

# ITEM 17-062

To consider and act on amendments to Chapter 282 (Vehicles and Traffic), Section 12 (Stopping, Standing or Parking Prohibited in Specific Places) of the Cumberland Code, as recommended by the Ordinance Committee



# M E M O R A N D U M

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

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** April 20, 2017  
**Re:** No Parking BCR

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The Cumberland Code Chapter 282 Vehicles & Traffic, requires the Town Council to approve the prohibition of parking on certain streets (282-14).

Now that the parking lot at Broad Cove is complete and ready for parking, I am recommending we implement the plan approved by the Planning Board for no parking along Beach Drive except for two handicap spaces designated near the turnaround / drop off area. I further recommend drop off times be restricted to no more than 15 minutes before a violation citation is issued.

The Council action on this item will enable the Police Department to issue parking tickets of \$25 and up to \$50 per ordinance for this road. The present plan is to implement a warning system until Memorial Day and then violations and fines will be issued beginning May 30<sup>th</sup>.

## **Notice of Decision**

**Date:** July 22, 2015

**To:** William Shane, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

**Re:** *Public Hearing: §229 - Site Plan Review and § 226-17 - Shoreland Zoning of the Cumberland Code. To review a Municipal Use for Broad Cove Reserve Parking and Access Plan at 179 Foreside Road.* A portion of Tax Assessor Map R01, Lot 2 in the Low Density Residential (LDR) Limited Residential (LR). Town of Cumberland Applicant, Owner. Daniel P. Diffin, P.E., Sevee & Maher Engineers, Representative.

This is to advise you that on July 21, 2015 the Planning Board voted to grant §229 - Site Plan Approval and § 226-17 - Shoreland Zoning approval for the Municipal Use for Broad Cove Reserve Parking and Access Plan at 179 Foreside Road. A portion of Tax Assessor Map R01, Lot 2 in the Low Density Residential (LDR) Limited Residential (LR). This approval is subject to the waivers granted; Expiration of Approval; Standard Condition of Approval and the six (6) conditions of approval.

<b>Findings of Fact:</b>	<b>See Enclosed:</b>
<b>Waivers granted:</b>	<b>1. Hydrogeologic Evaluation</b>
	<b>2. Market Study</b>
<b>Waivers Denied:</b>	<b>None</b>

### **Expiration of Approval**

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction 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 one-year extensions to the period of any and all federal and state approvals and permits are current.

### **Standard Conditions of Approval**

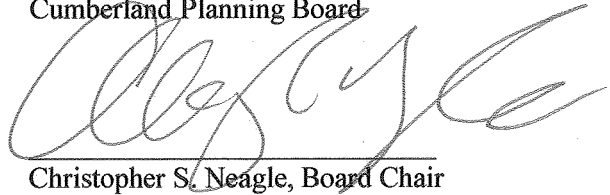
This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval 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 clearing limits are to be staked and inspected by the Town Engineer prior to the preconstruction conference.

3. A blasting permit, if needed, shall be obtained from the Town Code Enforcement Officer prior to blasting.
4. Bicycles and similar vehicles are prohibited from the 5' wide reclaim trails.
5. The gate at the turnaround to be locked when the Reserve is closed.
6. The Chebeague Cumberland Land Trust must approve the project as approved by the Planning Board.

Cumberland Planning Board



Christopher S. Neagle, Board Chair

## **Findings of Fact – Site Plan Review**

### **Sec. 229-10 Approval Standards and Criteria**

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

#### **A. Utilization of the Site**

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The proposed development plan seeks to minimize impacts to the natural features of the site. Appropriate utilization of the site is evidenced in the following ways:

1. The existing bath house will be relocated out of the Resource Protection District.
2. There will be no new buildings or structures constructed on the site.
3. The proposed parking lot is located close to the entrance to the site in a wooded area. The existing vegetation will shield the parking area from sight. If the parking lot were to be placed closer to the shore, it would have an adverse impact on scenic views. Existing trees will shield the view of the parking lot from Route 88.

4. Vehicular traffic along Beach Road will be minimized due to the location of the parking area and restricted access (attendant and gate) to the shore;
5. The park is designed for passive recreational use only so no new facilities will be required; except for new portable toilets in the bathhouse.
6. The site has been found to have historical and archeological significance. An archeological investigation is on-going and the location of this area will be restricted from development.
7. A wetlands survey was conducted and with the exception of a small area (2,350 sf) adjacent to the proposed parking lot, there will be no disturbance of wetlands on the site;
8. Hours of operation are limited to dawn to dusk;
9. There will be no lighting;
10. No utility lines will be brought into the site;
11. There will be no sewer or subsurface waste disposal system on site; two portable toilets will be placed in the existing bath house structure;
12. Road and parking surfaces will be more water permeable than asphalt.
13. Proposed stormwater improvements will protect the environmentally sensitive coastal land and waters.
14. Wetlands boundary information was obtained from a survey performed by Albert Frick Associates, Inc., Environmental Consultants. 2,350 sf of wetlands will be impacted by the project. No vernal pools were found on site.
15. The location of the proposed parking areas and the relocated bath house are within Zone C-Area of Minimal Flooding.
16. It is anticipated that members of the public will utilize this site.

*Based on the above facts, the Planning Board finds the standards of this section have been met.*

*Mr. Sherr moved to adopt the findings of fact as amended for §A. Utilization of Site.*

*Ms. Maloney-Kelley seconded.*

*VOTE: Unanimous 5-0*

**B. Traffic, Circulation and Parking**

- (1) **Traffic Access and Parking:** Vehicular access to and from the development must be safe and convenient.
  - (a) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible. **The combined entrance and exit drive for the parking lot has a sight distance of 175' to the east, and a much greater distance when looking to the west. Based on the MDOT standards of 10' of sight distance for every mile per hour of the posted speed limit (which will be 15 mph), this standard has been met.**
  - (b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows. **Directional signage is proposed and adequate sight distances are shown.**
  - (c) The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection. **This standard has been met.**

- (d) The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated. **This standard has been met as shown by the Traffic Assessment in Attachment B to the application.**
- (e) Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site. N/A
- (f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets. **No turning lanes are necessary due to the low traffic volume expected. There are directional signs shown on the plan.**
- (g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street. **The accessway to the parking lot from Beach Drive is 80' long which is sufficient to avoid queuing on Beach Drive. Should the parking lot be full, a sign will be posted and the drivers will circle through the lot and exit back onto Beach Drive.**
- (h) The following criteria must be used to limit the number of driveways serving a proposed project:  
No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.  
No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet. **Only 1 combined exit/entrance drive is proposed for the parking lot; it is 24' wide.**

## **(2) Accessway Location and Spacing**

Accessways must meet the following standards:

- a. Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard. N/A
- b. Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible. N/A

## **(3) Internal Vehicular Circulation**



The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- a. Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
- b. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- c. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- d. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

**Beach Drive will have a 20' wide reclaim asphalt surface with 2' shoulders on each side. Safe pedestrian circulation is provided via 5' wide walking trails that are separate from the roadway. Bicycles will be prohibited from walking trails.**

#### **Parking Layout and Design**

Off street parking must conform to the following standards:

- a. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- b. All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- c. Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

- d. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- e. Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

- f. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

*The driveway and parking areas were located and designed to provide safe circulation to the site while minimizing impacts to the surrounding land. Existing grades and vegetation will be maintained to the extent practicable. The above standards have been met.*

(5) Building and Parking Placement

*The site is constrained by a conservation easement which dictates the location of roads, parking and buildings. There are also topographical restraints that limit locations where the parking lot and the four mobility-challenged parking spaces may be placed. The proposed parking lot will be located in an area that is secluded and buffered by existing vegetation. Building and parking placement are located in appropriate areas.*

(6) Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site. Safe pedestrian circulation is provided via 5' wide walking trails that are separated from the roadway.

*Based on the above facts, the Planning Board finds the standards of this section have been met*

*Mr. Sherr moved to adopt the findings of fact as amended for §B. Traffic, Circulation and Parking.*

*Ms. Maloney-Kelley seconded.*

*Vote: Unanimous 5-0*

**C. Stormwater Management and Erosion Control**

- (1) Stormwater Management. Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.
- (a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
  - (b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
  - (c) The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.



- (d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- (e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- (f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- (g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

The stormwater runoff from the project within the shoreland zone is designed to mitigate existing erosion along the gravel access drive and to minimize any increase in stormwater runoff when compared to pre-developed conditions. The project will not increase impervious area and proposes to spread runoff from the access road through a level spreader as shown on the drawings. The Town Engineer has reviewed the storm water management plan and after recommended changes were made by the applicant, approved the plan.

*Based on the above facts, the Planning Board finds the standards of this section have been met.*

Mr. Sherr moved to adopt the findings of fact as written for §C.1 Stormwater Management  
Ms. Maloney-Kelley seconded. Vote: Unanimous 5-0

## 2. Erosion Control

- (a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- (b) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

Slope and wetland impacts were limited. Erosion control measures in conformance with the Maine Erosion and Sediment Control manual will be applied during construction.

*Based on the above facts, the Planning Board finds the standards of this section have been met.*

Mr. Sherr moved to adopt the findings of fact as written for §C.2. Erosion Control.  
Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0

D. Water, Sewer and Fire Protection

(1) Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

**There is no need for a water supply. There will be a fire hydrant located on Beach Drive near the hammer-head turn-a-round.**

(2) Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

**The relocated "bath house" will have two stalls in which portable toilets will be placed. All disposal of sewage waste will be in accordance with State law, and plans will be reviewed and permits will be issued by the Local Plumbing Inspector (LPI) in accordance with those laws.**

(3) Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

**No utilities are required for this passive recreation area therefore none will be installed as part of this project. There is public water along Beach Road that has been installed by the developer of Spears Hill Subdivision. This water connects to a fire hydrant where the hammer-head and gate are located.**

1. Fire Protection

**The plans have been reviewed and approved by the Fire Chief. There is a hydrant connected to public water located at the hammerhead turnaround near the gate on Beach Drive.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the findings of fact as amended for §D. Water, Sewer and Fire Protection.*

*Ms. Maloney-Kelley seconded.*

***VOTE: Unanimous 5-0***

E. Water Protection

- (1) Groundwater Protection. The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

**There will be no groundwater or hazardous materials discharged as a result of this project. The property is *not* located within an area designated as an aquifer protection area. There will be no on-site water supply or sewage disposal systems.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the findings of fact as written for §E. (1) Water Protection.*

*Ms. Maloney-Kelley seconded.*

**VOTE: UNANIMOUS 5-0**

**(2) Water Quality**

**All aspects of the project must be designed so that:**

- a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

**No substances described above will be stored or discharged in a way that could contaminate surface or groundwater.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the findings of fact as written for §E. (2) Water Quality.*

*Ms. Maloney-Kelley seconded.*

**VOTE: Unanimous 5-0**

**(3) Aquifer Protection (if applicable)**

**If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer, is required.**

**The parcel is not located in the Aquifer Protection Area.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the findings of fact as written for §E. (3) Aquifer Protection.*

*Ms. Maloney-Kelley seconded.*

**VOTE: Unanimous 5-0**

#### F. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

**The parcel is shown on Federal Floodplain map number 230162 0018C. The location of the proposed parking areas and the relocated bath house are within Zone C-Areas of Minimal Flooding. There are V3 and V2 areas shown along the shorefront, but there is no construction proposed in this area.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the finding of fact as amended for §F. Floodplain Management.*

*Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0*

#### G. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**The entire "Payson Property" site was reviewed by the Maine Historic Preservation Commission (MHPC). A copy of the review letter from the MHPC is included in Attachment E to the application. The applicant has described a significant archaeological resource in the general area of the bath house which will not be disturbed by the development.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the finding of fact as amended for §G. Historic and Archaeological Resources.*

*Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0*

#### H. Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.

**No exterior lighting is proposed.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the finding of fact as written for §E. Exterior Lighting.*

*Ms. Maloney-Kelley seconded. VOTE: Unanimous 5-0*

## I. Buffering and Landscaping

### (1) Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

### (2) Landscaping:

There are no proposed changes to the landscaping plan due to the minimal change in the amount of pavement.

**Clearing of the property for the parking lot and other improvements will be kept to a minimum while still allowing adequate room to safely construct the components of the project. The existing forested and vegetated land outside of the cleared area will be undisturbed to allow natural buffering to effectively screen the parking lot. No new landscaping is proposed.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the finding of fact as amended for §I. Buffering and Landscaping.*

*Ms. Maloney-Kelley seconded.*

*VOTE: Unanimous 5-0*

## J. Noise

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

**There is no exterior equipment or operations proposed that will result in noise. Park hours will be limited to dawn to dusk.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the finding of fact as written for §J. Noise.*

*Ms. Maloney-Kelley seconded.*

*VOTE: Unanimous 5-0*

## K. Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

**There will be no external storage of material. There will be no dumpster or trash receptacles on site. Visitors will be required to carry out their trash when leaving.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the finding of fact as written for §K. Storage of Materials.*

*Ms. Maloney-Kelley seconded.*

*VOTE: Unanimous – 5-0*

**L. Capacity of the Applicant**

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

**Technical Capacity: The applicant has retained the services of a professional engineer, wetlands analyst and land surveyor.**

**Financial Capacity: Project improvements will be funded by Town Council approved Reserve Funds. In addition, a grant to assist with the cost of pier improvements (or replacement) has been granted to the Town. The Shore and Harbor Planning Grant was awarded by the State of Maine Department of Agriculture, Conservation and Forestry, Maine Coastal Program.**

***Based on the above facts, the Planning Board finds the standards of this section have been met.***

*Mr. Sherr moved to adopt the finding of fact as amended for §L. Capacity of the Applicant.*

*Ms. Maloney-Kelley seconded.*

*VOTE: Unanimous 5-0*

## **CHAPTER 226 – SHORELAND ZONING**

**A portion of the project will occur within the 250' Shoreland Zone setback from the shoreline of the ocean. The following details how the project will comply with the relevant requirements of this zone.**

### **SS 226-17: Resource Protection District**

**The Town proposes to remove the existing bath house in the Resource Protection District (RPD) and relocate it outside of the Resource Protection District adjacent to an existing gravel turn-a-round. No other development is proposed in the Resource Protection District.**

### **SS 226-18: Limited Residential District (LRD)**

**The turn-a-round will be paved with reclaim asphalt. This work will include the installation of appropriate erosion control measures and access for equipment to relocate the structure. All work will be done in accordance with the Maine DEP Erosion Control BMP manual.**



The work within the LRD includes resurfacing a section of the existing gravel drive with reclaimed asphalt, and construction of a level spreader to distribute stormwater runoff that concentrates along the access drive over a larger area. Regular mowing of the proposed Public Access Walking Trails and four accessible parking spaces will occur in the shoreland zone, but has been minimized to include just 8' wide grass paths. There is no additional clearing or cutting of trees proposed within the Shoreland Zone.

#### **SS 226-23: Minimum Lot Standards**

The project will comply with the required lot standards because it is 11.8 acres as shown on Drawing C-101.

#### **SS 226-29: Parking Areas**

The project will include the creation of a 64 foot wide accessible parking area within the shoreland zone. The spaces will be maintained by the Town and signed and enforced as parking only for residents that are mobility-challenged. The spaces will be located greater than 100 feet from the ocean shoreline. There are no other parking spaces proposed within the shoreland zone.

#### **SS 226-30: Roads and Driveways:**

The existing gravel access drive will be resurfaced with reclaim asphalt pavement. This access drive will not be heavily used as it is to provide access for emergency vehicles and mobility-challenged individuals only. Access will be controlled by the Town through the gate located at the end of Beach Drive and shown on the drawings. The existing road is greater than 75' from the shoreline as required by this section,

#### **SS 226-32: Stormwater Runoff**

The stormwater runoff from the project within the shoreland zone is designed to mitigate existing erosion along the gravel access drive and to minimize any increase in stormwater runoff when compared to pre-developed conditions. The project will not increase impervious area and proposes to spread runoff from the access road through a level lip spreader as shown on the drawings.

*Based on the above facts, the Planning Board finds the standards of this section have been met. Mr. Sherr moved to adopt the findings of fact as amended for Shoreland Zoning §226-17 Resource Protection District; §226-18:1 Limited Residential District; §226-23: Minimum Lot Standards; §226-30: Roads and Driveways; §226-32: Stormwater Runoff.*  
*Ms. Maloney-Kelley seconded.* *VOTE: Unanimous 5-0*

#### **Expiration of Approval**

Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction 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 one-year extensions to the period of any and all federal and state approvals and permits are current.

### **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 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 clearing limits are to be staked and inspected by the Town Engineer prior to the preconstruction conference.
3. A blasting permit, if needed, shall be obtained from the Town Code Enforcement Officer prior to blasting.
4. Bicycles and similar vehicles are prohibited from the 5' wide reclaim trails.
5. The gate at the hammerhead at the end of Beach Drive shall be locked when the Reserve is closed.
6. The Chebeague Cumberland Land Trust must approve the project as approved by the Planning Board.





DWG: BASE      LMN: PARKING-COLOR      CTB: SME-STD      REV: 7/19/2016

A horizontal graphic scale bar with four segments. The segments are labeled 10, 0, 20, and 40 FEET. The first segment (0-10) is divided into two sub-segments, each with a black and white checkerboard pattern. The second segment (10-20) is solid black. The third segment (20-40) is solid white. The total length represents 40 feet.

PARKING LOT SITE PLAN  
BROAD COVE PARKING AND  
ACCESS PLAN  
BEACH DRIVE  
TOWN OF CUMBERLAND  
CUMBERLAND, MAINE

**SME**  
Sevee & Maher Engineers, Inc.

ENVIRONMENTAL • CIVIL • GEOTECHNICAL • WATER • COMPLIANCE  
4 Blanchard Road, PO Box 85A, Cumberland Center, Maine 04021  
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## CHEBEAGUE & CUMBERLAND LAND TRUST

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*Stephen W. Moriarty*

August 3, 2016

Mr. William Shane  
Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Dear Mr. Shane,

Thank you for submitting the revised Broad Cove Reserve parking proposal to the Chebeague & Cumberland Land Trust Board of Directors on June 10, 2016. The CCLT approved the original Broad Cove Reserve parking plan with conditions on August 19, 2015. The revised plan addresses CCLT's conditions and consists of a Site Overview Plan (C-101) and Parking Lot Site Plan (C-102), aerial maps and a report from James Logan, a certified wetlands scientist from Longview Partners LLC, regarding the results of the potential vernal pool investigation during April and May 2016.

The changes in the plan consist of the following: the lot will accommodate no more than 33 cars, the row of 10 parking spaces nearest Route 88 has been relocated to the southern side of the lot. James Logan, a certified wetland scientist from Longview Partners LLC, determined that there were no vernal pool indicator species present near the proposed parking site. Numerous inspections by CCLT stewards and a site visit by vernal pool scientist and specialist, Kevin Ryan of FB Environmental, confirmed this finding. The investigations showed that the hydrology of the depression area was extremely short (dry by May 12<sup>th</sup>) and a very shallow. Permitting and regulation by ME DEP is not required.

After reviewing the revised plan and additional information, the CCLT Board approved the proposal for the revised Broad Cove Reserve parking lot as submitted by the Town of Cumberland on June 10, 2016 with the following conditions:

- 1) The parking area be limited to 33 spaces as proposed in the revised plan of June 2016.
- 2) The clearing limits be minimized to the extent possible while still providing for adequate storm water control.
- 3) If CCLT finds after construction that the scenic view from Route 88 is impacted, additional plantings may be required.
- 4) The parking area is flagged and CCLT is notified prior to construction for a site visit.
- 5) Best management practices for soil erosion and control are used in the construction and ongoing maintenance of the parking area. In addition, a low amount of sand and salt be used for winter maintenance.

Please let us know if there are any additional items for consideration.

Sincerely,

*Penny Asherman*  
Penny Asherman  
President of the Board

