

## CUMBERLAND PLANNING BOARD MEETING MINUTES October 17, 2023

**A. Call to Order:** Chair Bingham called the meeting to order at 7:00 pm.

**B. Roll Call: Present:** Peter Bingham - Chair, Paul Auclair, Bridget Perry, Lorraine Rardin - Vice Chair, Joshua Saunders, Ann Sawchuck, Carla Nixon - Town Planner Bill Shane - Town Manager & Christina Silberman - Admin. Asst. **Absent:** George Turner.

**C. Approval of the Minutes of the August 15, 2023, meeting:** Mr. Auclair moved to approve the minutes of the August 15, 2023, meeting, seconded by Ms. Rardin and **VOTED, 5 yeas, 1 abstained (Sawchuck) - motion carries.**

**D. Staff Site Plan Approvals:** None.

**E. Minor Change Approvals:**

**1. Field change approval for Snowy Owl Estates Subdivision located at Old Gray Rd., Tax Assessor Map U21, Lot 5E.** Ms. Nixon explained that the grading plan for the project was not accurate. When development started, it was discovered that a small retaining wall, approximately 30' long and 6' high, would be needed. Ms. Nixon reported that the Town Engineer inspected the change to ensure it was okay and the change was approved.

Chair Bingham asked about the status of the condition of approval for the project regarding a water study. Ms. Nixon reported that the clearing and grubbing of the site was started but the developer has stopped work due to projects at other locations. Ms. Nixon said that when the project gets further along, they will drill the wells and do the testing.

**F. Hearings and Presentations:**

**1. Public Hearing:** Site Plan Review Amendment for the MSAD 51 Mabel I Wilson Elementary School campus, located at 353 Tuttle Rd., as shown on Tax Assessor Map U11, Lot 9, for revisions to the modular classroom addition previously approved.

**Applicant/Owner:** Maine School Administrative District 51. **Representative:** Patrick Carroll, Carroll Associates.

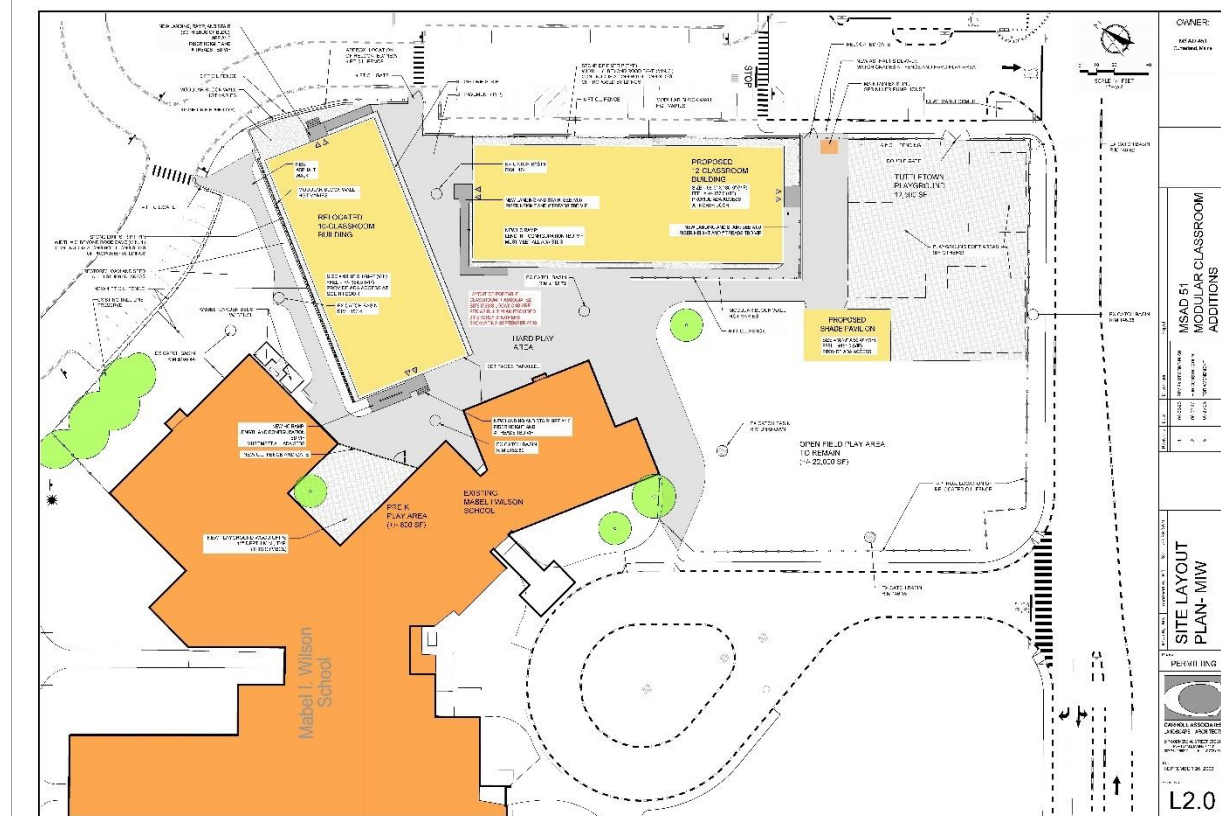
Chair Bingham introduced the item. Ms. Nixon noted that Patrick Carroll is not able to be here tonight and two people from his firm are here to answer any technical questions. Scott Poulin from MSAD 51 is also present.

Scott Poulin, Director of Finance, HR & Operations - MSAD 51, said they are before the Board for an amendment application that details revisions done this summer that were not part of the original application. Changes were needed due to the site conditions once construction started for the project outside of Mabel I. Wilson School regarding 22 classrooms. Mr. Poulin said that there was not enough time to come back to the Planning Board before school started so they decided to move forward.

Matt Phillips, Landscape Architect - Carroll Associates, said he will present the changes made in the field that differ from what the Board approved back in April. Mr. Phillips

said decisions made in the field were based on the discovered conditions versus the survey data from past projects was out of date and the builders and site contractors made the project work to fit the site.

Mr. Phillips displayed and described plans outlining the changes. An existing ten unit classroom building was relocated. The ten unit building and a new, twelve unit building were lowered to fit the site. Retaining walls had to be built near both building locations. Building entry points and ramps were reconfigured to be less steep with fewer risers on the stairs. Minor asphalt reconfigurations were made between the two buildings. The walkway to the playground was widened. The pavilion was shifted to be closer to the playground and gates have been added near the relocated playground. Fence lines were slightly altered. The pre k play area has been slightly expanded. Some utilities had to be reconfigured to fit the buildings. Mr. Phillips said that everything is working and functioning. A new survey will be commissioned for the area so there will be current survey data for this design.



Mr. Auclair asked about a concession and shade area noted in the materials. Mr. Phillips replied that these were approved in April for the Middle School site. These have not been built yet and are not part of the amendment tonight regarding changes that occurred at the Mable I. Wilson School.

Chair Bingham asked about a snack shack and bathrooms that were added near the athletic field. Mr. Poulin replied that a concession stand was built by the field house that

sits between two athletic fields and the bathrooms were done previously and did go through the Town.

Chair Bingham opened the public hearing.

Town Manager Bill Shane said that the changes were apparent as soon as the contractors arrived on site. Mr. Shane and Code Enforcement Officer Bill Longley reviewed the site and discussed the issue with Ms. Nixon. Mr. Shane noted that everyone agreed that, due to the time window, the work had to continue. Mr. Shane added that the changes made a lot of sense and made for a better project. Mr. Shane gave a special thanks to Storey Brothers for making it possible for the second and third grade to be able to start school on day one. Mr. Shane thanked the school staff that all pitched in to put the playground together and worked to get the job done with the cooperation of Mr. Poulin and his team.

Chair Bingham closed the public hearing.

Chair Bingham referred to the requested waivers. Ms. Nixon said that the waiver requests are not new and were reviewed previously. Ms. Nixon noted that the findings of fact are the same as the approval granted on April 25, 2023, except for the finding related to stormwater management.

Mr. Saunders moved to waive the reading of the findings of fact with the entry of the stormwater management narrative that was submitted in the packet into the public record, seconded by Mr. Auclair and **VOTED, 6 yeas, unanimous – motion carries.**

**Findings of Fact Chapter 229 - Site Plan Review, Section 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 portable classroom building at MIW and GMS will be located on existing developed areas with direct access to building support services. The existing Tuttle Town playground will be relocated to the outfield of the softball field and MIW and enlarged, along with the addition of a shade structure. The additional hard play area and Pre-K play area are also being located on areas previously developed adjacent to support services and building access. The proposed concession stand will be located at the west end of the football field adjacent to other associated buildings with similar needs with direct access to the access way through the campus. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

## **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.

**(b)** Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

**(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.

**(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.

**(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.

**(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.

**(g)** Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

**(h)** The following criteria must be used to limit the number of driveways serving a proposed project:

(1) 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.

(2) 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.

### **(2) Access way Location and Spacing**

Access ways must meet the following standards:

**(a)** Private entrance / exits must be located at least fifty (50) feet from the closest un-signalized 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 access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

**(b)** Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

**(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.

**(4) 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.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Skew Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
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.

#### **(5) Building and Parking Placement**

**(a)** The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

**(b)** Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

**(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.

***There are no proposed changes to the existing site circulation, parking areas or pedestrian ways. All ramps and stairs from the new modular units will connect to existing paved walkways and hard surface areas. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

#### **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.

## **(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.

***All existing drainage patterns will be maintained wherever possible. The temporary modular classroom buildings are installed on concrete piers/pads over existing grade which allows existing drainage to move under them with no disturbance of existing patterns. Four-foot wide drip edges along each long side of the new and related portables will be installed. Erosion control measures including silt fence and silt sack catch basin inlet devices are proposed and detailed. The buildings will be placed over existing developed surfaces. Additional finding of fact for 10-17-23 amendment: A revised Stormwater Management Narrative dated 9-14-23 has been submitted, reviewed and approved by the Town Engineer.***

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

## **(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.

**(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.

**(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.

**(4) Fire Protection:** The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirement of the Town's Fire Protection Ordinance.

***Public water and sewer connections will be made to each of the modular classroom buildings. A new sewer service will be required for the concession stand. Underground power and communication service will connect all modular classroom buildings with the existing school buildings. Power will be connected to the concession stand. A letter from the Portland Water District indicating capacity to serve is a proposed condition of approval. All portable classrooms will be fully accessible by emergency vehicles and personnel. A minimum 20' clear zone has been maintained between the buildings and the existing school. Sprinkler service connections are proposed to each of the modular classroom buildings. Based on the above findings of fact, and the proposed condition of approval, the Planning Board finds the standards of this standard have been met.***

#### **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.

**(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.

**(3) 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 modular classrooms are served by public water and sewer and will not impact any groundwater sources on adjacent properties. No hazardous materials are proposed to be used at this site. The site is not located within the Town Aquifer Protection Area. Based on the above finding of fact, the Planning Board finds that the standards of this section have been met.***

**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 project is not located within a special flood hazard area as identified in the latest FEMA flood maps. Based on the above finding of fact, the Planning Board finds the standards of this section have been met.***

**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.

***There are letters on file from previous site plan applications) stating that the Maine Historic Preservation Commission has not found there to be any historical or archaeological resources present on the site of the school campus. Based on the above finding of fact, the Planning Board finds the standards of this section have been met.***

**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 new exterior lighting is proposed other than that provided by lights at either ends of the portables. School uses are proposed to occur during daytime hours. The existing school buildings have several wall mounted lights that provide security lighting for the hard surface play area and internal walkways. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

**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:** Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

***The proposed project site is within the interior of the campus and is limited visually from abutting properties. Given their temporary nature, the installation of landscaping to buffer the portables is not feasible. Based on the above findings of fact, the Planning Board finds the standards of this section have***

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

***The portables will not generate noise that would affect neighboring properties. Based on the above findings of fact, the Planning Board finds the standards of this section have been met.***

**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.

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

**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 Ability:** *The applicant has retained an architect, landscape architect, civil engineer and surveyor to assist in preparing the site plan.*

**Financial Capacity:** *The leasing of the portables will be paid for from the operating budget of the MSAD.*

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

#### **M. Design and Performance Standards**

(1) Route 100 Design Standards

(2) Route 1 Design Standards

(3) Town Center District Design and Performance Standards

(4) Village Mixed Use Performance Standards.

***None of the above are applicable to this project.***

Mr. Saunders moved to approve the site plan review amendment for the MSAD 51 Mabel I. Wilson Elementary School campus, located at 353 Tuttle Rd., as shown on Tax Assessor Map U11, Lot 9, for the revisions to the modular classroom addition previously approved, seconded by Ms. Perry. Chair Bingham commented that basically, a new school was built in seven weeks. Technicalities had to be put aside because the project was more important than regulations. Chair Bingham said this marks the third time that the school district has had to come back for re requests or other errors and on a regular project, the Town would have temporarily shut the project down. Chair Bingham said he is surprised that there was not more work and study done on the engineering plans. Chair Bingham said there is a perception that school and town projects are treated on a different set of standards than the public. The proposed motion was then **VOTED, 6 yeas, unanimous – motion carries.**

**G. Administrative Matters/New Business:** None.

**H. Adjournment:** Ms. Perry moved to adjourn the meeting at 7:22 pm, seconded by Mr. Auclair and **VOTED, 6 yeas, unanimous – motion carries.**

**A TRUE COPY ATTEST:**

\_\_\_\_\_  
Peter Bingham, Planning Board Chair

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Christina Silberman, Administrative Asst.