel. Mr. Diffin said that the Town is not sure yet if the Town will be pulled into common scheme as a result of the project. Mr. Diffin reported that it has been made clear that the compost pad with the brush storage pile and the road into the site will not be subject to common scheme. The salt shed may be, which will require a more lengthy permitting process.

Mr. Diffin showed an example of the building the Town is pursuing and said the Town is considering a dark green color to blend in with the site.

Chairman Auclair asked Mr. Diffin to point out the location of the butterfly garden. Mr. Diffin identified where the butterfly garden is on the plan and explained that it will be about 140' from the edge of the proposed compost pad. The garden will not be disturbed as part of the project and access to the garden will remain after construction is complete.

Mr. Diffin answered questions from the Board.

Chairman Auclair read a letter from the Lands and Conservation Commission in opposition to the project.

Chairman Auclair opened the Public Hearing.

Rob Verrier, an abutter, said that they have followed this process for a long time because the land was purchased a long time ago and they are concerned with what would come of it. Mr. Verrier said that he supports this and the Town has worked hard

at making this work. It is considerate and well thought out. People at the other development where the brush dump is now will be a lot happier.

David Young, Linden Court, said that the current operation seems to be open all the time, when he goes by the gate is open. Mr. Young asked if this is how it will be here. Mr. Young noted that there was a reference to the site being set back 2,000' so there will be little impact by noise. Mr. Young said this is probably true for the residents but there is a Town Forest trail that will be impacted and a lot of people could be impacted by noise. Mr. Young expressed concern with noise from chipping and bringing in the salt and sand and asked about operation hours. Chairman Auclair replied that the hours for compost and brush will be Tuesdays and Saturdays from May to November and the gate will be locked at other times. Chairman Auclair noted that during the site walk a train went by and the train makes a lot of noise. Chairman Auclair said that he could also hear traffic noise, he thinks from Route 9. Mr. Young said that when you go into the forest away from the road, it is very quiet and you can't hear any traffic and that will no longer be true along this road with the trucking.

Mr. Shane responded that the compost operation will be on Tuesdays and Saturdays with staff present. If the Town changes these hours, they will have to come back before the Board to approve this. Mr. Shane described when and how the sand and salt are delivered. Mr. Shane said the average is for 45 snow events per year and trucks will go in as needed during storm events. Mr. Shane said that the compost is monitored and temperatures are checked monthly to make sure it is not too hot or too dry.

Mike Schwindt, Chair of the Lands and Conservation Commission, said that the Commission objects to the development of this land. In 2017 the Commission went on record saying that the Town could develop the front part and leave the back part pristine. Mr. Schwindt said that Mr. Shane did meet with him and the LCC Secretary in July. The problem was that there was not a chance for the LCC to have any influence on the plan. The LCC would like to have the salt shed moved to a different area because of the butterfly garden. Mr. Schwindt said you still wouldn't see the salt shed. The Commission received donations of plants and benches and worked for days on the garden.

Mr. Schwindt referred to a statement that there are no formal trails here and said that he doesn't know what a formal trail is but there are trails which he identified on the plan. Mr. Schwindt said that pedestrian traffic is not addressed in the final report. Mr. Schwindt said the LCC knows that this is Town owned land and these things have to be moved somewhere. The Commission wants to participate in the discussion about the layout. This is part of the LCC's job.

Chairman Auclair closed the Public Hearing and asked if Mr. Shane or Mr. Diffin have anything to add. Mr. Diffin said that they did investigate pushing the salt shed back further on the property but there are issues with wetlands. Mr. Diffin noted that the trail network inlets into the Town Forest will be maintained and pedestrian access to the site will still be possible. The gate will be locked so that when the facility is not in operation there should not be a conflict with pedestrian and vehicular users of the site. Mr. Diffin continued that the butterfly garden will be offset from the development by 140'. The remaining area, outside of what is shown in brown on the plan, will remain as it is today.

Mr. Moriarty asked about the snowmobile trail. Mr. Diffin and Mr. Shane described the trail. Mr. Shane noted that there still is no agreement between Mr. Allen and the snowmobile club to cross Mr. Allen's property so there may nowhere to go. Mr. Moriarty confirmed that walkers would have a choice to walk down the road or walk the Town Forest trail and connect via one of the spurs and Mr. Shane agreed.

Chairman Auclair asked about the berm and visual impacts of the salt shed and if it will be seen from Tuttle Rd. Mr. Shane said it would be very difficult. Chairman Auclair said the landscaping on the Harwood property would block it and Mr. Shane agreed. Mr. Shane noted that it is difficult to see there now.

Chairman Auclair noted that the butterfly garden is great and you can see it took a lot of work.

Mr. Moriarty asked about the outstanding permits and Ms. Nixon said there is a list in her review.

Mr. Saunders moved that due to the unique characteristics of the site and the project that the Board waive the requirement for a hydrogeological evaluation, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Mr. Saunders moved that due to the unique characteristics of the site and the use that the Board waive the requirement for a market study, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Ms. Nixon paraphrased the proposed Findings of Fact. Mr. Diffin outlined the missing permits.

Mr. Saunders moved to adopt the Findings of Fact as written, seconded by Mr. Kenny and **VOTED, 6 yeas, unanimous - motion carries.**

Mr. Saunders moved that the Board approve the site plan for Town of Cumberland Compost Pad and Sand/Salt Shed relocation to parcels shown on Tax Assessor Map R03, Lots 50 & 53 subject to the Limitation of Approval, the Standard Condition of Approval and the four Conditions of Approval, seconded by Mr. Moriarty and **VOTED, 6 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), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

STANDARD CONDITION OF APPROVAL: This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus 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. All required local, state and federal permits and any required letters from outside agencies shall be submitted prior to the preconstruction conference.
2. A preconstruction conference shall be held prior to the start of construction.
3. All clearing limits shall be flagged prior to the preconstruction conference and inspected and approved by the Town Engineer.
4. A blasting permit, if blasting is required, shall be obtained from the Code Enforcement Officer prior to blasting.

G. Administrative Matters/New Business: Mr. Moriarty said that several meetings ago the possibility was raised that the Board could become involved in developing a plan and conducting neighborhood meetings about the current Town Hall site. This has not yet begun because of the DEP common scheme development concerns and it could be several more weeks before they get started.

Ms. Nixon noted the vacancy on the Planning Board and said that if anyone would like to participate in the planning of the community to please contact the Town Office and speak to Brenda Moore.

H. Adjournment: Mr. Moriarty moved to adjourn the meeting at 8:37 pm, seconded by Mr. Record and **VOTED, 6 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

Paul Auclair, Board Chair

Christina Silberman, Administrative Asst.