Notice of Decision

Date: September 27, 2018
To: Tom Greer, PE
Walsh Engineering Associates, Inc.
1 Karen Dr., Ste. 2A
Westbrook, ME 04092
Re: ***Major Staff Site Plan Review***

This is to advise you that on September 27, 2018, the Major Staff Site Plan Review Committee reviewed and approved the application you submitted on behalf of Ledgewood Construction of 27 Main Street, South Portland, Maine. The approval is to construct a 2,979 sf single story office building on the southerly half of Lot 9 in the Cumberland Foreside Village Subdivision at 74 U.S. Route one. The parcel is shown on Tax Assessor Map R01, Lot 12A. Tom Greer, P.E., Walsh Engineering, prepared the site plan application. Jeff Read, P.E. of Sevee Maher Engineering reviewed the plans for conformance with the Town's ordinances.

This approval is subject to the Limitation of Approval, the Standard Condition of Approval and the 9 Conditions of Approval.

Findings of Fact: See Attached

Waivers granted: None

Waivers Denied: None

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 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. Purchase and Sale expired 9/13/18. The applicant shall provide evidence of a valid purchase and sale agreement prior to the preconstruction conference.

2. The applicant shall provide copies of all condominium documents for which the Property shall be a part of.

3. All outstanding fees shall be paid prior the issuance of a building permit.

4. A preconstruction conference shall be held prior to the start of construction.

5. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.

6. A landscaping plan is included in the plan set; it shows a mixture of deciduous shrubs and trees that will not provide a buffer year-round. A condition of approval is that the planting plan be revised to show the addition of three 4'-6' spruce trees which shall be located as follows:

- One near the entrance drive;
- One at the northeasterly corner of the building;
- One on the southeasterly corner of the building.

7. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference.

8. Plan sheet C2.4, Detail 5 outlines sidewalk ramp and curb tip-downs with a slope of 1:6.5. The applicant shall adjust the detail to reflect ADA compliant ramp slopes of 1:12.

9. The primary outlet for UDSF #2 is outlined as exfiltration at all elevations. This is not consistent with Drawing C2.3, which requires a polyethylene or low permeability soil liner to minimize infiltration. The applicant shall adjust the model and/or plan set to reflect the primary outlet condition.

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

10.1 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.

This is an approved subdivision parcel that is suitable for development as proposed. There are no known environmentally sensitive areas on the parcel. The site is not located within habitat for rare and endangered plants and animals, or significant wildlife or fisheries habitat. There are no wetlands or other environmentally sensitive areas on the site as evidenced by letters received from State agencies during subdivision review.

Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

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 (1) 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 (1) 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.

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.

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.
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.
The Town Engineer has approved the parking and circulation plan.
Based on the above findings of fact, the Staff Review Committee finds the standards of this section 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 to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

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.

The building and parking placement allows for safe vehicular and pedestrian circulation.

Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

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.

The layout of the parking area allows for safe vehicular and pedestrian circulation.

Based on the above findings of fact, the Staff Review Committee 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.
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.
A complete stormwater report has been completed for the proposed development and has been included in submission packet.
An erosion control report has been prepared and is included in the submission packet. The Town Engineer has reviewed and approved the stormwater and erosion control plan.
Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.
10.4 Water, Sewer, Utilities 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.
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.
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.

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

The proposed water, sewer will be provided by the Portland Water District. An ability to serve letter from the Portland Water District is on file. There will be a fire hydrant installed 750' from the proposed development.

Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

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 utilize subsurface water or produce 2,000 gallons or greater per day of wastewater. Storage of fuels or chemicals is not anticipated.

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 is no outdoor storage of petroleum products. Natural gas will be used.

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 site is not located within the Town Aquifer Protection Area.

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 provisions.

The site is not located within a floodplain.

Based on the above finding of fact, the Staff Review Committee finds the standards of this section have been met.

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.

A letter from the Maine Historic Preservation Commission was submitted as part of the subdivision review.

Based on the above finding of fact, the Staff Review Committee finds the standards of this section have been met.

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.

The submission included a photometric plan that shows adequate lighting for safe use during nighttime hours.

Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

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.

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.

A landscaping plan is included in the plan set; it shows a mixture of deciduous shrubs and trees that will not provide a buffer year-round. A condition of approval is that the planting plan be revised to show the addition of three spruce trees which shall be located as follows: One near the entrance drive;

One at the northeasterly corner of the building;

One on the southeasterly corner of the building.

Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

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

Potential point source generators of noise are the heating and ventilation equipment and delivery trucks. With these design considerations it is not anticipated that this development would generate excessive noise beyond the limits of the site.

Development maintenance activities may produce elevated noise levels periodically. The noise could come from, but is not limited to, the operation of lawn mowers, snow removal equipment, and sweeper/vacuum trucks. The buffer areas provided are expected to minimize noise impact on adjacent properties.

There will be a period of time during the construction phase that may create elevated noise levels compared to normal operation of the development, but will not be permanent noises associated with the development. Anticipated noises that could possibly occur during construction could come from, but are not limited to, equipment noise.
It is anticipated that no adverse impact will occur on the surrounding area.
Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

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 outdoor storage of trash or waste on the site.
Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

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.

- ***Technical Ability: The applicant has retained Walsh Engineering to prepare plans and site permit applications; Additional consulting professional include: surveyor, soils scientist, architect and landscape architect.***
- ***Financial Capacity: The applicant has provided a letter dated 8-16-18 from Androscoggin Bank stating that they believe Ledgewood Construction has the financial capacity to complete the project.***

Based on the above findings of fact, the Staff Review Committee finds the standards of this section have been met.

Route One Design Design and Performance Standards: The project is in a contract zone that contains specific design standards. These standards have been reflected in the design and layout of the building and site.