

Planning Board Meeting - Minutes
Tuesday, June 17, 2008
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine
7:00 PM

A. Call to Order

The meeting was called to order at 7:00 p.m.

B. Roll Call

Present: Bill Ward, Board Chair, Bill Richards, Vice-Chair, Bob Couillard, Mark Robinson, Chris Neagle, Bob Vail, Pam Russell

Staff: Carla Nixon, Town Planner, Pam Bosarge, Board Clerk

C. Approval of Minutes of April 15, 2008.

Mr. Richards moved to approve the minutes of April 15, 2008 as presented.
Mr. Couillard seconded. Vote: Unanimous

D. Consent Calendar / De minimus Change Approvals: There were no Consent Calendar Items.

E. Public hearing: Amendment to Major 4-lot subdivision, (Brookwood Subdivision) to allow for a gift lot on a portion of parcel # 4, Tax Assessor Map R06, Lot 18D, Rural Residential 2 (RR2) district; Roger Brooks, Applicant, Owner, James Nadeau, LLC, Surveyor, Representative.

Mr. Ward reviewed the three outstanding items from the last meeting:

1. Joint town review with North Yarmouth
2. Waiver of 500' of pavement on the road (driveway)
3. Site Walk (held April 29, 2008)

Ms. Nixon stated the applicant was asking for the following waivers:

- Section 8.4.B: Paving
- Section 8.4D: Byways – Sidewalks
- Section 9.3: Stormwater management Plan
- High Intensity Soil Survey: (Medium submitted)

Mr. Ward opened the public portion of the meeting. There were no public comments. The public portion of the meeting was closed.

Mr. Robinson stated he was prepared to make a motion.

Mr. Robinson moved to grant the four requested waivers:

- Section 8.4.B: Paving
- Section 8.4D: Byways – Sidewalks
- Section 9.3: Stormwater management Plan
- High Intensity Soil Survey: (Medium submitted)

Mr. Neagle seconded, with an amendment stating the reason for the waivers requests are the circumstances: this is one-lot in Cumberland and a one lot gift to a child. The majority of the lots are located in North Yarmouth.

VOTE: Unanimous

Mr. Robinson moved the waiving of the Findings of Fact.

Mr. Richards seconded.

VOTE: Unanimous

Mr. Neagle moved to authorize the Planning Board Chair to sign the agreement to waive a mutual hearing between Cumberland and North Yarmouth and to approve the amendment to a Major 4-lot subdivision, (Brookwood Subdivision) to allow for a gift lot on a portion of parcel # 4, Tax Assessor Map R06, Lot 18D, Rural Residential 2 (RR2) district; with the standard and proposed conditions of approval.

Mr. Robinson seconded.

VOTE: Unanimous

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:

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 creation of a second lot on the 29+ acre parcel will not result in undue water or air pollution.

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 applicant has shown the location of the proposed well. The home on the other part of the parcel has adequate water supply.

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 applicant will not utilize public water.

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;

A medium intensity soils survey was conducted. The creation on one lot with one home on it will not cause unreasonable soil erosion. Best Management Practices for erosion control in the construction of the new home will be used.

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;

There will be no road congestion or unsafe conditions created by the new lot.

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 be served by a private subsurface disposal system. The HHE-200 is on file.

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.

The Town's current municipal waste hauler will collect the 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;

The creation of the additional house lot on 29 acres will not have an adverse effect on the scenic beauty of the area. There are no evident historic or wildlife resources on the site.

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 staff.

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;

There are no public improvements required for this subdivision. The home is under construction.

Technical capacity is evidenced by the use of professional land surveyors and licensed soils evaluators.

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;

This project is not located within the watershed of a lake or great pond.

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 creation of an additional residential lot on the 29 acre parcel will not have adverse impact on 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 proposed project is located in Zone C (area of minimal flooding) on the FEMA Flood map.

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;

The creation of an additional residential lot on the 29 acre parcel will not have adverse impact on groundwater.

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.

The wetlands have been mapped. There is no impact on wetlands due to the creation of the additional lot.

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 one intermittent stream on the site which has been shown on the plan and is not affected by the construction of the new home.

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

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

The site is located in the Aquifer Protection District, but the findings relative to suitable soils for septic systems allows a positive finding that the plan will not adversely affect the aquifer.

STANDARD CONDITIONS OF APPROVAL:

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to 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.

Approval of any subdivision plan not filed for recording within 90 days after Final Plan approval shall become null and void. A note referencing this time provision shall be placed upon the Final Plan. The developer shall provide the Town Planner with the plan book number and page number, upon recording of the subdivision plan.

2. Public Hearing: Major Site Plan Review, for Black Point Auto Sales & Classics, at 222 Gray Road, in the Village Center Commercial (VCC) district; Tax Assessor Map u20,, Lot 66, Philip Roy, Applicant; Phil Hall, Owner.

Ms. Nixon presented an overview of the project as follows: This is the first review for the project located in the newly created Village Center Commercial (VCC) district.

The applicant is Philip Roy of PR Construction. Phil Hall is the owner of the parcel located at 222 Gray Rd. in the Village Center Commercial (VCC) District; Tax Assessor Map U-20, Lot 66. Mr. Hall intends to open an antique car showroom on the site.

The parcel is 7.155 acres in size, according to the boundary survey.

The applicant is requesting major site plan approval to construct a 50' x 100' building with a 12' x 16' office area.

The front of the building will be glass; the back of the building will have five garage doors. The siding will be vinyl, clapboard style. Customers will visit by appointment during the day.

There are 5 structures on the site currently. The applicant plans to remove the house and three other "coop" structures. The barn will remain.

The existing entrance area will be used. A MDOT permit is preliminarily approved. The applicant is awaiting a permit that re-designates the residential access as a commercial access.

Requested Waivers:

- **Section 206.6.2...1:** Site Inventory and Analysis. The site was used as a residence and has some farm buildings. The site is fairly flat, dry and not wooded. No wetlands were found and there appear to be no sensitive areas. The SI & A is to determine the location of sensitive areas and to place new development away from those areas. This is being done.
- **Section 206.7.4.2:** Grading plan at 2' contours. (site is fairly flat)
- **Section 206.7.4.5:** Surface water drainage (site is fairly flat; drainage direction and outlet is shown on the plan.)
- **Section 206.7.4.6:** Groundwater impact analysis prepared by hydro geologist. (This is required only for projects involving on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
- **Section 206.7.4.15:** Traffic peak hour and generation (This is a hobby-type business. Visitors will be by appointment only)

- **Section 206.7.4.16:** Stormwater calcs. /erosion control plan. There will be little change in the amount of impervious surface. Drainage flows to a natural swale on the property.

Town of Cumberland
Section 206 – Site Plan Checklist

Major Site Plan _____ X _____ Minor Site Plan

SECTION 206.7.2 Site Plan Review Application Submission Requirements
REQUIRED FOR MAJOR AND MINOR SITE PLANS

1.	Site Plan Application Form Completed	Yes
	1. Signed Application	Yes
	2. location of all setbacks, yards and buffers	
	3. name and address of all property owners w/I 200 feet	Yes
	4. location map showing location of project	Yes
	5. boundaries of all contiguous property under control of owner	Yes
	6. tax map and lot numbers	Yes
	7. deed, option to purchase or documentation of right, title or interest	Yes
	8. name, registration number and seal of person who prepared plan	Yes (boundary survey)
	9. evidence of technical and financial capability to carry out project	Yes

SECTION 206.7.3 Existing Conditions
REQUIRED FOR MAJOR AND MINOR SITE PLANS

1.	zoning	Yes
2.	Boundary survey	Yes
3.	utilities, including sewer & water, culverts & drains, on-site sewage	Yes
4.	location, names, widths of existing public or private streets/ROW's	Yes
5.	location, dimension of ground floor elevation of all existing buildings	Yes
6.	location, dimension of existing driveways, parking, loading, walkways	Yes
7.	location of intersecting roads & driveways within 200 feet of the site	Yes
8.	location of drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, important or unique features, etc	Yes
9.	direction of existing surface water drainage across the site & off site	Yes
10.	location, front view, dimensions and lighting of existing signs	N/A
11.	location and dimensions of existing easements & copies of documents	N/A
12.	location of nearest fire hydrant or water supply for fire protection	Yes

SECTION 206.7.4 Proposed Development Activity
REQUIRED FOR MAJOR AND MINOR SITE PLANS

.1	Narrative/how plan related to inventory & analysis	N/A
.2	Grading at 2' contours	Waiver request

.3	Utility plan	Yes
.4	estimated demand for water & sewage disposal/location/dimensions, etc	Yes
.5	surface water drainage and impact assessment on downstream properties	Partial waiver request
.6	Groundwater impact analysis/impact on downstream properties	Yes
.7	handling solid waste, haz & special waste/including screening on-site	Yes
.8	driveway, parking & loading areas, location/dimension & materials along with changes in traffic flow onto or off site	Yes
.9	landscape plan	Yes
.10	location, dimension and ground floor elevation of buildings	Yes
.11	signs/location and method of securing	N/A
.12	location and type of exterior lighting	Yes
.13	location of all utilities including fire protection systems	Yes
.14	general description of proposed use or activity	Yes
.15	traffic/peak hour and daily traffic generated by project	Waiver request
.16	stormwater calculations/erosion & sedimentation control plan, etc.	Waiver request

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

Mr. Neagle stated the waivers appear to be fair requests, and he doesn't need additional information to meet the Ordinance. This is a small project.

Mr. Roy, applicant, stated the application is self explanatory and he would be happy to answer any questions.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Neagle asked if the property is located in two different zones.

Ms. Nixon stated it used to be in two zones; it is now located in the Village Center Commercial zone. The survey dated on the site plan references the current zoning.

Mr. Neagle asked about the proposal for the existing house and garage.

Mr. Roy stated they would be demolished.

Mr. Neagle stated this is a large piece of land and asked if there are plans for future development.

Mr. Roy stated yes, there is a plan for future business development behind the facility, and Mr. Hall owns the lot across the street.

Mr. Richards asked what would happen with the ground water waiver if there was significant development on the property.

Ms. Nixon stated the applicant would be required to return for an amendment and stormwater review would depend on the intensity of the proposed use.

Mr. Richards asked if any waivers granted as this time would jeopardize future development.

Ms. Nixon stated she didn't think so, the waivers are appropriate for the current level of development.

Mr. Robinson stated he reviewed the plan and had no issues with the proposal, but questioned the conformance of the building and landscaping with the Route 100 Design Standards.

Ms. Nixon stated that the six bushes currently shown were added recently, but it would enhance the plan to have more landscaping.

Mr. Robinson stated the intent of the Route 100 Committee was that any new development should be physically inviting and appealing. The Committee spent considerable time and effort on the guidelines; he did not think six bushes fulfilled the vision of the Committee.

Mr. Roy stated this is not a high level facility it will display expensive vehicles which need to be visible from the road. The Ordinance only requires 5' for separation for parking.

Mr. Couillard stated he also was on the Committee and the building is too close to the road, he would like to see it pushed back, to not have a strip mall appearance.

Mr. Roy stated he didn't think the owner would push the building back 65'.

Mr. Couillard stated if the building was pushed back on the lot it could be elevated for visibility. He asked about proposed lighting.

Mr. Roy stated standard light packs in the back and ambient lighting with hoods on the front. There will be no light pollution.

Mr. Couillard stated the Route 100 Design Standards require roof lines to be broken up.

Mr. Roy stated the building is 100 feet with a 16 x 12 office extension, he understands not wanting a warehouse appearance, but the building will have a full glass front showroom. There are no plans for dormers on the building.

Mr. Couillard stated he was not happy with the roof design, and the building is too close to the road. He asked what kind of metal roofing.

Mr. Roy stated standard seam roofing.

Ms. Russell asked about if there was a rock face along the bottom of the building.

Mr. Roy stated there will be a two foot curb of concrete on the building.

Mr. Robinson stated the plans indicate there will be a lift in the building will this be to examine autos, and asked if there would be any mechanical work done at the site.

Mr. Roy stated minimal at most, there are no plans to have a mechanic on site.

Mr. Robinson asked if there would be hazardous materials.

Mr. Roy answered no.

Mr. Vail asked the pitch of the roof.

Mr. Roy answered 5 / 4 pitch.

Mr. Vail stated it is an unattractive building with 8' walls with 2' exposed concrete on 12' walls and a standard steel roof. This is a new zone in town; with design standards.

Mr. Neagle stated the VCC requires a 25' landscape buffer; 12' or 22' of the buffer are in the State Road. Mr. Neagle stated the landscape buffer can't be located in the D.O.T. right-of-way. The plan shows the 25' landscape buffer is not located on the property.

Mr. Roy stated it was located where he understood it should be located; they will try to move it.

Mr. Ward asked about the parking and would the vehicles be viewed by appointment.

Ms. Nixon stated she would like to have the Board discuss the parking standards in Section 417 the number of spaces required for this type of use is 20 spaces, the Board can't waive portions of the Zoning Ordinance, she was asking for direction from the Board, and asked if the spaces could be gravel.

Mr. Roy stated there is no problem with 20 spaces behind the building.

Mr. Ward stated this is the Board's first review with the new Village Center Commercial district; the design seems off from the Design Standards.

Mr. Roy stated they were trying to make the plan conform; he didn't think the timing would work if the project approval was delayed.

Mr. Ward stated this is awkward for the Board; they typically receive a sketch plan for a first look and comments on a plan, then the applicant returns with a formal application for review.

Mr. Roy stated there is a limited window of opportunity for the time frame for building the structure; if it isn't approved this evening, the owner will continue with other projects. Ms. Nixon did an excellent job meeting with him and he thought he had met the requirements if not, it is unfortunate the project won't go forward; it would be too bad for the Town and at no fault of the Board.

Mr. Neagle stated the Board can't change the parking requirements of the Ordinance; he would be saddened if the project didn't go forward, but would be happy to approve an application that meets the standards at next month's meeting.

Mr. Vail stated he was in favor of tabling the application.

Mr. Ward opened the public portion of the meeting.

Mr. Steve Moriarty, Town Councilor stated he didn't have an ordinance, but asked that the location of the easement be clearly answered this evening.

The public portion of the meeting was closed.

Mr. Neagle stated the landscape easement needs to be on the applicant's property; if it is to be located in the highway, there would need to be a signed easement from D.O.T. This is a huge lot with plenty of room for the easement to be located entirely within his parcel.

Ms. Nixon stated she did not recall stating the landscape buffer could be located in the right-of-way. She apologized if it was not clear.

Ms. Nixon asked the Board for a five minute recess to consult with the applicant.

Mr. Richards stated that would be okay.

Mr. Robinson asked if a recess would change the outcome of the Board's direction.

Mr. Neagle moved to hold a five minute recess.

Mr. Vail seconded.

VOTE: Unanimous

The Board held a five minute recess at 7:50 and reconvened at 8:00 p.m.

Ms. Nixon stated she and Mr. Shane, Town Manager met with the applicant to discuss how modifications could be made.

Mr. Roy thanked the Board for the recess; and said the easement would be moved twenty-five feet from the boundary lines. Parking will not be a hindrance he could locate 15 - 20 spaces in the back of the building. And a crow's foot could be located in the center of the building to break up the roof line. He would work with Ms. Nixon on a landscape plan acceptable to the Board.

Mr. Richards clarified that the building would be placed back on the property to allow the appropriate 25' buffer on the property.

Mr. Roy stated the building will be moved 20' back.

Mr. Neagle asked for clarification that everything would shift back 20' and parking would conform to 1- 180 sq. ft. A 5,000 square foot retail business would require 27 spaces.

Mr. Roy stated 12 x 16 of the building will be office space; he will put in twenty spaces plus an additional two.

Mr. Neagle stated he wish the Board had more discretion to waive the parking standards, and voiced concern of not being able to see the plan.

Mr. Roy stated there will be a 5' buffer between the parking and building which will have shrubs.

Mr. Ward asked the Boards' pleasure.

Mr. Vail stated Section 204.10.3 states *the parking requirement may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard.* We may want to re-visit and amend the VCC district to include the ability to reduce parking.

Mr. Roy stated the proposed sign does not meet the VCC standards; the VCC does not address signage and reverts back to the 25 square foot minimum. There is a letter being presented to Council to amend the Ordinance.

Mr. Robinson stated he would like to see the business built, it is a clean business that might attract people to other businesses in the area. However, this is the Board's first review with the new zoning; the Committee spent two plus years developing the guidelines. The building does not meet the guidelines, landscaping would make the building more attractive. It is not the Board's purview to develop a landscaping plan for this application or any other application; nor is it their purview to determine the center line of the highway; and determine the boundary of the property. The site plan and drawing provided are as minimal as any he has ever looked at, for those reasons he is not prepared to go forward this evening. He would recommend tabling the application.

Mr. Ward stated Mr. Robinson has summed it up pretty well, he would entertain a motion.

Mr. Robinson moved to table the application for Black Point Auto until the next meeting.

Mr. Couillard seconded.

VOTE: Unanimous

3. Public Hearing: Major Subdivision Amendment for the addition of a drainage easement at R & N Woods, Maeves Way, Tax Assessor Map U02, Lots 5A – 5E, R & N Enterprises, LLC, Owner, Arthur Colvin, P.E., PLS, Associated Design Partners, Inc., Representatives.

Ms. Nixon presented background information as follows: This is a small change to an approved subdivision. While it could likely have been handled as a Consent Calendar item, the change is legal in nature and will result in a revised plan being recorded at the Registry of Deeds. The change is to allow for the creation of new drainage easements for foundation drains that were installed on Lots 3 and 4. The Portland Water District and the Town's peer review engineer have both signed off on the change. Mr. Horace Horton is here this evening to explain the legal easements.

Mr. Horton stated he was present to represent R & N Enterprises, with Nicola Mangenello, owner. Mr. Colvin, the project engineer, was not able to be present this evening. All the conditions of approval have been completed, the infrastructure has been completed. In this case the foundation drains on Lot 3 had to be changed. Easements were provided across one lot and under the road for the benefit of another lot. The documents have been completed, and signed. The Association has agreed with the amendments, and the recording of the amended subdivision plan will make the easements a matter of record.

Mr. Ward asked if the Town's attorney needed to review the documents.

Ms. Nixon stated she didn't ask the Town Attorney to review this since the Town does not own the subdivision road; it is owned by the Association, and Portland Water District has signed off. She is not sure what liability the Town would have.

Mr. Ward stated he would feel better if they were reviewed by the Town's attorney.

Mr. Neagle stated lots 3 & 4 have foundation drains and the water wants to run towards the road. What happens to the water after it crosses the road, will it go into the drainage swale, or why it didn't go into the detention pond.

Mr. Horton stated it goes into the drainage swale. Ms. Mangenello stated if the water went into the detention pond it might have affected the stormwater calculations.

Mr. Richards stated there is a letter from Mr. Bradstreet and asked for clarification on his letter dated June 9, 2008.

Ms. Nixon stated the e-mail dated May 20, 2008 states the easements look fine and reflect discussions at Town Hall.

Mr. Robinson agreed the letter raises some red flags.

Mr. Shane, Town Manager stated that was the exact language that started the conversation with the developer and the Town. We met with the Engineer, Town's peer engineer; and at that time the pipes were videoed. This has been done; the risk was cut to minimal. He thinks the Engineer doesn't want to have any responsibility. The developer made a mistake, and should have notified the Town. He doesn't think there will be a failure; this has already been through a frost cycle. As a safety net a condition could be added that any improvements that need to be done to the road shall be the responsibility of the lot owner until June 2010.

Mr. Richards referenced Mr. Bradstreet's letter of January 29, 2008, Mr. Bradstreet talks about holding the Town harmless.

Mr. Shane stated he didn't think the road would become a public way.

Mr. Richards asked if there was a chance of it becoming a public way.

Mr. Shane stated currently there is no plan for the Town to take over the road.

Mr. Neagle stated these documents seem to accurately implicate the homeowner. It states the Homeowners' Association in no way takes responsibility. What has been presented clearly puts the burden on the lot owner. He doesn't see any way the Town could be responsible even if the road becomes public.

Mr. Ward suggested the condition be added to the proposal.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Ward asked Ms. Nixon on procedure.

Ms. Nixon stated it could be as simple as making a motion that reflects the language on the agenda for the item. There is a mylar to sign after the meeting.

Mr. Neagle moved to approve the major subdivision amendment for addition of a drainage easement at R & N Woods, Maeves Way, Tax Assessor Map U02, Lots 3 & 4, R & N Enterprises, LLC, Owner; with the condition that should anything go wrong with the easement, the drainage, the pavement for the next three years that the owners be held responsible.

Mr. Richards seconded.

VOTE: Unanimous

4. Public Hearing: Shoreland Zoning Permit: To construct a permanent embankment stair elevated on posts connected to a seasonally installed dock and gangway that provides tidal access to a float; at 7 Board Cove Way, Tax Assessor Map U06B, Lot 20; in the LDR/SOD; Peter and Donna Verrill, Owners, Barney Baker, P.E., of Baker Design Consultants, Representative.

This item was tabled by the applicant.

5. Public Hearing: Public Hearing: To recommend to the Town Council draft zoning amendments To Section 204.20 of the Zoning Ordinance; Val Halla Golf and Recreation Center Overlay District to add Section: 204.20.4

204.20.4 Buildings in existence as of the date of adoption of this section 204.20.4 on May _____, 2008, shall meet the following setback requirements:
[Amended, adopted _____]
.1 Front: 5 feet
.2 Rear: 5 feet
.3 Side 0 feet
.4 All new buildings exceeding 400 sq. ft. shall require Site Plan Review in accordance with Section 206.

Mr. Ward asked Mr. Shane to brief the Board.

Mr. Shane thanked Mr. Robinson for his review of this evening's application, and upholding the vision of the Route 100 Committee. Ms. Nixon works very hard with applicants for the better of the Town.

Mr. Ward stated this is the first time he has seen the Route 100 Standards; and other than the folks who spent two years meeting; it would be good to have a workshop.

Mr. Shane thought Mr. Vail's comments regarding parking were valid.

The Committee discussed adding the clause to allow the Planning Board flexibility in parking requirements.

Mr. Shane continued stating he has been working with the Maine State Golf Association to take over the banquet center of Val Halla. The Town has come to an agreement to sell the banquet center in early January. Ken Cole suggested the building become a duplex, and reduce the setback lines and negotiate open space the MSGA. The Council is supportive of creating a duplex in the building. They are in the process of checking into splitting utilities. This language has been reviewed by the Town Attorney, Natalie Burns. The entire MSGA will be housed in the

facility. This will lend a lot of opportunities to the golf course. The diagram shows how the building will be split.

Mr. Neagle stated this is very creative.

Ms. Russell asked to have an overlay district defined.

Mr. Shane said an overlay describes a set of uses for the complex. It is like overlaying a special set of rules for this parcel. It was to allow the Town to do minimal work without Site Plan Review.

Mr. Neagle asked about the lot size for the duplex building; and if it met the zoning requirements.

Mr. Shane stated the red lines are not shown on the lot, just for the building.

Mr. Neagle voiced concern of minimum lot size. He supports whatever can be done to make this happen.

Mr. Shane stated he agreed, it was not considered with the duplex, he will consult with the Town Attorney.

Mr. Neagle stated he would support the proposal.

Mr. Robinson stated he also supported this, and stated this is was very creative.

Mr. Vail suggested that an Overlay district definition be added to the Ordinance.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Ward disclosed his wife is a member of the Val Halla Board.

Mr. Neagle moved to recommend the Town Council adopt the draft zoning amendments for Section 204.20 of the Zoning Ordinance: Val Halla Golf & Recreation Overlay District to add Section 204.20.4

<u>204.20.4</u>	<u>Buildings in existence as of the date of adoption of this section 204.20.4 on May __, 2008, shall meet the following setback requirements:</u>
	<u>[Amended, adopted]</u>
<u>.1</u>	<u>Front: 5 feet</u>
<u>.2</u>	<u>Rear: 5 feet</u>
<u>.3</u>	<u>Side: 0 feet</u>
<u>.4</u>	<u>All new buildings exceeding 400 sq. ft. shall require Site Plan Review in accordance with Section 206.</u>

Mr. Richards seconded.

VOTE: 6 in favor
1 abstain (Ward)

Mr. Neagle recommended the Town Attorney review the request in respect to minimum lot size.

F. Administrative Matters:

Ms. Nixon stated she heard comments for a workshop. She suggested a workshop cover the Route 100 Design Standards as opposed to the Route One Design Guidelines. The Board needs to discuss how to apply these standards to smaller projects.

Mr. Robinson stated he did not understand how any applicant could read the Design Standards and bring this type of plan to the Board. It is not the Planner's job to design the plan. There was no indication of what was going to happen on the lot.

Ms. Nixon stated the other purpose of a workshop could include discussion of how to handle small projects such as the coffee kiosk. She and Mr. Shane have discussed "Planning Board Lite" with administrative review, and how to keep review economical for small projects. She struggles with how to handle these types of applications.

Mr. Ward stated the workshop and input from the Board will be helpful.

Mr. Neagle echoed Mr. Robinson's comments it is not Ms. Nixon's job to design the landscaping plan for the applicant. He doesn't think there is any relative burden for a small project to read the recommendations of the Committee. This document is spread out; he noticed it mentions in Section 1.72 of a 75' buffer this might be a typo.

Ms. Nixon stated this could be a carry over from the Route One Guidelines, and she would review the document.

Ms. Nixon stated she had the mylar for R & N Woods and Brookwood to be signed.

Mr. Vail suggested when a motion is made can they ask for discussion on the motion.

Mr. Richards stated not all motions need to be discussed.

Mr. Robinson moved to adjourn.

Mr. Richards seconded.

VOTE: UNANIMOUS

A TRUE COPY ATTEST:

William P. Ward, Board Chair

Pam Bosarge, Board Clerk