

Date July 14, 2022  
To Town of Cumberland Planning Board  
From Carla Nixon, Town Planner  
Subject **Subdivision Amendment: The Mark Apartments – Route 1**

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### 1. REQUEST/PROJECT DESCRIPTION:

Cumberland Foreside Partners, LLC (CFP), of 2 Town Landing Road, Falmouth, Maine is requesting an amendment to an approved subdivision for a 4 story apartment project located 102 U.S. Route 1, Cumberland, Maine as shown on Tax Assessor's Map R01, Lot 13B in the Office Commercial South (OC- South) and OC-S Mixed Use Overlay Zone zoning districts.

The application lists the proposed changes to include: 1) Addition of a 5.5' x 15.5 foot concrete equipment pad for an emergency generator; and 2) The rotation of a 10' x 20' concrete equipment pad.

Dan Diffin, P.E. of Sevee Maher Engineers prepared the application and will represent the Applicant at the Planning Board meeting. Al Palmer, P.E. of Gorrill Palmer Engineers reviewed the plan for the Town.

This project is subject to review under the provisions of Chapter 250 – Subdivision of Land and the Route 1 Design Standards.

### 2. PROJECT HISTORY:

- Informational Presentation to Planning Board: May 18, 2021.
- Sketch Plan Review and Public Hearing for Major Subdivision Review: June 17, 2021
- Subdivision Approval: 6/20/21
- Subdivision Amendment: 8/17/21 for a change in a lot line with abutting property.
- Subdivision Amendment: 10/19/21 for change in ownership and to amend a lot line with abutting property.
- Subdivision Amendment: March 15, 2022: Tabled.
- Subdivision Amendment: April 20, 2022

### 3. DESCRIPTION:

|                              |  |
|------------------------------|--|
| <b>Proposed Use:</b>         | 45 Multiplex Dwelling Units (21 one-bedroom and 24 two-bedroom units)      |
| <b>Access:</b>               | 24' wide paved entrance, 40' in length from Route 1.                       |
| <b>Parking:</b>              | 80 parking spaces, 20 of which will be in the lower level of the building. |
| <b>Water:</b>                | Public   |
| <b>Sewer:</b>                | Public   |
| <b>Floodplain:</b>           | Map # 230162 0018C - Designation: Zone C: minimal flooding                 |
| <b>Natural Features:</b>     | Wetlands, stream and stone wall.   |
| <b>Fire Protection:</b>      | A sprinkler system and alarm system are proposed.                          |
| <b>Solid Waste Disposal:</b> | On-site dumpster   |
| <b>Signs:</b>                | TBD  |
| <b>Open Space:</b>           | None   |

#### 4. OUTSIDE AGENCY APPROVALS:

MDEP Stormwater Permit: Permit by Rule required.

MDEP NRPA: Permit by Rule required.

MDOT Entrance Permit: Outstanding.

Portland Water District: Letter on file.

Maine Historic Preservation Commission: Letter on file dated 4/26/21.

Maine Dept. of Inland Fisheries & Wildlife: Letter on file dated 5/11/21

Maine Dept. of Agriculture, Conservation and Forestry: Letter on file dated 4/15/21

#### 5. WAIVERS GRANTED:

1. Depiction of trees 10" or greater on the site plan.
2. Submission of a high intensity soils survey
3. Submission of a hydrogeologic evaluation
4. Traffic Study
5. Submission of a market study

#### 6. TOWN PLANNER'S COMMENTS: None

#### 7. PEER REVIEW ENGINEER'S COMMENTS: None Requested

### **Chapter 250: Subdivision Review:**

#### **PROPOSED FINDINGS OF FACT - Subdivision Ordinance, Section 1.1:**

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

- A. 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;

***Parcel is above sea level and not within a flood plain. The project will use public water and sewer. The Maine Natural Areas program identified no rare, threatened, or endangered plant species within the project area. Maine Department of Fisheries and Wildlife has not mapped designated essential or significant wildlife habitats in the project area.***

***The Board finds the standards of this section have been met.***

- B. 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. The applicant has a letter from the Portland Water District (PWD) dated 10/13/21 confirming ability to serve the project.***

***The Board finds the standards of this section have been met.***

- C. 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 be served by public water. The applicant has a letter from the Portland Water District (PWD) dated 10/13/21 confirming ability to serve the project. In addition, the Town of Cumberland had previously approved 8,220 gallons of water for the 50 units; that amount will now be less due to the reduction in units from 50 to 45.***

***The Board finds the standards of this section have been met.***

- D. 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 erosion and sedimentation control plan has been reviewed and approved by the Town Engineer.***

***The Board finds the standards of this section have been met.***

- E. 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;

***Trip generation was calculated as part of the original subdivision review in May, 2021. At that time the proposed 50 units were anticipated to generate 293 weekday trips based on the Trip Generation Manual published by the Institute of Transportation Engineers this would include 22 trips in the weekday a.m. peak hour and 27 trips in the weekday p.m. peak hour. This was below the 100 peak hour trips that would require further review by MDOT. The reduction in the number of units from 50 to 42 (as proposed in the current application) would suggest there will be a reduction in the number of trips generated and so the Applicant has requested a waiver from the submission of a new traffic study. There are no high crash locations within the area or other issues identified for access onto US Route 1.***

***The Board finds the standards of this section have been met.***

- F. 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 subdivision will be served by public sewer. The applicant has a letter from the Portland Water District (PWD) dated 10/13/21 confirming ability to serve.***

***The Board finds the standards of this section have been met.***

- G. 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 multiplex units will have a dumpster that will be emptied by a private waste hauler.***

***The Board finds the standards of this section have been met.***

- H. 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;  
***A letter is on file from Maine Historic Preservation Commission stating that there are no evident historic features on the site. There is a letter from the Department of Inland Fisheries and Wildlife stating there is no evidence of rare or endangered species.***  
***The Board finds the standards of this section have been met.***

- I. 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's peer review engineer and town staff. Any outstanding issues raised by the Town Engineer will be addressed as a condition of approval.***

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

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

***A letter of financial capacity has been submitted by the applicant. It was reviewed and approved by the Town Attorney.***

***Technical Capacity: Technical capacity is evidenced by the applicant's use of a professional civil engineer, landscape architect, and building architect.***

***The Board finds the standards of this section have been met.***

- K. 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 project will not adversely affect the quality or quantity of groundwater. There is no septic system on site.***

***The Board finds the standards of this section have been met.***

- L. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.  
***The project will be served by public sewer. There will be no septic system on site.***

***The Board finds the standards of this section have been met.***

M. 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;

***Based on a review of the Federal Insurance Rate Maps, the parcel is located in Zone C-Areas of Minimal Flooding.***

***The Board finds the standards of this section have been met.***

N. Storm water. The proposed subdivision will provide for adequate storm water management;

***An updated stormwater management report was submitted and reviewed and approved by the Town's peer review engineer. A stormwater permit by rule application has been submitted to MEDEP.***

***The Board finds the standards of this section have been met.***

O. 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 multiplex are outlined in the project plan set. There are minimal impacts to the wetlands to accommodate the stream crossing for the proposed access drive.***

***The Board finds the standards of this section have been met.***

P. 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]

***An unnamed tributary to Chenery Brook is located on site and setbacks as required have been shown.***

***The Board finds the standards of this section have been met.***

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## **Route 1 Design Standards**

### **1.2 Site Planning and Design**

#### **1.1 Master Planning**

On properties that are large enough to accommodate more than a single structure, developers will be expected to prepare a conceptual master plan to show the Planning Board the general location of future

buildings, parking lots, circulation patterns, open space, utilities, provisions for stormwater management, and other components of site development.

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards and other site features should maintain a safe separation between vehicles and pedestrians.

***FINDING: N/A***

## **1.2 Professional Design**

Developers shall have their site plans designed by licensed professionals (civil engineers, architects or landscape architects) as required by State of Maine professional licensing requirements to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

***FINDING: Yes***

## **1.3 Vehicular Access**

Development along Cumberland's Route 1 corridor should promote safe, user-friendly and efficient vehicular movement while reducing both the number of trips on the roadway and the number of curb cuts wherever possible. The vehicular movements discussed in this chapter, both on-site and off-site, shall be designed by a professional engineer and shall be in conformance with all Maine Department of Transportation requirements.

***FINDING: Yes***

### **1.3.1 Route 1 Curb Cuts**

To promote vehicular, bicycle and pedestrian safety, the number of curb cuts on Route 1 should be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Route 1. This practice will increase motorist, bicycle and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area.

Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Route 1's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility.

New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will not grant project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required. The MDOT may also require a Traffic Movement Permit if the number of vehicle trips exceeds the threshold established by the MDOT.

***FINDING: Yes***

### **1.3.2 Site Circulation**

Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas, is encouraged as much possible.

Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking.

To ensure safe and easily understandable circulation, parking spaces, directional arrows, crosswalks and other markings on the ground should be painted on the pavement paint or shown by other suitable methods.

***FINDING: Yes.***

### **1.3.3 Driveways between Parcels**

Driveways between adjacent parcels should be used where feasible in order to make deliveries easier and reduce unnecessary trips and turning movements on Route 1.

These driveways should provide safe, direct access between adjacent lots, but only where the paved areas of the two adjacent lots are reasonably close together. However, they are inappropriate where they would require excessive impervious (paved) area or impose undue financial burden on the owner.

All such driveways between parcels should have pedestrian walkways when possible.

***FINDING: N/A***

## **1.4 Building Placement**

***Objective:*** Buildings should be placed on their sites in a way that is sensitive to existing site conditions and respectful of adjacent uses.

### **1.4.1 Location of Building on the Site**

In placing the building on the site, the designer should carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses.

The site design should make every effort to avoid creating a building surrounded by parking lot. In addition, buildings should generally be square to Route 1 and should avoid unusual geometry in building placement unless the site requires it.

***FINDING: Topographic and environmental conditions dictated the placement and orientation of the building and parking.***

### **1.4.2 Building Entrances**

The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area.

At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it.

Where building entrances do not face Route 1, the Route 1 façade should still be made interesting and attractive to drivers on Route 1.

***FINDING: Yes.***

### **1.4.3 Building Setbacks**

If adjacent building facades are parallel with Route 1 and buildings have consistent setbacks from Route 1, the visual effect from the road will be orderly and attractive.

Side and rear building setbacks must conform to the requirements of the underlying zone.

**FINDING: Yes.**

#### **1.4.4 Hillside Development**

When a proposed development is located on a hillside that is visible from Route 1 or from other public areas, its presence will be much more obvious than development on a level site. Because of this, it is even more important that the structure be designed to fit harmoniously into the visual environment. The use of berms and plantings, where appropriate, will help soften the impact of buildings located in open fields.

Site clearing should also be minimized and vegetation should be retained or provided to minimize the visual impact of the development. Issues of drainage, run-off and erosion should also be closely examined.

**FINDING: N/A**

#### **1.4.5 Universal Accessibility**

Development of all properties, buildings, parking lots, crosswalks, walkways and other site features must comply with the applicable standards of the Americans with Disabilities Act (ADA).

**FINDING: Yes**

### **1.5 Parking**

**Objective:** Development should provide safe, convenient and attractive parking. Parking lots should be designed to complement adjacent buildings, the site and the Route 1 corridor without becoming a dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting and walkways.

**FINDING: Yes**

#### **1.5.1 Location**

Parking lots should be located to the side or rear of buildings. Parking should only be placed between the building and Route 1 if natural site constraints such as wetlands or topography, allow no other option. If parking must be built between the building and Route 1, it should be limited, if at all possible, to only one row of parking spaces and be adequately buffered.

**FINDING: Most of the parking is located to the side and rear of the building and underneath the building.**

#### **1.5.2 Landscaping**

Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide.

Landscaping around and within parking lots will shade hot surfaces and visually soften the appearance of the hard surfaces. Parking lots should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border around parking lots is encouraged, and landscaping should screen the parking area from adjacent residential uses. Tree plantings between rows of parking are very desirable. Granite curbs, while more expensive, are more attractive and require less maintenance than asphalt ones.

**FINDING: Yes**



### **1.5.3 Snow Storage**

Provision should be made for snow storage in the design of all parking areas, and these areas should be indicated on the site plan. The area used for snow storage should not conflict with proposed landscaping or circulation patterns. These areas should be sited to avoid problems with visibility, drainage or icing during winter months.

**FINDING: Yes.**

### **1.5.4 Impervious Surfaces**

The amount of paved surface required for parking, driveways and service areas should be limited as much as possible in order to provide green space, reduce run-off and preserve site character. This will have the added benefit of reducing construction and maintenance costs.

**FINDING: Yes.**

## **1.6 Service Areas**

**Objective:** Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Route 1 should be designed to meet the needs of the facility with a minimum of visual, odor or noise problems. They should be the smallest size needed to fit the specific requirements of the building and its intended operation, and should be fully screened from view by either plantings or architectural elements such as attractive fences.

**FINDING: Yes**

### **1.6.1 Location**

Service areas should, if possible, be located so that they are not visible from Route 1 or from the building entrance. Locations that face abutting residential properties should also be avoided wherever possible.

Dumpster, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements.

**FINDING: Yes**

### **1.6.2 Design**

Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes.

Wherever possible, service drives should be separated from areas where people will be walking by landscaped islands, grade changes, berms, or other devices to minimize conflicts.

Gates on enclosures should be designed to prevent sagging or binding. Wooden fencing is always preferred, but where chain link is necessary for safety considerations, it should be screened by landscaping and painted a dark color, or coated with dark vinyl.

**FINDING: Yes**

### **1.6.3 Buffering/Screening**

Service areas should be screened to minimize visibility from sensitive viewpoints such as Route 1, nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale and color.

Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

**FINDING: Yes**

## **1.7 Open Space**

**Objective:** In order to provide an attractive, hospitable and usable environment, future development along Route 1 should have generous amounts of open space and attractive site details for such elements as pavement, curbing, sitting and other public areas, landscaping, planters, walls, signage, lighting, bollards, waste receptacles and other elements in the landscape.

**FINDING: Yes**

### **1.7.1 Internal Walkways**

Internal walkways should invite pedestrians onto the property and make them feel welcome.

Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan.

Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and reduce vehicle trips.

At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance and low maintenance requirements.

Driveway crosswalks should be marked by a change in pavement texture, pattern or color to maximize pedestrian safety in parking and other potentially hazardous areas.

**FINDING: Yes**

### **1.7.2 Landscaping**

*Where there are trees in the 75' buffer between Route 1 and the building, existing healthy trees should be maintained in their natural state. Where there are few or no trees in the 75' buffer, the buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.*

Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

**FINDING: Yes**

### **1.7.3 Usable Open Space**

Whenever possible, site plans should provide inviting open spaces where people can sit, relax and socialize. Open spaces should be thought of as outdoor rooms, with consideration to ground surfaces, landscaping, lighting and other physical elements. Examples of such spaces include a forecourt outside a building entrance, or a peaceful place outdoors where employees can sit down and eat lunch or have breaks.

**FINDING: Yes**

## **1.8 Buffering of Adjacent Uses**

**Objective:** Buffering or screening may be necessary to effectively separate quite different land uses such as housing and office or commercial buildings. Plantings, earth berms, stone walls, grade changes, fences, distance and other means can be used to create the necessary visual and psychological separation.

### **1.8.1 Appropriateness**

The selection of the proper type of buffer should result from considering existing site conditions, distances to property lines, the intensity (size, number of users) of the proposed land use, and the degree of concern expressed by the Planning Department, Planning Board, and abutting landowners. Discussions regarding the need for buffers, and appropriate sizes and types, should begin at the sketch plan stage of review.

**FINDING: Yes**

### **1.8.2 Design**

Buffers and screens should be considered an integral part of the site and landscaping plans. Stone walls, plantings, fencing, landforms, berms, and other materials used for buffers should be similar in form, texture, scale and appearance to other landscape elements. Structural measures, such as screening walls, should likewise be related to the architecture in terms of scale, materials, forms and surface treatment.

**FINDING: Yes**

### **1.8.3 Maintenance**

Where plantings do not survive, or where they grow to a point where they no longer serve as effective buffers, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

## **1.9 Erosion, Sedimentation and Stormwater Management**

**Objective:** Protecting the natural environment in Cumberland is as much a priority in these design guidelines as protecting the visual environment. A developer should take every measure possible in the construction and operation of a project to ensure that little or no adverse impact to the natural environment occurs. These measures should be as visually attractive as possible.

### **1.10.1 Erosion and Sedimentation**

Before any site work, construction or the disturbance of any soil occurs on a property, methods, techniques, designs, practices and other means to control erosion and sedimentation, as approved or required by the Maine Department of Environmental Protection, shall be in place. For guidance developers should refer to "Maine Erosion and Sedimentation Control Handbook for Construction – Best Management Practices," produced by the Cumberland County Soil and Water Conservation District and the Maine DEP.

**FINDING: Yes**

## **1.10 Utilities**

**Objective:** It is important to make efficient use of the utility infrastructure that exists along the Route 1 corridor, and to ensure that utility connections to individual development lots are as inconspicuous as possible.

**FINDING: Yes**

### **1.10.1 Water and Sewer**

All proposed development along the Route 1 Corridor must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

**FINDING: Yes**

### **1.10.2 Electric, Telephone and Cable**

Electric, telephone, cable and other wired connections from existing utilities on Route 1 should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires, and preserves the natural character of the corridor.

**FINDING: Yes**

## **2. Building Types**

The purpose of these guidelines is to encourage architectural styles within the Route 1 corridor that draw their inspiration from traditional New England examples. “Vernacular” or commonly used styles that are well represented in Cumberland are center-chimney Federal buildings in brick or clapboard, 100 and a half story Greek Revival “capess” with dormers, in white clapboard with corner pilasters or columns, and Victorians buildings with more steeply pitched roofs, porches and gingerbread trim. Except for mill buildings, the scale and nature of older commercial buildings in towns like Cumberland and Yarmouth, was similar to that of houses of the same period. Modern interpretations and versions of these styles, are entirely appropriate and encouraged. Because of their larger size, traditional barns are also sometimes used as inspiration for modern commercial buildings.

### **2.1 General Architectural Form**

These guidelines encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19<sup>th</sup> century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are entirely appropriate and encouraged.

#### **2.1.1 Roofs**

Because of the need to shed snow, New England roofs have generally been pitched rather than flat. Federal roofs are sometimes gambrel-shaped. In the Greek Revival style they are often gabled or have dormers, and have decorative “returns” at the bottom edge of the gable or dormers, suggesting the pediment of a Greek temple. Victorian houses typically have more steeply sloped roofs. Flat roofs are to be avoided.

**FINDING: YES**

#### **2.1.2 Windows**

Windows are typically vertical rectangles, often with two or more panes of glass. They may have shutters. If shutters are used, each should be wide enough to actually cover half of the window. Horizontal and vertical “lights”, rows of small panes of New England buildings such as parapets. Where parapets are used to break up a flat roofline, the height of glass, are common over and next to doors. Window frames often have a decorative wood or stone pediment over them.

**FINDING: DISCUSS**

### **2.1.3 Detailing**

Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek Revival buildings have corner-boards in the form of pilasters or even rows of actual columns across 100 façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scroll-work and shingle-work. Too many embellishments can look “busy”, and mixing the details of several periods or styles can also spoil the desired effect. Modern interpretations of older styles often used simplified forms to suggest the details that were more elaborately defined in earlier periods.

**FINDING: N/A**

### **2.1.4 Building Materials**

Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is not permitted.

Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building’s façade. Roofing colors are usually darker than the color of the façade.

Colors commonly found in historic New England houses vary by period. In the Federal and Greek Revival periods, white was the most common color, often with green or black shutters. But houses were not infrequently painted “sober” colors such as dull mustard or gray. In the Victorian period much brighter colors were often used, with trim in complementary colors. The characteristic colors for barns are white, barn red, or weathered shingle.

**FINDING: DISCUSS**

## **2.2 Large Scale Buildings**

**Objective:** Due to their visibility and mass, the design of new large structures (10,000 square feet or greater) have the ability to greatly enhance or detract from Route 1’s visual character. These structures should be designed as attractive pieces of commercial architecture that are responsive to their site and compatible with adjacent development.

**FINDING: DISCUSS**

### **2.2.1 Design and Massing**

Large structures should be designed so that their large mass is broken up into smaller visual components through the use of clustered volumes, projections, recesses and varied façade treatment. The design should provide variation to add shadow and depth and a feeling of reduced scale.

**FINDING: DISCUSS**

### **2.2.2 Site Design**

Wherever possible, large buildings should fit into the existing topography and vegetation, and should not require dramatic grade changes around their perimeter. Landscaping, site walls, pedestrian amenities and existing trees can be effective in reducing the apparent scale of large buildings.

**FINDING: Yes**

### **2.2.3 Architectural Details**

Large structures should have the same degree of detailing found in well-designed smaller and medium sized buildings along the Route 1 corridor. Architectural details can be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, awnings, display windows and appropriately positioned light fixtures can be effective means of achieving a human scale.

**FINDING: DISCUSS**

### **2.2.4 Facades and Exterior Walls**

Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 1, other roadways or pedestrian areas, or when they abut residential areas. Breaking up the plane of the wall can reduce this sense of overwhelming scale. Where the plane of the wall is broken, the offset should be proportionate to the building's height and length. A general rule of thumb for such projections or recesses is that their depth shall be at least 3% of the façade's length, and they shall extend for at least 20% of the façade's length.

Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters and similar architectural details, as well as patterns in the surface material and wall openings. All façade elements should be coordinated with the landscape plan.

Facades of commercial buildings that face Route 1 or other roadways should have transparent openings (e.g. display windows or entry areas) along 30% or more of the length of the ground floor. Blank or unadorned walls facing public roads, residential neighborhoods, or abutting properties are boring and unattractive.

**FINDING: DISCUSS**

### **2.2.5 Building Entrances**

Large structures should have clearly defined and highly visible entrances emphasized through such devices as significant variations in rooflines or cornice lines, changes in materials, porticos, landscape treatments, distinctive lighting or other architectural treatments.

**FINDING: DISCUSS**

## **2.3 Linear Commercial Buildings**

**Objective:** Linear commercial structures, such as multi-tenant offices or commercial buildings may be appropriate along Route 1 provided that they are designed with façade and roofline elements that reduce their sense of large scale and add visual interest.

### **2.3.1 Design**

Buildings with multiple storefronts should be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details, and a uniform signage size and mounting system.

**FINDING: N/A**

### **2.3.2 Façade Design**

The use of covered walkways, arcades, or open colonnades is strongly encouraged along long facades to provide shelter, encourage people to walk from store to store, and to visually unite the structure. Pedestrian entrances to each business or tenant should be clearly defined and easily accessible.

**FINDING: N/A**

### **2.3.3 Focal Points**

Linear commercial buildings can include a focal point – such as a raised entranceway or clock tower, or other architectural element – to add visual interest and help reduce the scale of the building.

**FINDING: N/A**

### **2.3.4 Façade Offsets**

Variations in the plane of the front façade add visual interest. They also create opportunities for common entries, and social or landscaped spaces.

**FINDING: N/A**

### **2.3.5 Rooflines**

Variations in rooflines, detailing, cornice lines and building heights should be incorporated into the design to break up the scale of linear commercial buildings.

**FINDING: DISCUSS**

## **2.4 Smaller Freestanding Commercial Buildings**

**Objective:** Smaller freestanding commercial buildings can easily make use of traditional New England building forms and should be designed to be attractive pieces of architecture, expressive of their use and compatible with surrounding buildings.

### **2.4.1 Single Use Buildings**

Buildings that are constructed for use by a single business are generally smaller in scale than multi-tenant buildings. Single use buildings should be designed to be attractive and architecturally cohesive. To the greatest extent possible, the same materials, window types and roof types should be used throughout.

**FINDING: N/A**

### **2.4.2 Franchise Design**

Franchise architecture with highly contrasting color schemes, non-traditional forms, reflective siding and roof materials are not related to any traditional New England style. They are buildings that are stylized to the point where the structure is a form of advertising. However, franchises have been willing to use existing “vernacular” buildings, and sometimes have designs that somewhat reflect local styles.

**FINDING: N/A**

### **2.4.3 Mixed Use Buildings**

Buildings containing mixed uses (e.g., health club on the first floor with professional offices on the second floor) are encouraged. The architecture of a mixed-use building can reflect the different uses on the upper floors by a difference in façade treatment, as long as the building has a unified design theme.

**FINDING: N/A**

## **2.5 Residential Structures**

**Objective:** Cumberland's future housing stock in the Route 1 corridor should be well designed and constructed, and is encouraged to have some connection to the traditional styles of New England residential architecture. The large mass of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size.

Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible.

Dwellings with ells and additions, and ones with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level “contractor modern” type dwellings do not particularly reflect Maine styles.

Similarly, traditional New England building materials such as wooden shingles and clapboards are encouraged. Modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

**FINDING: DISCUSS**

## **2.6 Residential Care Facilities**

**Objective:** Ensure that the future needs of Cumberland’s aging population are met in healthy and well-designed facilities, and that the architecture and site design of such facilities fit into the Cumberland context.

The design of Residential Care Facilities can also draw on the local vernacular architecture of gable roofs, multiple building forms and traditional materials. Landscaping, site design and resident amenities will also be of concern to the Planning Board. The site should offer outdoor amenities such as decks, terraces, gardens, gazebos, lawns or similar features. Residential Care Facilities should be buffered from roadways and adjacent uses as much as possible.

**FINDING: N/A**

## **2.7 Hotels**

**Objective:** To ensure that any future hotels in the Town of Cumberland are in keeping with the character of the surrounding area, and that the scale and design respects the architectural context of the region.

Using traditional building materials and colors is encouraged, and the use of large blocks of bright, primary colors is discouraged.

The signage and lighting standards contained in this publication will help as well.

**FINDING: N/A**

### **2.7.1 All Building Types: Awnings and Canopies**

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the overall design and color of the building.

Whether fixed or retractable, awnings and canopies should be an integral element of the architecture. They should be located directly over windows and doors to provide protection from the elements. Awnings or canopies should not be used as light sources or advertising features. Graphics and wording located on canopies and awnings will be considered part of the total signage area. Any such graphics shall be designed as an integral part of the signage program for the property, and coordinated with other sign elements in terms of typeface, color and spacing.

**FINDING: N/A**



**NOTE: Sign permits will be required and will be reviewed by Staff for conformance with these standards.**

*Signs play a central role in providing much-needed information and setting the tone for the Route 1 corridor. They inform motorists and pedestrians, and have a direct effect on the overall appearance of the roadway. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.*

### 3.1 Sign Design

**Objective:** Commercial uses along Route 1 in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

#### 3.1.1 Signage Plan

For development proposals requiring one or more signs, the applicant shall provide a detailed signage plan as part of Site Plan or Subdivision review. The signage plan should show the location of all signs on a site plan drawing and on building elevations, as well as sign construction details, dimensions, elevations, etc., and accurate graphic representations of the proposed wording.

#### 3.1.2 Sign Location

Signs should be placed in locations that do not interfere with the safe and logical usage of the site. They should not block motorists' lines of sight or create hazards for pedestrians or bicyclists. Roof mounted signs are not encouraged.

#### 3.1.3 Sign Design

The shape and materials and finish of all proposed signage should complement the architectural features of the associated building. Simple geometric forms are preferable for all signs. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

#### 3.1.4 Sign Colors

Signs should be limited to two or three contrasting colors that are clearly complimentary to the colors of the associated building.

#### 3.1.5 Sign Content

To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign.

Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read.

The use of variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants' are not permitted.

Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

## **3.2 Sign Type**

**Objective:** To ensure that any sign type complements the architecture of the associated building, and to ensure that they are attractively designed and functional while clearly delivering the intended information.

### **3.2.1 Building Mounted Signs**

Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18" from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign.

Flush mounted (flat) signage should be mounted with concealed hardware. Perpendicularly mounted hanging signs should be mounted with hardware designed to complement the building's architecture. All metal hardware should be corrosion and rust resistant to prevent staining or discoloration of the building.

### **3.2.2 Freestanding Signs**

An alternative to a façade-mounted sign is a freestanding "pylon" sign. These signs are typically located between the building and the roadway right-of-way, adjacent to the site's vehicular entry point.

As with façade-mounted signage, design and content standards shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement the associated building. This will entail similar forms, materials, colors and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site.

Where a freestanding sign lists multiple tenants, there should be an apparent hierarchy: i.e., Address, name of the building or development, primary tenant, other tenants.

### **3.2.3 Wayfinding Signs**

To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However they are sometimes needed to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage, such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs.

Where required, wayfinding signage should be unobtrusive, no taller than absolutely necessary, and shall complement the overall architecture and signage plan in terms of materials, color, form and finishes.

## **3.3 Sign Illumination**

Only externally lit signs are permitted in the Route 1 corridor because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare.

Lighting fixtures should be located, aimed and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

## 4 Lighting

*Outdoor lighting is used to identify businesses and illuminate roadways, parking lots, yards, sidewalks and buildings. When well designed and properly installed it can be very useful in providing us with better visibility, safety, and a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well designed or is improperly installed it can be a costly and inefficient nuisance. The main issues are glare (hampering the safety of motorists and pedestrians rather than enhancing it), light trespass (shining onto neighboring properties and into residential windows), energy waste (lighting too brightly or lighting areas other than intended or necessary), and sky glow (lighting shining outward and upward washing out views of the nighttime sky).*

### 4.1 Good Lighting

**Objective:** Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal.

The applicant should provide sufficient lighting for the job without over-illuminating.

Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded produce very little glare, which can dazzle the eyes of motorists and pedestrians.

The height and positioning of fixtures is also important, since even well shielded fixtures placed on tall poles can create light trespass. Fixtures should be positioned to uniformly illuminate the subject area. Hot spots created by too-bright or too-low fixtures make the in between areas seem dark, which can create safety problems.

High efficiency lamps are encouraged. Shielded lights can be lower in wattage, and will actually light an area better than unshielded high-output lights because they don't waste light by casting it outward and upward.

**FINDING : YES**

### 4.2 The Lighting Plan

**Objective:** As part of Site Plan or Subdivision review the Planning Board may, at its discretion, require that a lighting plan be provided. It should be prepared by a professional with expertise in lighting design. The intent of the lighting plan is to show how the least amount of light possible will be provided to achieve the lighting requirements.

#### 4.2.1 Elements of the Lighting Plan

In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting, describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs.

The Planning Board may require a photometric diagram that shows illumination levels from all externally and internally visible light sources, including signage.

The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate.

Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places.

Where proposed lighting abuts residential areas, parking lot lighting and other use-related site lighting should be substantially reduced in intensity within one hour of the business closing.

**FINDING: Yes**

## **4.3 Types of Lighting**

### **4.3.1 Façade and Landscaping Lighting**

Lighting on the front of a building can highlight architectural features or details of a building and add depth and interest to landscaping. This style of lighting should not be used to wash an entire façade in light or light the entire yard. Rather should be used to emphasize particular aspects of the project. All fixtures should be located, aimed and shielded so that they only illuminate the façade or particular plantings and do not illuminate nearby roadways, sidewalks or adjacent properties. For lighting a façade, the fixtures should be designed to illuminate the portion of the face of the building from above, aimed downward, to eliminate skyglow.

#### **4.3.2 Parking Lot and Driveway Lighting**

Parking lot and driveway lighting should be designed to provide the minimum lighting necessary for safety and visibility. Poles and fixtures should be in proportion to the roadways and areas they are intended to illuminate.

All fixtures should be fully shielded or “cut-off” style, such that no light is cast above the horizontal plane. Decorative fixtures are strongly encouraged as long as they meet the cut-off criteria, and their design and color complements the architecture and landscaping of the project.

**FINDING: Yes**

#### **4.3.3 Pedestrian Lighting**

Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated.

Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3' to 4' in height and ornamental fixtures of up to 12' in height are encouraged. Fixtures should be a maximum of 100 watts and should not create glare or light trespass onto abutting properties. **FINDING: Yes**

**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 minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

### **Proposed Conditions of Approval:**

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

2. All outstanding fees shall be paid prior the preconstruction conference.
3. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference. In addition, a check for 2% of the cost of public improvements shall be provided prior to the preconstruction conference.
4. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
5. There shall be no indoor or outdoor storage of any hazardous materials.
6. The applicant shall submit a Driveway Entrance Permit from Maine DOT prior to the preconstruction conference.
7. The applicant will provide evidence of an MDEP NRPA Permit by Rule application prior to the preconstruction conference.
8. The applicant shall obtain a sign permit from the Town of Cumberland that shows consistency with the Route 1 Design Standards prior to issuance of a building permit.
9. The applicant shall comply with all state and local fire regulations.
10. A blasting permit, if needed, shall be obtained from the Town Code Enforcement Officer prior to blasting.
11. Any outstanding issues raised by the Town Engineer shall be addressed prior to the preconstruction conference.
12. A construction easement from the abutter, Ron Lessard, is required prior to the preconstruction conference.
13. That a vehicle management plan, as recommended by the Town Engineer, be prepared and submitted prior to the issuance of a building permit.

June 28, 2022

Ms. Carla Nixon, Town Planner  
Town of Cumberland  
290 Tuttle Road  
Cumberland, Maine 04021

Subject: The Mark at Cumberland Foreside  
Planning Board Subdivision and Site Plan Review – Minor Changes

Dear Ms. Nixon:

On behalf of the Cumberland Foreside Partners, LLC (CFP), Sevee & Maher Engineers, Inc. (SME) is pleased to submit revised plan drawings for the proposed multiplex on Route 1 in Cumberland for a Minor Site Plan Staff Review. The following minor changes have been made to the Site Plan since the approval from the Planning Board on April 19, 2022.

1. The 10-foot by 20-foot Concrete Equipment Pad near the northeast corner of the building was rotated 90-degrees for better connection to the building.
2. A 6.5-foot by 15.5-foot Concrete Equipment Pad was added to the parking island near the southeast portion of the building for an Emergency Generator. The Generator will be enclosed with a wooden stockade fence to screen it from view of the building inhabitants. The generator was added to the project to guard against significant power outages, or other emergency situations. It will not be in use at any other times.

These two minor adjustments will not alter the findings of the Subdivision and Site Plan approvals granted by the Planning Board in April. We have included a revised Subdivision Plan for review and Planning Board signatures. Please feel free to contact me at 207.829.5016 or [dpd@smemaine.com](mailto:dpd@smemaine.com) if you have any questions or need additional information.

Very truly yours,

SEVEE & MAHER ENGINEERS, INC.



Daniel Diffin, P.E., LEED AP BD+C  
Vice President/Senior Civil Engineer

Attachments

Revised Site Plan Drawings

## REVISED SUBDIVISION PLAN



