

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

To: Steve Moriarty, Planning Board Chairman  
From: William R. Shane, Town Manager  
Subject: Senior Housing Overlay – Former Godsoe Lot added  
Date: December 10, 2018

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I will be representing the Town Council at the public hearing regarding adding additional lots to the Senior Housing Overlay District map. If you recall, when I was before you last with the original request, this area was in litigation. Apparently two people believed they each had rights to the property with what they believed were binding Purchase & Sale agreements. It took a judge to untangle the ownership.

Now, one of these parcels is owned by Oceanview, and as presented in their first sketch plan to you, this would ultimately become Phase 2 of the current project. This project is supported by the Town Council who would like to see the original plan of inclusion of these properties in the Overlay District.

Your recommendation should include amendments to:

**§ 315- 28.4 Senior Housing Community (SHC) Overlay District**

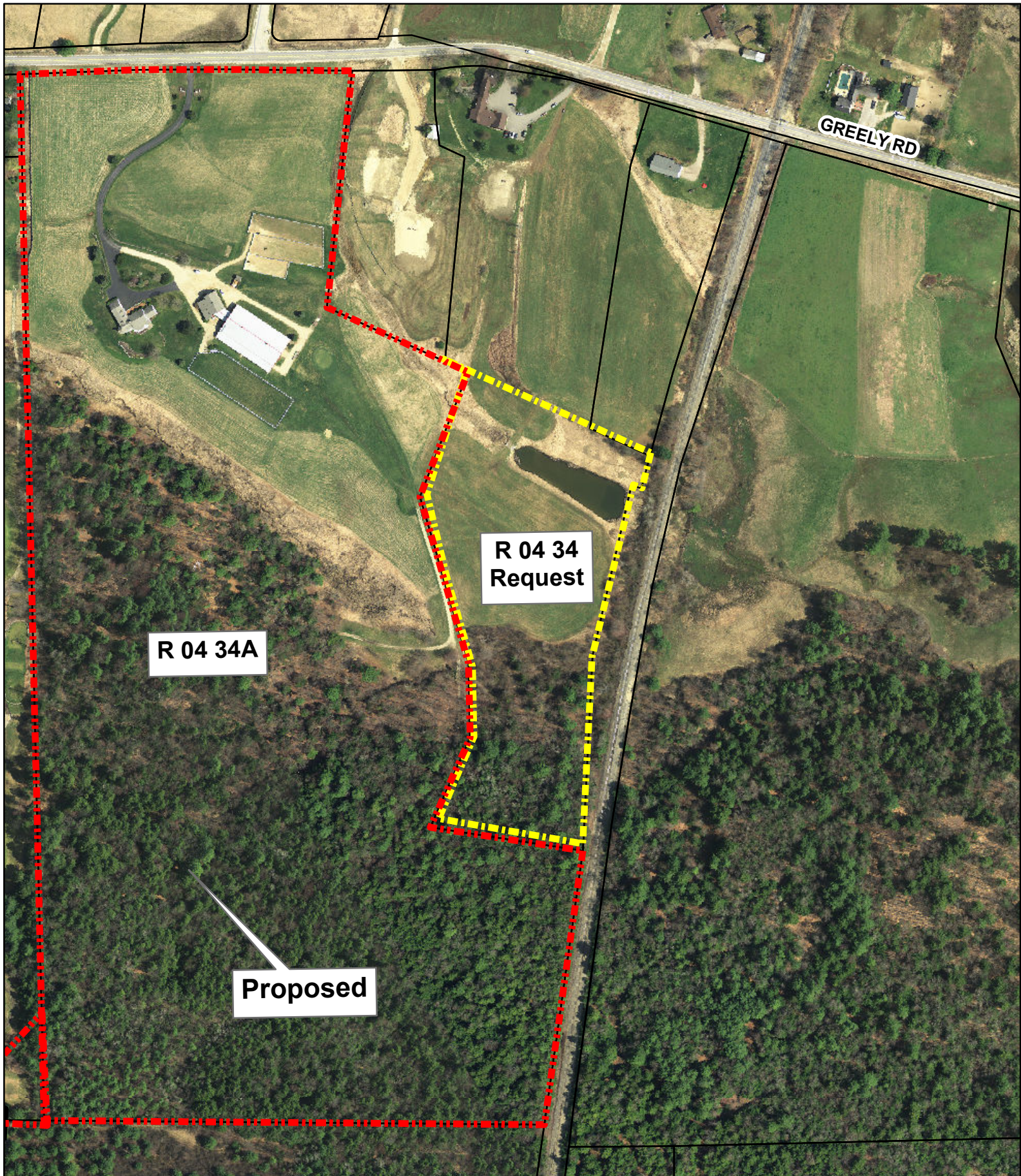
Inclusion of Map R04 Lot 34A and a portion of Map R04 Lot 41 (Val Halla road crossing) in the SHC Overlay District.

**Zoning Map** Include of Map R04 Lot 34A and a portion of Map R04 Lot 41 (and if possible a portion of Map R04 Lot 34) in the SHC Overlay District

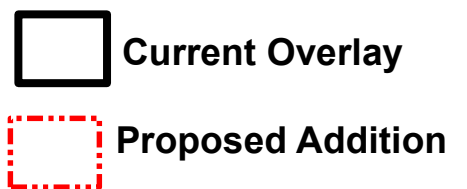
I will have overhead maps at the meeting and explain in more detail the easements which include the use restrictions and the utility easement to Greely Road.

Last week, Dr. Tom Netland approached staff regarding inclusion of a portion of his property. Carla and I met with Dr. Netland and believe it is a reasonable request to add this lot to the Overlay District as part of your recommendation to the Town Council. Those have been included in parenthesis as part of your recommendations above.

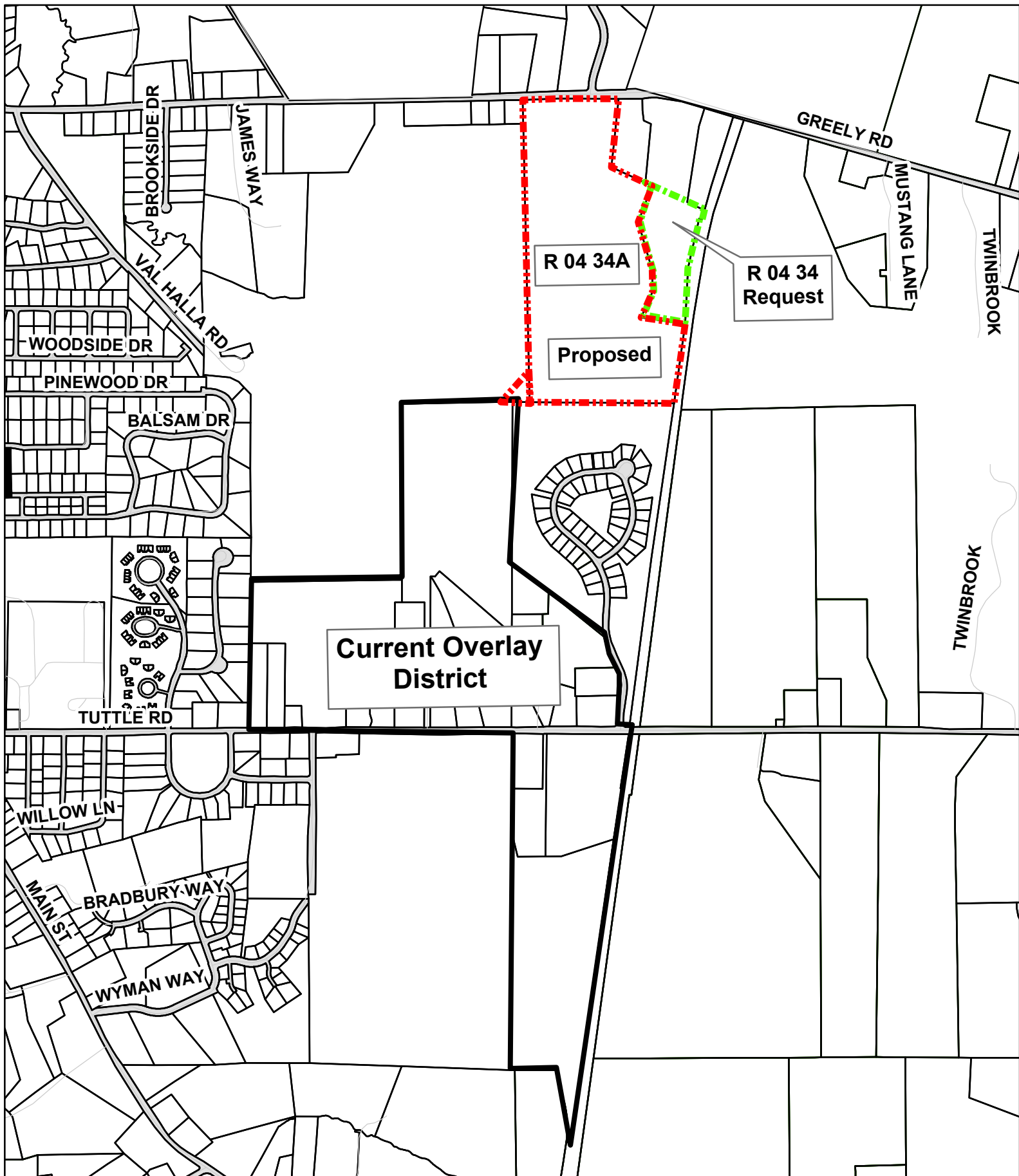






**Proposed Addition to the  
Senior Housing Community Overlay District  
Netland SHO (YELLOW 8.9 A)**







**Proposed Addition to the  
Senior Housing Community Overlay District  
Netland SHO (Green Outline 8.9 A)**

-  Current Overlay
-  Proposed Addition

**§ 315-28.4 Senior Housing Community (SHC) Overlay District.**  
**[Added 7-24-2017; amended 11-22-2017]**

A. Purpose. The purpose of the Senior Housing Community (SHC) Overlay District is to permit the development of senior housing communities in designated areas of the Town that consist of varied living arrangements for senior residents. These regulations are intended to provide flexibility and creativity in the design and development of senior housing communities, while ensuring that senior housing communities are designed and developed to maintain a high degree of quality and integrate well into existing neighborhoods. The designation of the Senior Housing Community Overlay District is intended to recognize that a planned senior housing community has special considerations that do not apply to other uses and to allow for additional flexibility in the permitting of these uses within the Senior Housing Community Overlay District, in return for an increased level of municipal oversight.

B. District.

(1) The Senior Housing Community Overlay District is hereby designated as an overlay district for the purposes set forth above within the certain portions of the MDR and RR1 Districts, specifically the lots as delineated on the official Town of Cumberland Tax Assessor's Map as:

Map R03, Lot 50

Map R04, Lot 4C

Map R03, Lot 50A

Map R04, Lot 4D

Map R03, Lot 50B

Map R04, Lot 4E

Map R03, Lot 53

Map R04, Lot 5

Map R04, Lot 1

**Map R04, Lot 34A**

Map R04, Lot 1A

Map R04B, Lot 1

Map R04, Lot 2

Map R04B, Lot 2

Map R04, Lot 2A

Map R04B, Lot 3

Map R04; Lot 3

Map R04B, Lot 4

Map R04, Lot 3A

Map R04B, Lot 5

Map R04; Lot 4

Map R04B, Lot 5A

Map R04, Lot 4A

Map R04B, Lot 5B

Map R04, Lot 4B

Map R04B, Lot 6

**Portion of R04 Lot 34**

**Portion of Map R04, Lot 41 (\*\* Editorial note this is the triangle hole 5 golf course easement.)**

(2) The requirements of the underlying zoning districts shall continue to apply to all properties within the Senior Housing Community Overlay District except as specifically modified by the provisions of this section.

- C. Permitted uses. In addition to the uses allowed in the underlying zoning districts as identified above, and notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following uses shall be permitted uses in the Senior Housing Community Overlay District:
- (1) Senior housing community, subject to review under § 315.60.1.
  - (2) Accessory buildings or uses as are permitted in the underlying zoning district that are located on the same lot and incidental and subordinate to senior housing.
  - (3) Private clubs that are associated with and available exclusively to the senior housing community.
  - (4) Commercial health and recreation centers and swimming pools that are associated with and available exclusively to the senior housing community.
  - (5) Health and fitness studios that are associated with and available exclusively to the senior housing community.
  - (6) Small-scale storage facilities that are associated with and available exclusively to residents of the senior housing community.
  - (7) Community center that is associated with and available exclusively to residents of the senior housing community.
  - (8) Sales office used exclusively for promotion and sale of dwelling units within the senior housing community.
- D. Lot standards. Notwithstanding anything to the contrary in the regulations for the underlying zoning districts, the following lot standards shall apply to all permitted uses within the Senior Housing Community Overlay District:
- (1) Setbacks. No structure shall be located within 25 feet from the paved edge of any road, nor within 20 feet from the closest point of any other structure or 30 feet from any Senior Housing Community or District boundary line. In the event of a conflict between the setback requirements of this subsection and the buffering requirements of Subsection **D(6)** below, the more restrictive provision shall apply.
  - (2) Minimum lot size: 5 acres for a Senior Housing Community.
  - (3) Maximum density. The minimum allowable land area for each permitted use shall be:
    - (a) Ten thousand square feet per dwelling unit in a single-family or duplex
    - (b) Five thousand square feet per dwelling unit within a multiplex.
    - (c) Two thousand five hundred square feet per bed in a residential care facility.
    - (d) Ten thousand square feet per accessory use and all other permitted uses listed in § **315-28.4C**.
  - (4) Net residential acreage. Net residential acreage calculations are not required for senior housing communities within the Senior Housing Community Overlay District.
  - (5) Open space. At least 20% of the total area of the tract or parcel of land being developed for a senior housing community must be maintained as open space as defined in § **315-4**.
  - (6) Buffering. A plan to buffer and screen the proposed senior housing community development from adjacent residential properties shall be required. A minimum fifty-foot buffer shall be required along the entire perimeter of a Senior Housing Community. No cutting or clearing shall be permitted

within the fifty-foot buffer area, except as required for purposes of installing or connecting utilities, roads and trails. Roads, trails and utilities may be located within the 50 foot buffer area as required by this subsection when necessary due to the physical limitations of the property, provided that such location is not intended to circumvent the provisions of this section and that the buffer shall be maintained to the greatest extent practicable. Additional plantings or other buffering implements may be required within the buffer area to create sufficient buffer. The Planning Board shall approve the selection of the proper type and size of buffering techniques based on existing site conditions, distances to property lines, and the intensity of the land use. Buffering may consist of plantings, earth berms, stone walls, grade changes, fencing, or a combination of some or all of these techniques. Buffering may also be accomplished on an adjacent property by easement or deed restriction.

E. Building standards.

- (1) Maximum building height. No building shall exceed 40 feet in height or four stories, whichever is less, as measured in accordance with § 315-52.
- (2) Minimum building separation. All buildings and structures shall be separated by a minimum of 20 feet, as measured from the nearest part of each structure to the other.
- (3) Minimum dwelling size. No dwelling unit (other than a dwelling unit within a congregate housing, residential care facility, nursing home, continuing care retirement community or community living arrangement) shall have less than 600 square feet of floor area.

F. Special Standards Related to Map R04, Lot 34A.

Notwithstanding any other provision of this Section 315-28.4 or any other applicable provisions of this Chapter 315, the portion of Map R04, Lot 34A that abuts the southeasterly side of Greely Road and consists of approximately 5 acres as identified in Appendix A to this Section as the "Preservation Area," shall be maintained in its existing state as of the original adoption of this Section [INSERT DATE]. Specifically, the undeveloped property within 300 feet of Greely Road, as it runs the full length of the northeasterly boundary of Lot 34A, shall remain undeveloped in its present natural state, except that paddock areas for the grazing of animals may be expanded or installed and underground utilities may be installed. Within the Preservation Area discreet wayfinding or similar signage and a pedestrian access to Greely Road may be permitted as long as such activities do not adversely impact the general character of the viewshed. The undeveloped property within 300 feet of Greely Road shall be mowed at least once per year and no additional trees shall be planted to block the existing viewshed. Landscaping is permitted along the access drive to the extent that it does not adversely affect the character of the Preservation Area. Additionally, the view of the homestead on Lot 34A from Greely Road and the overall appearance, architecture and character of the homestead as of 12-1-18 shall remain substantially the same as it existed as of that date, as depicted in Appendix B to this Section. For purposes of this section, the homestead shall include the house, barn, landscaping, paddock areas and driveway and parking areas as depicted on Appendix A and Appendix B to this Section. The existing structures may be redeveloped for the uses permitted under this Section 315-28.4, but the footprint of the existing structures shall not be increased or decreased towards Greely Road, and the structures shall not be reconstructed or replaced, except as may be required due to structural damage that renders the structure uninhabitable or unusable or to provide access under the American with Disabilities Act or for the preservation and/or maintenance of the general character of the structures, including without limitation, replacement or alteration of the façade siding or replacement or maintenance of building landscaping. No additional parking shall be permitted between Greely Road and the existing structures, provided however, that nothing contained herein shall prevent the parking of vehicles in existing gravel or paved parking areas. The existing structures and parking or other permitted activities may only be expanded in a direction that is not generally visible from Greely Road and does not affect the overall character of the homestead as generally shown in Appendix A and

Appendix B, and any such expansions shall be subject to the requirements of Chapter 229 of this Code.

- F. **Parking.** Parking shall be required per dwelling unit based on the type of housing provided, but in no event shall there be less than one parking space per dwelling unit.
- (1) Dwelling units that are not part of a residential care facility (i.e., detached, duplex or multiplex dwellings designed for independent living arrangements) shall provide a minimum of two spaces per dwelling unit;
- (2) Dwelling units that are part of a residential care facility shall provide a minimum of one space per dwelling unit;
- (3) For all other permitted uses, refer to § **315-57** for minimum parking requirements.
- G. **Public utilities.** All dwelling units within a senior housing community shall be connected to the public water and public sewer systems.
- H. **Residential care facilities.** The provisions of § **315-71** (Residential care facilities) shall not apply to senior housing communities in the Senior Housing Community Overlay District.
- I. **Road standards.**
- (1) All roads within the Senior Housing Community Overlay District shall be designed in accordance with the residential subcollector roadway standards as contained in Article **VI** and Table 2 of Chapter **250**, Subdivision of Land, of the Cumberland Code.
- (2) The following roadway standards shall apply to all other roads within the Senior Housing Community Overlay District:

**Roadway Standards**

<b>Dimensional Description</b>	<b>Specification</b>
Right-of-way width	
Minimum	30 feet
Maximum	50 feet
Roadway pavement width	
Serving less than 10 homes	18 feet
Serving 10 or more homes	20 feet without curb
	22 feet with curb
Curbing	Per Chapter <b>250</b> Attachment 1:2
Paved sidewalk (applies only to primary access roads connecting from Tuttle Road)	5 feet (one side only)

## Roadway Standards

Dimensional Description	Specification
Minimum roadway center line grade	
Curbed and noncurbed	1.0%
Maximum roadway center line grade	10%
Minimum center line radius	100 feet
Minimum tangent length between curves of reverse alignment	0 feet
Minimum angle of street intersections	75° (90° preferred)
Minimum distance between street intersections on same side and on opposite side	100 feet
Minimum pavement radii at intersections	10 feet
Minimum pavement crown	1/4 inch per foot (2%)
Minimum slope of gravel shoulder	1/2 inch per foot (4%)
Minimum K Factor, crest vertical curve	15
Minimum K Factor, sag vertical curve	20
MPH design speed	25
Maximum grade approaching intersection	
50 or fewer vpd (within 25 feet)	3%
Greater than 50 vpd (within 50 feet)	3%
Primary access roads (within 75 feet)	3%
Minimum property line radius at intersection	0 feet
Dead-end turn around	Per Chapter <b>250</b> Attachment 1:6





Appendix A  
Town of Cumberland Zoning Ordinance Chapter 315-28.4  
Senior Housing Overlay District (SHC)

JOB# 89076

DATE: November 26, 2018

NOT TO SCALE

DWG: Appendix A



***Titcomb Associates***

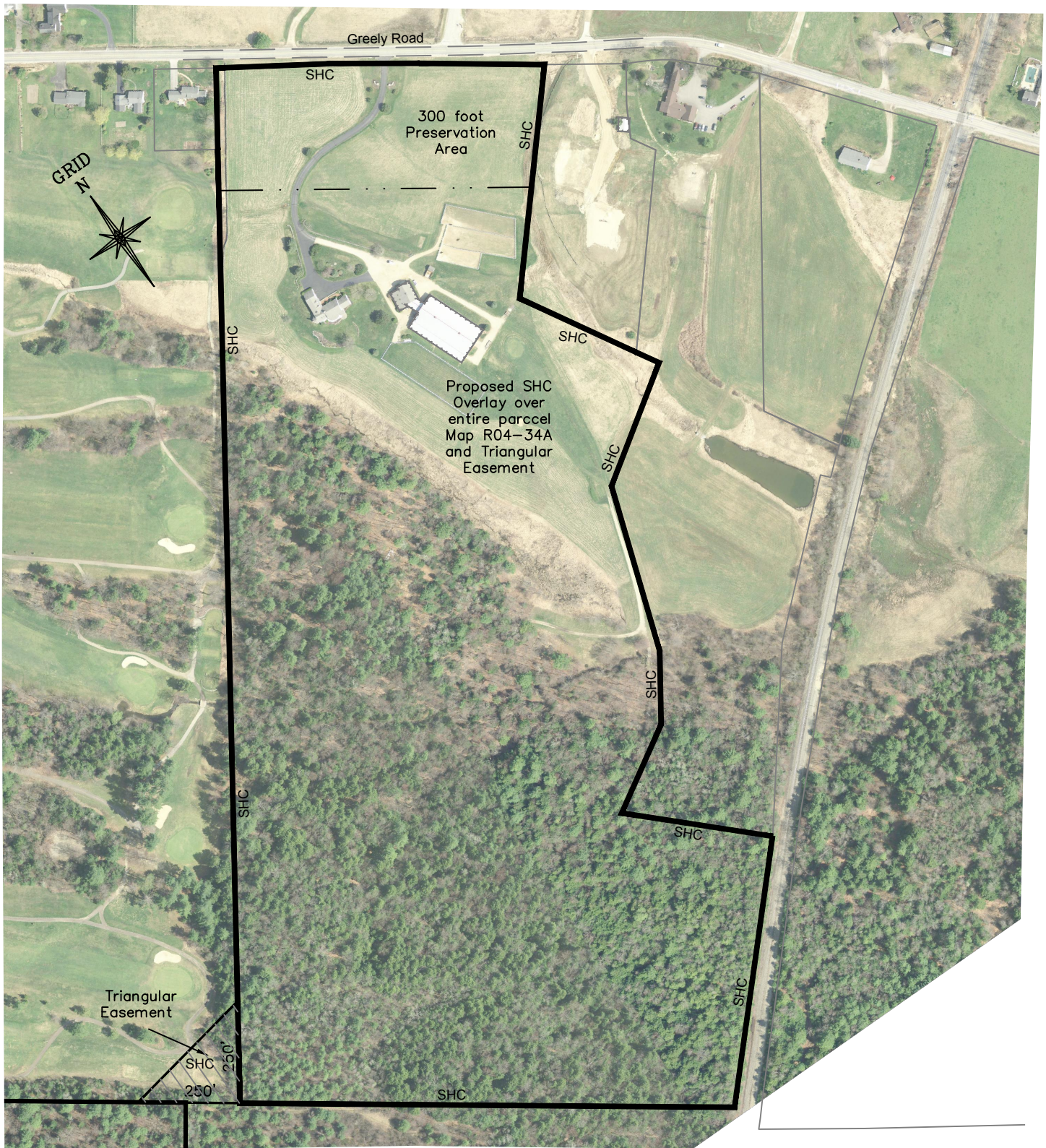
133 Gray Road, Falmouth, Maine 04105  
(207)797-9199 [www.titcombsurvey.com](http://www.titcombsurvey.com)






Town of Cumberland Zoning Ordinance  
Chapter 315-28.4 Senior Housing Community (SHC) Overlay District  
**Appendix B –Viewshed to Map R04-Parcel 34A from Greely Road**





Appendix C  
Town of Cumberland Zoning Ordinance Chapter 315-28.4

Senior Housing Overlay District (SHC)

JOB# 89076	DATE: November 26, 2018	 <p><b><i>Titcomb Associates</i></b> 133 Gray Road, Falmouth, Maine 04105 (207)797-9199 www.titcombsurvey.com</p>
	NOT TO SCALE	
	DWG: Appendix A	