

Date January 15, 2020
To Town of Cumberland Planning Board
From Carla Nixon, Town Planner
Subject **Amendment to Major 52 Unit Major Subdivision, OceanView at Cumberland –
277 Tuttle Road**

I. REQUEST/OVERVIEW:

The Applicant is Oceanview at Cumberland, LLC. The Applicant is requesting an amendment to the subdivision approval granted on 8-21-18. The amendment is to replace the approved community center located (in Phase 1) at the corner of Little Acres Drive and Mallard Way with a new Cottage Unit #53.

With the purchase of additional land from the Godsoe Trust, the Applicant is proposing 52 additional cottage units (Phase 2) and to utilize an existing structure on that property as the community center for the development.

The parcel is shown on Tax Assessor Map R 04, Lot 5 in the Rural Residential 1 (RR 1) zoning district. Frederic Licht, P.E. of Licht Environmental Design, LLC is the Applicant's representative.

II. PROJECT HISTORY:

Sketch Plan Review: 10/17/17

Site Walk: 11/3/17 (did not include the Allen property)

February 20, 2018: Preliminary Subdivision Review. Tabled by Board.

March 20, 2018: Preliminary Subdivision Review approved by Planning Board.

August 21, 2018: Final Approval granted by Planning Board.

III. DESCRIPTION:

Parcel size: 36.56 acres
Net Residential Density: Not required for developments in the SHC Overlay district.
Proposed # of units: 52, plus a community center.
Zoning: Rural Residential 1 with a Senior Housing Community Overlay
Development Type: Clustered Subdivision Design
Right, Title or Interest: Applicant has closed on the 3 subject parcels and deeds have been submitted.
Min. Lot Size: RR 1 requires a 4 acre minimum lot size; the SHC Overlay requires a 5 acres minimum total parcel lot size. The proposed project site is 36.83 acres.
Setbacks: 20' between structures; 25' from edge of roads;
Parking: 2 spaces per unit required;
Buffering: 50' undisturbed buffer along entire perimeter of site.
Water & Sewer: Portland Water District

Electricity: Central Maine Power
Natural Gas: Summit Gas
Open Space: 20% required, 78% provided.
Wetlands: 12,700' of wetland fill (including stream crossings)
Trails: Shown on plans and reviewed by Lands & Cons. Comm.
Utilities: Underground electric, telephone, cable, gas, water and sewer from Tuttle Road.
Street Lighting: For street intersections and along roadways at "key locations".
Road: 22' wide paved main road (Little Acres Drive) will extend approximately 1500' from Tuttle Rd; with a 5'esplanade and 5'sidewalk on right side.

Road will be constructed to municipal standards for a Residential Sub-collector Road.
25 mph speed limit posted.

Homeowners Association: Draft homeowners' documents are on file.
Floodplain Map Classification: Zone C – area of minimal flooding; Map # 230005C0536F
Fire Protection: Public water. 4 hydrant locations. Units to have sprinklers
Waiver Granted (2/21/18): To show trees over 10" in diameter.

Outside Agency Approvals Required:

Agency	Type of Permit	Status
MDEP	Site Location of Dev. Permit (SLODA)	On file.
MDEP	NRPA Tier 1 permit	On file.
US Army Corp of Engineers	(wetlands) permit	On file.
MDOT	Traffic Movement Permit	On file.
MDOT	Entrance Permit	On file, dated 3/16/18
Maine Natural Areas Program	Rare Botanical Data	Letter dated 5/25/17
Maine Historic Preservation Commission	Historic Properties	Letter dated 6/27/17
Maine Dept. Inland Fisheries & Wildlife	Habitat Data	Letter dated 6/14/17

IV. REVIEW COMMENTS:

DEPARTMENT HEAD REVIEWS:

William Longley, CEO: No comments
Police Chief Charles Rumsey: No comments
Fire Chief Small: No comments.

PLEASE NOTE THAT NONE OF THE PREVIOUSLY APPROVED FINDINGS OF FACT HAVE BEEN CHANGED AS PART OF THIS AMENDMENT.

V. SUBDIVISION REVIEW:

PROPOSED 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 parcel is above sea level and not within a floodplain. The project will use public water and sewer. A groundwater impact assessment was provided by the applicant and reviewed and approved by the Town Engineer.

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 subdivision will be served by public water. There is a letter on file, dated July 31, 2018, from the Portland Water District stating the District's ability to serve the proposed project.

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 a municipal water source. There is a letter on file, dated July 31, 2018, from the Portland Water District stating the District's ability to serve the proposed project.

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 is consistent with the current Maine Erosion and Sediment Control Best Management Practices. This plan 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;

A traffic study was performed by Maine Traffic Resources and reviewed and approved by the Town Engineer. An MDOT Entrance permit has been issued.

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 letter indicating there is sufficient capacity is on file from both the Portland Water District and the Town of Falmouth. There is a letter dated 5/22/18 from Town Manager Bill Shane stating that the Town agrees to accept the sewer design flow from the project. A charge of \$500 for each of the units will be charged to the applicant.

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

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

Cumberland provides curbside trash collection and recycling through a contracted waste hauler. Based on a conversation with the Director of Public Services, the addition of 52 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 from the relevant state agencies 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, a traffic engineer and a licensed soils scientist.
Evidence of financial capacity is evidenced by a letter dated 12/20/17 from SIS Bank stating that developer has solid financial capacity and that the bank has approved financing for the acquisition, infrastructure development, and home construction for the project.

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 wetlands or unreasonably affect the shoreline of the stream on the parcel. Plans include a MEDEP 75' stream setback to protect the resource.

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

12. Ground water. The proposed subdivision will not alone, or in conjunction with, existing activities, adversely affect the quality or quantity of ground water;
The project will not utilize any groundwater from wells. Infiltration of stormwater is limited to the installation of BMP's along the access road which meet all DEP standards for treatment of stormwater prior to discharge of groundwater.

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 maps 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 for conformance with Chapter 250-38 of the Cumberland Subdivision Ordinance.

Based on the information provided, 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 have been delineated and mapped by Mark Hampton Associate, Inc. and shown on the project plans. A DEP Tier 1 permit has been issued.

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]

There is a stream on the property which is depicted on the plans.

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

X. 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 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.

XI. 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.



January 02, 2020

(Via Delivery & Email)

J16.084

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

Cumberland Crossing Phase-1, Tuttle Road, Cumberland

***PROPOSED AMENDMENT-1 – REPLACE PHASE 1 COMMUNITY CENTER WITH NEW UNIT #53
(Map R04 Parcels 4E and 5)***

Dear Carla:

On behalf of OceanView at Cumberland LLC, we are pleased to present for staff and Planning Board review, a request for an **Amendment-1** to the approved “Oceanview at Cumberland (Phase 1)” Senior Community located off Tuttle Road in Cumberland.

This submission includes the following materials; (2 hard copies and PDF Copies)

- Cover Letter
- Major Subdivision Application Appendix B Form
- Amended Subdivision Plat - Sheet S1 Cumberland Crossing –Phase 1, prepared by Titcomb Associates, Surveyors
- Revised Plan Sheet C5 - Subdivision Plans, OceanView at Cumberland, Tuttle Road, Cumberland, Maine prepared by Belanger Engineering and Licht Environmental Design, Rev. 11-27-19

1. SCOPE OF AMENDMENT REQUEST:

Phase 1 of OceanView at Cumberland Senior Community was approved by the Cumberland Planning Board on August 21, 2018 as a Major Subdivision of 52 dwelling units and one community center building. **This Amendment requests approval for the replacement of the approved small community center located at the corner of Little Acres Drive and Mallard Way with a new Cottage Unit #53.**

The proposed change has resulted from the proposal for Phase 2 of the project on the former Godsoe Parcel (Map R04 Parcel 34A) which will extend Little Acres Drive to the north to the former Godsoe farmstead and Greely Road. The new Phase 2 Cumberland Crossing will utilize the existing Godsoe residence as a new community center for the entire Phase 1 and 2 community. The prior approved community center is proposed to be changed to a new Unit #53 with a new driveway and utilizing the same utility services as previously approved. The adjacent maintenance garage is proposed to remain.

No other changes are proposed and the substitution of the new cottage unit is approximately the same size as the prior community center resulting in insignificant changes in overall project impervious areas. The addition of one unit is considered to have minimal impacts on traffic generation from the project.

The Amended Subdivision Plat contains a revised Site Data Table updated to reflect the change from 52 to 53 units.

2. REVISED PLANS:

Accompanying this request are the following plan sheets showing the requested minor changes to the approved plans.

- Amended Subdivision Plat, Cumberland Crossing Phase 1, Sheet S1 prepared by Titcomb Associates dated 12-30-19.
- Revised Plan Sheet C5, OceanView at Cumberland, Prepared by Belanger Engineering and Licht Environmental Design, LLC dated 11-27-19.

3. RIGHT, TITLE AND INTEREST:

No changes in ownership from the approved project result from the proposed Amendment. The property is owned in fee by OceanView at Cumberland LLC through the following deeds recorded in the Cumberland County Registry of Deeds and previously provided to the Planning Board with the Phase 1 approval:

- CCRD Book 34876 page 184
- CCRD Book 34876 page 192
- CCRD Book 34876 page 194

4. SUMMARY:

This Amendment to the approved major subdivision approval will result in the addition of one cottage unit replacing the former community center building. The change does not result in any significant changes in impervious area, traffic or subdivision layout and design.

We look forward to presenting this request with the Planning Board at the January, 2020 meeting, In the meantime should you require any additional information please do not hesitate to contact me.

Sincerely,



Frederic (Rick) Licht, PE, LSE
Principal

Encl: As Noted

Cc: Chris Wasileski; OceanView at Cumberland LLC
Christian Haynes; SeaCoast Management Company
David Haynes; SeaCoast Management Company
Chris Belanger; Belanger Engineering
Rex Croteau; Titcomb Associates
Scott Anderson; Verrill-Dana

APPENDIX B

APPLICATION FOR MAJOR OR MINOR SUBDIVISIONS CUMBERLAND CROSSING PHASE 1 -AMENDMENT (F.K.A OCEANVIEW AT CUMBERLAND)

Applicant's Contact Information

Name: OCEANVIEW AT CUMBERLAND LLC
Mailing Address: 20 BLUEBERRY LANE, FALMOUTH, MAINE 04105
Email Address: CHRISW@OCEANVIEWRC.COM
Phone#: Office: 207.781.4460 Cell: 207.233.4194 Fax: _____
Interest in property: OWN
Interest in abutting properties, if any: OWNERSHIP - 60 ACRE FORMER GODSOE PARCEL RO4-34A

Property Owner's Contact Information

Name: SAME AS APPLICANT
Mailing Address: _____
Email Address: _____
Phone#: Office: _____ Cell: _____ Fax: _____

Applicant's Architect, Landscape Architect, Engineer, Planner or Surveyor Contact Information (If more than one, please attach contact info for each one.)

Name: FREDERIC (RICK) LICHT, PE, LSE
Mailing Address: LICHT ENVIRONMENTAL DESIGN, LLC, 35 FRAN CIRCLE, GRAY, ME 04039
Email Address: RLICHT@SECURESPEED.NET
Phone#: Office: 207.749.4924 Cell: 207.749.4924 Fax: NA

Project Information

Name of Project: CUMBERLAND CROSSING PHASE 1 (APPROVED AS "OCEANVIEW AT CUMBERLAND")
Address of site: 277 TUTTLE ROAD/LITTLE ACRES DRIVE
CCRD Book/Page #: 34876/192, 34876/194, Tax Map/Lot #: R04/ 4E & Portion of 5
Zoning District: RR-1 34876/184 Overlay District (If any): SHC
Site size (acres): 37.09 # of Lots: 1 # Buildings: 54 # Dwellings: 53
____ Minor Subdivision ☒ Major Subdivision ☐ Conservation Subdivision ☐
AMENDMENT

OTHER INFORMATION

1. Is Board of Adjustment and Appeals approval required? NO
2. Are any ordinance waivers requested? ____ Yes ☒ No (If yes, attach a list of waivers requested and reason for the request.)
3. Application fee per Town ordinance: \$ 600.00
4. This application form and all accompanying materials must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered by the Planning Board.

The undersigned, being the applicant, owner or legally authorized representative, states that all information contained in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the Town and in accordance with applicable ordinances, statutes and regulations of the Town, state and federal governments.

Frederic Licht (agent)
Signature of Applicant/Owner/Representative

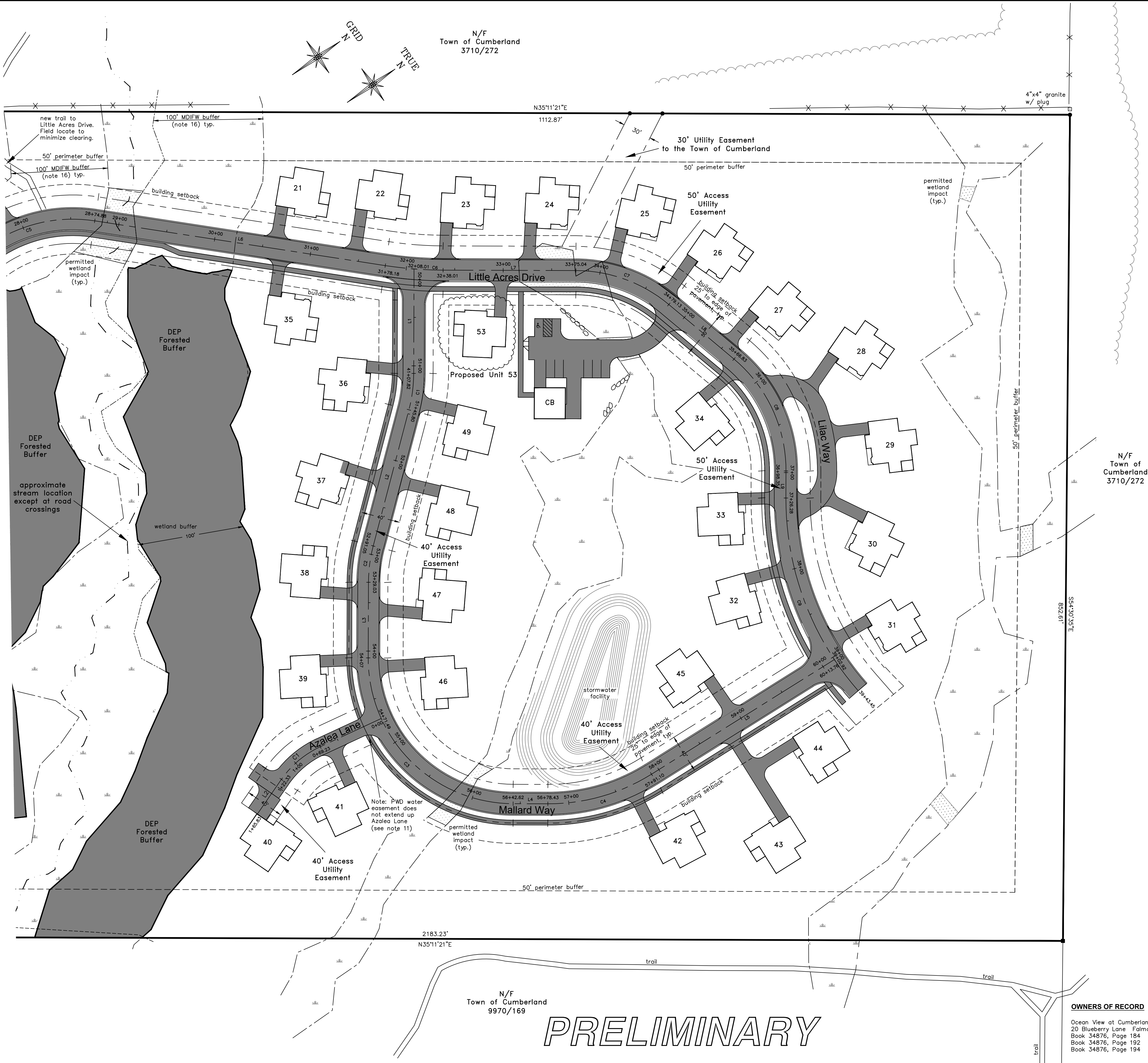
01-02-2020
Date

SITE DATA TABLE		
ZONING	RR1 AND SENIOR HOUSING COMMUNITY (SHC) OVERLAY DISTRICT	
	REQUIRED SHC	PROVIDED
MIN. LOT AREA (AC)	5 AC	37.09
MIN. FRONTAGE (FT)	0	50
SETBACKS:		
A. EDGE PAVED ROAD	25	25+
B. BETWEEN STRUCTURES	20	20+
C. DEVELOPMENT PROPERTY LINE	30	50+
MAXIMUM DENSITY (LAND AREA/UNIT) (3.)	10,000	30,484
MAX. ALLOWABLE UNITS (2)	162	53
OPEN SPACE	20% (7.4 AC.)	78% (28.7 AC.)
MAX. STRUCTURE HEIGHT (FT.)	40	40 (4.)
PERIMETER BUFFER (FT.)	50	50
NOTES:		
(REVISIONS TO TABLE SHOWN IN BOLD)		
1. PROJECT EXCLUDES 2.8 ACRE ALLEN OUT-LOT		
2. NOT INCLUDING PROPOSED COMMUNITY CENTER		
3. DENSITY BASED ON LOT AREA OF 37.09 ACRES - NO DEDUCTS REQUIRED		
4. TYPICAL COTTAGE HEIGHTS ARE 23 FEET +/-, NO BUILDING SHALL EXCEED 40 FT.		

State of Maine, Cumberland ss
Registry of Deeds
Received _____ 20 ____
at ____h ____m ____M and recorded in
Plan Book _____ Page ____
Attest: _____
Register

CERTIFICATION
This survey conforms to the current standards of
practice set forth by the Maine State Board of
Licensure for Land Surveyors.

Rex J. Croteau, P.L.S. #2273



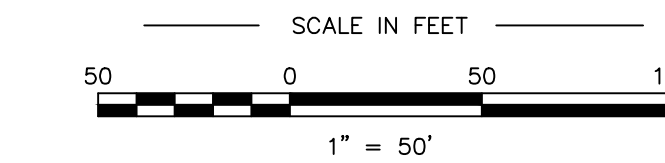
LEGEND	
□	Monument - found
○	Iron marker - found
●	Iron marker - set (#5 rebar)
■	Monument - set
---	Property line (locus)
- - -	Property line (abutter)
- - -	Easement line
X X	Wire fence
OH	Overhead utility line
- - -	Edge of pavement (existing)
- - -	Edge of gravel
⊙	Catch basin
⊙	Utility pole
⊙	Sewer manhole
N/F	Now or formerly of
1234/567	Deed reference (Book/Page)
~	Tree line
~	Wetlands
~	Sign
~	Edge of wetland
~	Coniferous tree
~	Existing building
~	Wetland impact area

Approved by the Town of
Cumberland Planning Board

dated _____

**OCEANVIEW AT CUMBERLAND - PHASE 1
AMENDMENT NOTES**

- 1) This plan amends the approved subdivision plan entitled -Subdivision Plan, Oceanview at Cumberland, Tuttle Road, Cumberland, Maine made for Oceanview at Cumberland LLC, 20 Blueberry Lane, Falmouth, Maine 04105 rev. date 07/31/18 and approved by the Cumberland Planning Board on August 21, 2018 and recorded in the Cumberland County Registry of Deeds in Plan Book 218 Pages 411-414.
- 2) The revisions to the plan under this amendment include:
 - a. Changing the proposed community center located on Little Acres Drive to a new Cottage Unit #53.
 - b. Minor pavement adjustments at the approved maintenance garage area adjacent to the new Unit #53.
 - c. The total unit count for phase 1 is changed from 52 to 53 units.



S-1

AMENDED SUBDIVISION PLAN
Oceanview at Cumberland
(Cumberland Crossing Phase-1)
Tuttle Road Cumberland, Maine

MADE FOR
Ocean View at Cumberland LLC

20 Blueberry Lane Falmouth, Maine

JOB #89076 DATE: January 2, 2020 SCALE: 1" = 50'

BOOK #898

89076_2016.dwg

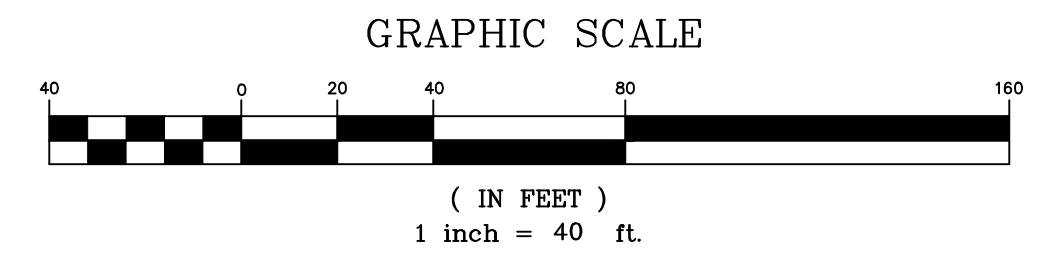
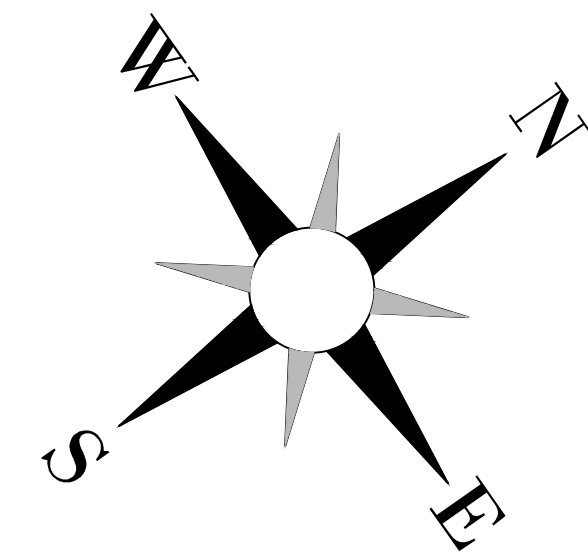
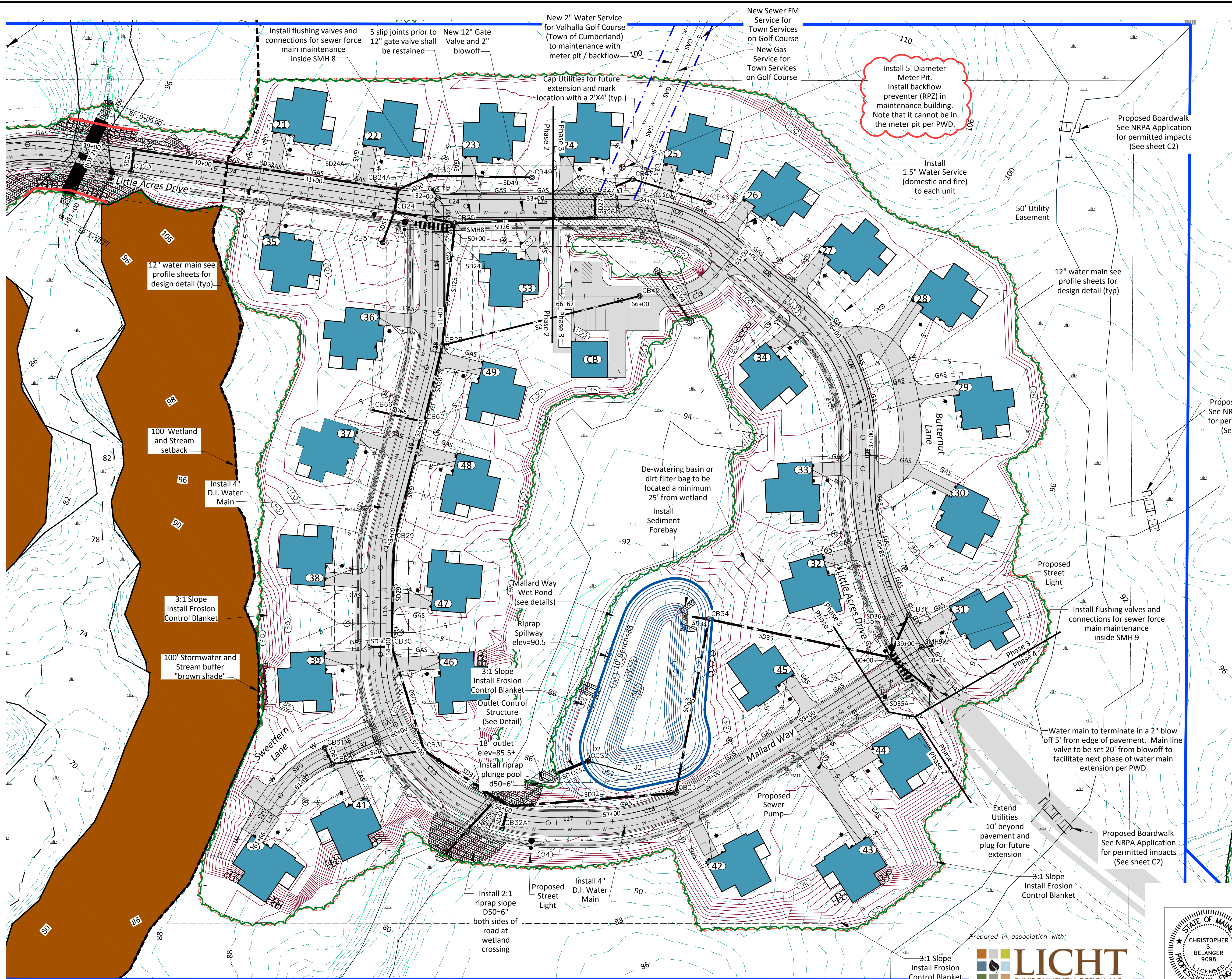
133 Gray Road, Falmouth, Maine 04105

(207)797-9199 www.titcomb-survey.com

OWNERS OF RECORD

Ocean View at Cumberland, LLC
20 Blueberry Lane Falmouth, Maine
Book 34876, Page 184
Book 34876, Page 192
Book 34876, Page 194

Titcomb Associates



- | | | | |
|-----|------------|--|-----|
| 13. | 11-27-2019 | Require back flow preventer be installed in maintenance building (not in meter pit). Submit to PWD | CSB |
| 12. | 11-6-2019 | Revisions per PWD markup, Add 5' diameter Meter Pit at Valhalla service | CSB |
| 11. | 10-8-2019 | Add 2" service to Valhalla Maintenance | CSB |
| 10. | 9-17-2019 | Add 12" Gate Valve and Blowoff on Little Acres Drive | CSB |
| 9. | 12-4-2018 | Remove Community Building, Add Unit 53 | CSB |
| 8. | 9-18-2018 | Lighting Revisions per Mancini plan 11-26-2018 | CSB |
| 7. | 8-21-2018 | Adjust Units and Grading | CSB |
| 6. | 7-31-2018 | No changes this sheet, re-submit to Town | CSB |
| 5. | 7-16-2018 | PWD revisions | CSB |
| 4. | 5-4-2018 | PWD revisions, respond to DEP comments | CSB |
| 3. | 3-1-2018 | Respond to Town Comments, re-submit to Town | CSB |
| 2. | 2-7-2018 | SUBMIT TO DEP | CSB |
| 1. | 1-31-2018 | Respond to Town Memos, submit to Town and DEP | CSB |

Site Development Plan

Oceanview at Cumberland LLC
277 Tuttle Road, Cumberland, Maine

Seacoast Management Company
20 Blueberry Lane, Falmouth, Maine



BELANGER ENGINEERING
CONSULTING ENGINEERS
63 Second Avenue, Augusta, Maine 04330
Ph 207-622-1462, Cell 207-242-5713

- COMMERCIAL PROJECTS
- RESIDENTIAL SUBDIVISIONS
- TOWN AND STATE APPROVALS
- SITE PLANNING & DESIGN
- STORMWATER MANAGEMENT
- ROAD AND UTILITY DESIGN
- EROSION CONTROL PLANS

FIELD WK:	SCALE: 1"=40'	SHEET:
DRN BY:	JOB #:	C5
CH'D BY:	SS:	
DATE: 11-27-2019	FILE:	

