

**Planning Board Meeting - Minutes  
Tuesday, March 14, 2006  
Cumberland Town Hall  
290 Tuttle Road, Cumberland, Maine  
7:00 PM**

**A. Call to Order**

The meeting was called to order at 7:05 p.m.

**B. Roll Call**

Present: Tom Powers, Board Chair, Bill Richards, Beth Howe, Bob Couillard, Mark Robinson

Absent: Bill Ward, Vice-Chair, Chris Neagle

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

**C. Approval of Minutes of February 21, 2006**

Ms. Howe moved to approve the minutes of February 21, 2006 with minor technical corrections.

Mr. Robinson seconded.

VOTE: Unanimous

**D. Consent Calendar / Deminimus Change Approvals:**

- **Advisory recommendation** – required by Section 410 of the Zoning Ordinance “Extraction of Earth Materials” for an annually renewable special permit from the Zoning Board of Appeals; Tax Assessor Map R07, Lot 48, Town of Cumberland, applicant.

Ms. Nixon presented background information as follows: In accordance with Section 410: Extraction of Earth Materials, the Board is asked to provide an advisory recommendation to the Board of Appeals. This is an annual permit that must be approved by the Board of Adjustment and Appeals once the Planning Board has made a positive advisory recommendation.

Mr. Richards asked if this was the Town’s only gravel pit.

Ms. Nixon stated yes.

Mr. Richards asked where the gravel pit was in relation to the proposed subdivision Foxes Gore.

Ms. Nixon stated across the street to the left. The gravel pit traffic was discussed at the last review of Foxes Gore.

Mr. Robinson moved to send a favorable recommendation to the Board of Appeals for a Special Permit to extract earth materials to the Town of Cumberland; Tax Assessor Map R07, Lot 48, Goose Pond Road.

Ms. Howe seconded.

VOTE: Unanimous

- **Deminimous Plan Revisions** - Major 8-lot subdivision, Apple Grove Estates, 36 Orchard Road, Tax Assessor Map R08, Lot 63, Rural Residential 2 (RR2) district; Orchard Hill Estates, LLC, applicant; Thomas Terison, owner; Thomas Greer, P.E., Pinkham Greer Consulting Engineers, representative.

Ms. Nixon presented background information as follows: As you will recall, this subdivision received final plan approval in October, 2006. The condition of approval placed on this project by the Board was that the *Applicant provides evidence of approval from MDEP of the proposed remediation plan or that the Department has determined it has no jurisdiction.*

In January, the Board re-approved the subdivision for 90-days so that this condition could be met. The Planning Department has received a letter dated 2/22/06 from Nicholas Hodgkins of the DEP Division of Remediation which states that the DEP concurs with the revised remediation plan. This new plan shows a larger excavation area on each lot and the placement of the contaminated soil from each building envelope in the rear portion of each lot, rather than in a large pile in the corner of the subdivision. The revised plan shows the larger excavation area on the rear of each lot.

Mr. Tom Greer, of Pinkham Greer Consulting Engineers reviewed the only change on the plan. Previously the material was to be removed from the building lots and stored in one area on-site.

Mr. Richards moved to approve the deminimous plan revision to the major 8-lot subdivision, Apple Grove Estates, 36 Orchard Road, Tax Assessor Map R08, Lot 63, in the Rural Residential 2 (RR2) district; Orchard Hill Estates, LLC, applicant; Thomas Terison, owner; Thomas Greer, P.E., Pinkham Greer Consulting Engineers, representative.

Ms. Howe seconded.

VOTE: Unanimous

## **E. Hearings and Presentations**

**1. Public Hearing - Minor Site Plan Review; Professional Office Building at 269 U.S. Route One**, Tax Assessor Map R02D, Lot 1H, Lot # 2 of the Cumberland Business Park; Peter Biegel, ASLA, SYTDesign Consultants, Representative; Dr. Chris Green, DDS, Applicant; CG Cumberland Realty Associates, LLC; Owner

Ms. Nixon presented background information as follows: This project was presented for sketch plan at last month's meeting. The application is very complete, and findings have been prepared. The applicant and owner is Dr. Christopher Green, DDS. The applicant is proposing to construct a new 3600 s.f. professional office building on Lot 2 of the Cumberland Business Park, Tax Assessor Map R02D, Lot 1H in the Office Commercial zone on Route One. Dr. Green intends to occupy 2400 s.f. of the building and lease the remainder. The site plan was prepared by Peter Biegel, ASLA, of SYTDesign.

Dr. Green is relocating his dental practice from Route 1 in Yarmouth to this location. He currently employs 6 people. He anticipates adding one employee in the future. The hours of operation will be Monday - Friday from 7:30 to 5:00.

The site is 3-acres in size. Access to the site will be a shared entrance with Lot 3, Norton Insurance, which is under construction.

The Planner has determined the application is complete. The Planner's comments and peer review engineer comments have been addressed, or will be as conditions of approval.

Mr. Peter Biegel of SYTDesign Consultants stated that at last month's meeting there were questions about snow storage. There are two major changes to the plan:

1. The down slope of the parking lot has been left open for storage of snow.
2. A dumpster location has been shown on the plan.

The building will have a sprinkler system and the sign will mirror the Norton Insurance sign, a sketch of the sign was presented to the Board.

Mr. Couillard referenced plan C-103 and asked if the 7-light poles would be excessive.

Mr. Biegel stated they are 7 low bollards. The photo metrics are 4.7 and will be in the middle of the drive. The lights will cast in the parking bay 15' on center.

Ms. Nixon asked if the lights were shielded on the top.

Mr. Biegel stated they have rounded domes with louvers.

Mr. Couillard asked about the trail ending at the road split.

Mr. Biegel stated having the trail connect was discussed, but it was difficult with the ravine and wetlands, the trail will continue along the driveway to Route One.

Mr. Couillard asked about the lighting on the door.

Mr. Biegel stated it will be a canopy light.

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

Mr. Powers asked if the lighting would correspond with the office hours of the building.

Mr. Biegel stated the lights will be on a photo cell a time sensor. They will come on at dusk and turn off slightly after 5:00 p.m. The lights will not be on 24-hours a day.

Mr. Richards congratulated the applicant on the thorough job and narrative response.

Ms. Nixon asked if there would be lighting of the sign.

Mr. Biegel stated yes. There will be goose neck down lighting, the same as Norton Insurance.

The Board reviewed the findings of fact as follows:

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.

## **Sec. 206.8 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.

**.1 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 building site is generally flat; an erosion and sedimentation control plan has been reviewed and approved by the Town Engineer. There will be a 100 foot stream buffer in place. A letter dated 2/2/95 from the Maine Natural Areas Program states that there are no rare botanical features or Registered Critical Areas documented specifically within the project area. A letter dated 4/30/90 from the Department of Inland Fisheries and Wildlife states that there is no record of any significant wildlife habitat associated with the site.**

**The Board finds the standards of this section have been met.**

**.2 Traffic Access and Parking**

Vehicular access to and from the development must be safe and convenient.

- .1 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.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 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.
- .4 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.

- .5 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.
- .6 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.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
  - a. 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.
  - b. 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.

**The proposed access is from Route One. There is adequate site distance in each direction. There is a letter dated 1/16/06 from John Murphy, P.E., Traffic Engineer which states that this project is anticipated to generate 14 peak hour trips during the 4 p.m. to 6 p.m. peak period. This brings the cumulative total for the Cumberland Business Park to 273 trips which is below the limit imposed by MDOT and the Town of 310 peak hour trips. The Board finds the standards of this section have been met.**

### **.3 Accessway Location and Spacing**

Accessways must meet the following standards:

- .1 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.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

**This project will share an entrance from Route 1 with Lot 3 (Norton Insurance). The Town's peer review engineer has reviewed the plan and finds this section to be in conformance with the ordinance.**

**The Board finds the standards of this section have been met.**

**.4 Internal Vehicular Circulation**

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

- .1 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.
- .2 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).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 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.

**The parking lot layout allows for anticipated number of staff and patrons and the consideration of overlapping appointment times. The location of the parking areas will not impede internal circulation. The Board finds the standards of this section have been met.**

**.5 Parking Layout and Design**

Off street parking must conform to the following standards:

- .1 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.
- .2 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.
- .3 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

- .4 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.
- .5 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.
- .6 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 number of spaces proposed exceeds what is required by Ordinance, but is appropriate for the type of use proposed. The proposed parking plan has been reviewed and approved by the Town Engineer. The Board finds the standards of this section have been met.**

**.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 existing sidewalks on or off-site for connection. The customers will be exiting their vehicles and walking the short distance to the building through the parking lot. There is a sidewalk along the front of the building. The Board finds the standards of this section have been met.**

**.7 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.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

- .2 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.
- .3 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.
- .4 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.
- .5 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.
- .6 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.
- .7 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 1995 Stormwater Management Plan for the Cumberland Business Park assumed 100% impervious surface for this lot. There will be approximately 28,400 s.f. less impervious surface than was assumed. Given this, a detailed, specific stormwater analysis for the proposed project on Lot 2 was not required.**

The Board finds the standards of this section have been met.

**.8 Erosion Control**

- .1 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.
- .2 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.

**An erosion and sedimentation control plan has been reviewed by the Town Engineer and CCSWCS.**

**The Board finds the standards of this section have been met.**

#### **.9 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 a letter dated 1/13/06 from the Portland Water District indicating capacity to serve.**

**The Board finds the standards of this section have been met.**

#### **.10 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.

**There is an email dated 2/2/06 from the Town Manager indicating that there are four sewer user units available for this project. Evidence of purchase has been submitted to the Town Planner.**

**The Board finds the standards of this section have not been met.**

#### **.11 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.

**The building will be serviced by underground utilities. A letter indicating capacity to serve is needed from CMP; this is a condition of approval.**

**The Board finds with the condition of approval the standards of this section have been met.**

#### **.12 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.

**No hazardous materials will be used or stored on site. The project will utilize public water and sewer.**

**The Board finds the standards of this section have been met.**

**.13 Water Quality Protection**

All aspects of the project must be designed so that:

- .1 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.
- .2 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.

**Waste will be stored on site in a dumpster to be emptied on a regular basis by a local waste hauler. No hazardous materials will be located, stored or discharged on site.**

**The Board finds the standards of this section have been met.**

**.14 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 is evidenced by the use of the following: STYDesign Engineering, S.W. Cole Engineering, Joel Noel, Certified Soils Scientist, Steve Normand Architects, Titcomb Associates Surveyors.**

**Evidence of a commitment to finance the project has been submitted in the form of a statement showing that the applicant has funds in an investment account.**

**The Board finds the standards of this section have been met.**

**.15 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 applicant has submitted a letter dated 1/18/95 from the Maine Historic Preservation Commission which states that there are no properties in the project area of historic, architectural, or archaeological significance.**

**The Board finds the standards of this section have been met.**

**.16 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 applicant has submitted a flood plan dated February 1995 showing that the majority of the parcel is located in Zone C (Areas of minimal flooding) There is a small strip of Zone B, but the proposed structures will not be within this floodplain and will not increase flooding or cause an unreasonable flood hazard to any structure.**

**The Board finds the standards of this section have been met.**

**.17 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.

**The applicant has submitted cut sheets illustrating the type of fixtures and wattage provided by the proposed lighting plan. The photometric plan prepared by SYTDesign, dated 2-29-06 shows that the extent of light does not cross the parcel boundary lines. The pole mounted light will be on a timer.**

**The Board finds the standards of this section have been met.**

**.18 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.

**The plan shows the retention of existing vegetation except where the driveway, parking, and building will be located. The 75' Route One undisturbed buffer is in place. Additional evergreen trees will be planted if required in front of the parking lot to further buffer the building from Route One. The on site dumpster will be fenced.**

**The Board finds the standards of this section have been met.**

**.19 Noise**

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

**The proposed use as an office building will not generate noise levels that would create a nuisance for neighboring properties.**

**The Board finds the standards of this section have been met.**

**.20 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.

**Waste will be stored on site in a dumpster to be emptied on a regular basis. The dumpster will be screened by wood fencing. No hazardous materials will be located, stored or discharged on site. The Board finds the standards of this section have been met.**

#### **.21 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.

**There is a detailed landscaping plan which shows a variety of trees, plants and shrubs that will enhance the look of the building and parking area. The Board finds the standards of this section have been met.**

#### **.22 Building and Parking Placement**

- .1 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.
- .2 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.

**The plan shows parking for 20 vehicles. Due to solar orientation of the building, the parking needs to be in front of the building; however it will be adequately screened by existing vegetation and new plantings, if necessary. The Board finds the standards of this section have been met.**

206.9                      Limitation of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

Mr. Robinson asked about the requirement for financial capacity.

Ms. Nixon stated there are very few public improvements for this plan. The applicant has submitted evidence of available funds for the construction of the project.

Ms. Howe moved to accept the findings of fact as presented.

Mr. Robinson seconded.

VOTE: Unanimous

Ms. Howe moved to grant minor site plan approval with the standard and proposed conditions of approval for Royal River Dental at 269 U S Route One, Tax Assessor Map R02D, Lot 1H in the Cumberland Business Park, Office Commercial district; Peter Biegel, ASLA, SYTDesign Consultants, Representative; Dr. Chris Green, DDS, Applicant; CG Cumberland Realty Associates, LLC, Owner.

Mr. Richards seconded.

VOTE: Unanimous

**2. Sketch Plan Review - Castlerock Business Park, a major 10-lot subdivision with 9-commercial lots and 1-residential lot;** Tax Assessor Map R07C, Lot 1A in the Local Business (LB) and Rural Residential 1 (RR1) districts; 28-acres; Jeffrey Amos, P.E., Terradyn Consultants, Representative; Elvin Copp, Owner.

**3. Public Hearing - Recommendation to Town Council - Zone change to extend the Local Business (LB) district at Route 100 as shown on map below, Tax Assessor Map R07C, Lot 1A for the proposed Castle Rock Business Park; Elvin Copp, Owner.**

Ms. Nixon stated this is the third concept drawing from Mr. Amos, of Terradyn Consultants. The newly appointed Route 100 Advisory Committee has looked at the current uses in the Route 100 corridor. The Committee has just begun its work and will do an opinion survey to coincide with the Comprehensive Plan update.

Mr. Amos reviewed the proposed zoning line. The applicant is requesting to rezone 6.4 acres from RR1 to Local Business. Mr. Amos stated they had met with the residents of Mill Ridge Road in January and have made several changes to address their concerns.

Mr. Amos highlighted the changes to the plan as follows:

- Re-zoning - The proposed plan will require re-zoning of approximately 6.45 acres of RR1 to LB. This area is 0.75 acres less than the previous concept plan.
- Reduction of Lots - The proposed plan shows the creation of nine (9) commercial lots in addition to the existing residential lot. The original concept plan showed eleven (11) commercial lots in addition to the existing residential lot.

- Route 100 Connection - The proposed plan shows a dedicated left turn lane for the Castlerock Business Park for southbound vehicles on Route 100. The MDOT is supportive of a left turn lane for this project. Route 100 can be widened within the existing ROW to create dedicated left turn and bypass lanes. The change will improve the flow of vehicles on Route 100 and greatly improve the safety for both turning and through traffic in the southbound direction.
- Open Space and View Corridor - The proposed plan shows approximately 11.91 acres of dedicated open space that will be preserved. This is an increase from the 8.97 acres of open space that was shown on the previous plan. The open space has been situated to preserve the view corridor that exists from Mill Road, over-looking the field in the direction of Route 100. The open space and view corridor are much greater than what the Ordinance requires. The proposed plan preserves 41.4% of dedicated open space. The alternate plan, (with no re-zoning) would only preserve 10.8% of the land as open space.
- Summary - The applicant has reduced the area to be re-zoned and the total number of proposed lots. A means for vehicles to turn into and pass by the Castlerock Business Park in a safe manner has been provided. They are providing nearly 12-acres of dedicated open space that largely preserves the scenic view corridor. They believe that the Castlerock Business Park, as shown on the proposed concept plan, represents a dramatic improvement over what the current zoning allows. The proposed plan provides the Town of Cumberland with an opportunity to preserve nearly 12-acres of quality dedicated open space that will maintain a scenic view corridor that has been identified as important to the local residents. The proposed re-zoning is consistent with the Comprehensive and Open Space Plans and is the best use of the property.

Mr. Couillard stated at the last meeting the Board was told you wouldn't see buildings from Mill Road, but the trees will be visible over the buildings.

Ms. Howe stated this is a better plan than the previous one, she thought it would make sense for the Route 100 Committee to complete their work prior to getting further along in the planning process.

Ms. Nixon stated the Committee will continue through December and the Comprehensive Plan will be starting in April or May.

Ms. Howe stated she would not recommend re-zoning until after the Route 100 Advisory Committee had finished its work.

Mr. Richards asked Ms. Howe for clarification, was she supportive of the concept plan.

Ms. Howe stated she was supportive of Figure D - The alternative proposed plan, without re-zoning.

Mr. Richards asked if the plan could be phased.

Mr. Amos stated the DEP permitting will be done prior to December, he felt the options were the concept or alternative plan.

Ms. Nixon stated an alternative to re-zoning may be to have contract zoning. At the last Town Council meeting the Council was in favor of contract zoning for religious institutions in the Local

Business zone. The Council wants to maintain the Route 100 corridor for commercial development.

Mr. Robinson asked do the Board and public prefer the alternative strip type development or the proposed concept plan. At the Route 100 Advisory Committee meeting, the question was asked if there should be a moratorium on Route 100. The Committee overwhelmingly rejected the concept of a moratorium. Mr. Robinson stated he prefers the concept plan, which preserves open space, and some of the view with buildings off from Route 100. The concept plan offers safety improvements to Route 100.

**The public portion of the meeting was opened.**

Mr. Craig Bramley of 9 Mill Ridge Road, asked about a site visit. He prefers the alternative plan which is consistent with current zoning. Mr. Bramley stated Maine law refers to spot zoning as illegal. Mr. Bramley stated a primary goal listed in the Comprehensive Plan is to preserve the rural character of Town.

Mr. Robinson stated most Board members are familiar with the site; a site walk will take place at some point during the review process.

Ms. Kathy Lynch of 7 Blackstrap Road asked if the open space lots on concept plans C & D could have housing.

Mr. Amos stated no; all of the blue lots are open space parcels.

Ms. Lynch asked if the back of the building would be on Route 100.

Mr. Robinson stated yes, based on the road going into the proposed business park.

Ms. Lynch stated she does not like square buildings; she prefers the concept plan, and believes it is important for the Town to maintain open space.

Mr. Nick Knight of 22 Mill Ridge Road stated he was in favor of the alternative plan, with existing zoning. He didn't think the Route 100 corridor needed more commercial parcels. He thought it would be premature to change the zone at this meeting. The Route 100 Advisory Committee is reviewing current and possible development in the area.

Ms. Erika Wharton of 10 Mill Road stated she overlooks the land, and asked if the alternative plan were developed would the buildings have two fronts and not have the backs on Route 100.

Mr. Amos stated they are not proposing site plans for each lot, they will be purchased individually.

Ms. Ruth Frydman of 12 Mill Ridge Road stated she is concerned about preservation of open space, the Route 100 Committee is discussing an overall plan for the area, and thought it would be premature to recommend a zone change. She didn't feel either plan had enough open space. Ms. Frydman also encouraged the Board to hold a site walk.

Ms. Sara Crisp of 3 Mill Ridge Road thanked Mr. Copp and Mr. Amos for their time and attention to listen to neighbors concerns and incorporate suggestions into their revised sketch

plan. Ms. Crisp was concerned with traffic on Route 100; with the danger of turning right onto Mill Road, and the speed of vehicles on the hill.

Mr. David Crawford of 18 Mill Ridge Road agreed with Mr. Bramley this is the primary view corridor south of Mill Road, the vista is defined in the Open Space Plan; a site walk is important.

Mr. Randy Copp of 38 Skillin Road stated he is a member of the Route 100 Advisory Committee, which is looking to get rid of strip development and have something clustered that fits the lot and is pleasing to the Town.

Mr. Couillard stated the Route 100 Advisory Committee is looking at every option; unfortunately the committee has not gone far enough in the process to make any changes.

Mr. Randy Copp stated the design and look of individual buildings will come under the guidelines of the Committee. This request is to re-zone a portion of the lot.

**The public portion of the meeting was closed.**

Ms. Nixon stated after listening to the testimony, contract zoning might be an option. A contract zoning agreement can be as specific as needed, with details for building design, windows, lighting etc.

Mr. Amos stated Mr. Copp's Association documents will agree to conform to the current Route One Design Guidelines; with regard to building specifics.

Mr. Powers stated the Planning Board operates within the guidance and constraints of the Ordinance. The Town Council is the body of Town government that makes the rules. The alternative development plan appears to be consistent with the Ordinance. The applicant can proceed with his application without asking for a zoning amendment. It would be unfair to the applicant to ask him to wait for the new Comprehensive Plan or the Route 100 Plan. Private property rights give the owner the right to do anything with his / her property that conforms to the Ordinance. The Route 100 traffic was not created by the applicant, and it is not the applicant's responsibility to remedy the traffic on Route 100. A turn off lane does address traffic concerns. The previous agenda item which approved a site plan in Cumberland Business Park, was originally approved as a subdivision in the 1990s, and has sat dormant as a business park until recent development. The Planning Board attempts within the limitations of the Ordinance to guide any development to be the best for the community. Mr. Powers stated it would be prudent for the Board to hold a site walk prior to making a recommendation to the Town Council. He felt the proposed concept plan was the best use and benefit to the community regardless of a zoning line.

Mr. Richards moved to table the application to recommend to the Town Council a zoning amendment for a portion of Tax Assessor Map R07C, Lot 1A owned by Elvin Copp.

Ms. Howe Seconded.

VOTE: Unanimous

Mr. Robinson stated this is a very nice piece of property and the owner has the right to develop the property. Mr. Robinson stated the abutters have an opportunity to have input in the design, and it surprises him that residents would rather see strip development.

Mr. Richards asked for an opinion from the Town Attorney regarding spot zoning.

A site walk was set for March 25, 2006 at 8:00 a.m.; Mr. Amos was asked to have the center of the road staked; and stake the Route 100 boundaries and back property boundaries.

**4. Public Hearing - Minor Site Plan Review, SHP Management at 7 Thomas Drive, Tax Assessor Map R02D, Lot 1D, Cumberland Business park; to add a proposed 12' x 16' storage shed, Ron Carpentier, SYTDesign Consultants, Representative, Cumberland Office Building, LLC, Owner.**

Ms. Nixon stated this is a very simple project SHP is proposing to add a 12' x 16' storage shed for files. The applicant is William Brown, Vice-President of Operations, SHP Management. The owner is Cumberland Office Building, LLC. Scott Decker, P.E., of SYTDesign is the representative. The applicant is requesting minor site plan review to place a 12' x 16' storage shed on the site located at 7 Thomas Drive, (Lot 8 of the Cumberland Business Park). Tax Map R02D, Lot 1D. The shed will not have any utility connections. It will be used for storage.

Mr. William Brown, of SHP Management stated they enjoy their new building but have a need for more storage.

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

Mr. Richards moved to grant the requested waivers with a notation that shrubbery would be planted in front of the storage shed.

- 206.7.3.10 - Location, front view, dimensions, and lighting of existing signs
- 206.7.4.3 - Grading at 2' contours
- 206.7.4.6 - Groundwater impact analysis/impact on downstream properties
- 206.7.4.7 - Handling solid waste, haz & special waste/including screening on site
- 206.7.4.9 - Landscape plan - There will be shrubbery planted in front of the storage shed

Ms. Howe seconded.

VOTE: Unanimous

Ms. Howe moved to approve the findings of fact.

Mr. Robinson seconded.

VOTE: Unanimous

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.

#### **Sec. 206.8 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.

**.1 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 placement of the shed will not impact any environmentally sensitive areas.**

**The Board finds the standards of this section have been met.**

**.2 Traffic Access and Parking**

Vehicular access to and from the development must be safe and convenient.

- .1 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.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 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.
- .4 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.
- .5 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.
- .6 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.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
  - a. 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.
  - b. 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.

**There will be no change relating to this section as a result of the project.  
The Board finds the standards of this section have been met.**

### **.3 Accessway Location and Spacing**

Accessways must meet the following standards:

- .1 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.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

**There will be no change relating to this section as a result of the project.**

**The Board finds the standards of this section have been met.**

### **.4 Internal Vehicular Circulation**

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

- .1 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.
- .2 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).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 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.

**There will be no change relating to this section as a result of the project. The Board finds the standards of this section have been met.**

**.5 Parking Layout and Design**

Off street parking must conform to the following standards:

- .1 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.
- .2 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.
- .3 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

- .4 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.
- .5 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.
- .6 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.

**There will be no change relating to this section as a result of the project. The Board finds the standards of this section have been met.**

**.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 will be no change relating to this section as a result of the project.  
The Board finds the standards of this section have been met.**

#### **.7 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.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- .2 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.
- .3 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.
- .4 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.
- .5 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.
- .6 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.
- .7 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.

**A 1995 stormwater plan for the entire Cumberland Business Park was included in the submission for this development. It assumed that the smaller lots, such as Lot #8 would be 100% impervious within the building envelope. The building envelope for Lot #8 is 40,000 sq.ft. The proposed plan will result in approximately 20,600 sq. ft. of roof, parking, driveway and walks. This plan does not substantially change the drainage patterns on the lot from that anticipated in the 1995 report. There is a 60” undisturbed wooded buffer on the site before runoff reaches the vegetated ditches on both Thomas Drive and Route 1.**

**The Board finds the standards of this section have been met.**

#### **.8 Erosion Control**

- .1 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.
- .2 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.

**There will be no change relating to this section as a result of the project. The Board finds the standards of this section have been met.**

#### **.9 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 will be no change relating to this section as a result of the project. The Board finds the standards of this section have been met.**

#### **.10 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.

**There will be no change relating to this section as a result of the project. The Board finds the standards of this section have been met.**

**.11 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.

**There will be no change relating to this section as a result of the project. The Board finds the standards of this section have been met.**

**.12 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 change relating to this section as a result of the project.**

**The Board finds the standards of this section have been met.**

**.13 Water Quality Protection**

All aspects of the project must be designed so that:

- .1 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.
- .2 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.

**The shed will not store any fuel, chemicals, chemical or industrial waste of biodegradable raw materials. No discharges of unsuitable materials are contemplated. Only paper files will be stored in the shed. There will be no electricity.**

**The Board finds the standards of this section have been met.**

**.14 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.

**There will be no public improvements with this project. The cost of the shed and its installation is minimal.**

**The Board finds the standards of this section have been met.**

**.15 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.

**A review of the Maine Natural Heritage Program data revealed “no know rare or unusual features on the property.”**

**The Board finds the standards of this section have been met.**

**.16 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 site is not located within the 100 year floodway of any river or stream.**

**The Board finds the standards of this section have been met.**

**.17 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.

**There will be no change relating to this section as a result of the project.**

**With the proposed condition of approval, the Board finds the standards of this section have been met.**

**.18 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.

**There will be no change relating to this section as a result of the project.**

**The Board finds the standards of this section have been met.**

**.19 Noise**

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

**There will be no change relating to this section as a result of the project.**

**The Board finds the standards of this section have been met.**

**.20 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 change relating to this section as a result of the project.  
The Board finds the standards of this section have been met.**

#### **.21 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.

**There will be no change relating to this section as a result of the project.  
The storage shed will have shrubbery planted in front of the building.  
The Board finds the standards of this section have been met.**

#### **.22 Building and Parking Placement**

- .1 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 with 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.
- .2 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.

**There will be no change relating to this section as a result of the project.  
The Board finds the standards of this section have been met.**

### **206.9 Limitation of Approval**

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to

the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

Ms. Howe moved to approve the Minor Site Plan request of SHP Management with the standard and proposed conditions; to construct a 12' 16' storage shed at 7 Thomas Drive, Tax Assessor Map R02D, Lot 1D in the Cumberland Business Park.

Mr. Robinson seconded.

VOTE: Unanimous

### **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.

### **Proposed Conditions of Approval**

1. That all fees be paid prior to the issuance of a building permit.

**5. Public Hearing - Final Plan Review for a major 6-lot subdivision at 52 Foreside Road, R & N Woods;** Tax Assessor Map U02, Lot 5, Sally C. Fowler, Trustee, Owner, Arthur Colvin, P.E., PLS, Associated Design Partners, Inc., Representative.

Ms. Nixon reviewed the project as follows: This project has been in the review process since March 2005. The applicant needed an easement from an abutter to achieve sight distance for the D.O.T. permit. At the last meeting residents of Starboard Lane discussed drainage concerns. The Starboard residents met with Adam Ogden, Public Works Director, and David Sherlock, of the Department of Transportation. This subdivision will not have impact on Starboard Lane. R & N Woods will not impact Starboard Lane the subdivision will not increase water off-site. The Town Manager questioned the reliability of the retention pond. Retention ponds in New England can freeze and mal-function. S.W. Cole Engineering reviewed the stormwater retention pond; S.W. Cole Engineering's comments are in the Planning Board packets. The application is ready for final approval with conditions. The waivers have been granted.

Mr. Art Colvin, of Associated Design Partners stated they are meeting on site to address comments from Summit Geo Engineering Services.

- The two comments were - Soil liner and how permeable
- Native soils - additional boring and testing

Mr. Powers asked about Plan B if the on site testing flunked.

Ms. Nixon stated this is addressed as a condition of approval.

Mr. Powers asked if it were feasible to make a detention pond.

Mr. Colvin stated there is no ditch along Route 88 for the water to meter out.

**The public portion of the meeting was opened.**

Ms. Bonnie Klein of 11 Stony Ridge Road stated she was a direct abutter and was concerned with the ramifications of blasting in the area, and the potential damage to her home.

Mr. Colvin stated the blasting company will do a pre-blast survey with an assessment of current structures.

Ms. Nixon stated the Town has a blasting ordinance which requires insurance and a bond of the blasting company. At the Chase property on Route One, the blasting company provided telephone calls 24-hours prior to blasting to abutters. The pre-construction conference can address notification, and blasting times.

Ms. Klein asked Mr. Colvin, as an Engineer, would he estimate the ledge to be large or moderate.

Mr. Colvin stated the ledge is moderate in some areas and minimal in others.

**The public portion of the meeting was closed.**

The Board reviewed the findings of fact as follows:

**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 applicant has provided a soils report prepared by William Peterlein, P.E., Certified Soils Scientist describing the soils as they relate to the design for the proposed drainage system. The project will be on public sewer.**

**There are no streams on the site.**

**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 proposed subdivision will utilize public water. A letter dated 10/12/05 from the Portland Water District is on file stating that there is an adequate supply of clean and healthful water for this project.**

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

3. Municipal Water Supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;  
**The proposed subdivision will utilize public water. A letter dated 10/12/05 from the Portland Water District is on file stating that there is an adequate supply of clean and healthful water for this project.**  
**Based on the information provided the standards of this section have been met.**
  
4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;  
**The plan has been reviewed and approved by the Cumberland County Soil and Water Conservation Commission and the Town Engineer.**  
**Based on the information provided the standards of this section have been met.**
  
5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;  
**The Applicant has provided trip generation numbers that have been reviewed and agreed to by the Town Engineer. A DOT Entrance Permit has been received.**  
**Based on the information provided the standards of this section have been met.**
  
6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;  
**The project will utilize public sewer. A letter from the Portland Water District is on file. Ralph Oulten has approved the sewer design as the Town's peer review engineer. A condition of approval is that the required sewer user permits be purchased from the Town.**  
**Based on the information provided the standards of this section have not yet 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;  
**If the road is accepted by the Town, curbside trash collection and recycling will be provided. Prior to that, the homeowners will need to contract for private waste disposal.**  
**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;  
**A letter dated 4/22/04 from Department of Conservation states that there are no rare or botanical features documented specifically within the project area. A letter dated September 13, 2005 from Stockwell Environmental Consulting states that a rare plant survey was conducted on the property and no variable sedge or other rare vascular plant species were found on this property.**

**A letter dated 12/28/05 from the Department of Inland Fisheries and Wildlife states that there are no known significant wildlife habitats or threatened or endangered species in the vicinity of the project.  
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 four peer review engineers and found to be in compliance with the ordinances.  
Based on the information provided the standards of this section have been met.**
10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;  
**Technical capacity is evidenced by expert engineering, surveyors and soils evaluators.  
Financial capacity has been submitted, reviewed and approved by the Town Attorney.  
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 section is not applicable.**
12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;  
**The project will be served by public sewer. A letter is on file from the PWD.  
Based on the information provided the standards of this section have been met.**
13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;  
**The parcel is located in Zone C- Areas of Minimal Flooding.  
Based on the information provided the standards of this section have been met.**
14. Storm water. The proposed subdivision will provide for adequate storm water management;  
**A stormwater management plan prepared by Associated Design Partners, Inc., has been submitted. It has been reviewed by two peer review engineers (Tom Saucier and Steve Pinette) and found to be acceptable with the proposed condition of approval placed on the subdivision.  
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.

*Wetlands were delineated by Mark Cenci, Certified Geologist. The findings of his report dated June 6, 2005 is that there are several small isolated wetland areas which are depicted on the subdivision map. Filling and disturbance of these areas is expected to be minor.*

**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 are no rivers, streams, or brooks on the site.*

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

Ms. Howe moved to approve the findings of fact as amended.

Mr. Richards seconded.

VOTE: Unanimous

Mr. Richards moved to grant final major subdivision approval with the standard and proposed conditions to R & N Woods at 52 Foreside Road, Tax Assessor Map U02, Lot 5, Sally C. Fowler, Trustee, Owner, Arthur Colvin, P.E., PLS, Associated Design Partners, Inc., representative.

Ms. Howe seconded.

VOTE: Unanimous

**Waivers granted:**

- **§9.5 Design Standards; A. General, B. Urban # 7 A reduction of the amount of cover over some storm drains from 4' to 3'.**
- **Appendix D, B. 11-High Intensity Soil Survey**
- **§8.1.A Table 8-1, 3: to permit the road to be built to residential private street standards (24') rather than Residential Access Standard (30').**
- **§ 8.2, Table 8-2, 3 – Geometric Design Standards – K Factor**
- **Submission requirement of scale of general plan to be 1" = 100 to 1" = 80'.**

**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.

**Proposed Conditions of Approval**

1. That all fees be paid prior to releasing the mylar for recording.

2. That the additional testing recommended by Steve Pinette of S.W. Cole in his letter dated 3/8/06 be conducted and the results reviewed and approved by Mr. Pinette prior to the mylar being released for recording.
3. That the specifications for the permeability of the 6 inch loam layer in the retention pond be provided to Mr. Pinette for approval prior to the release of the mylar for recording.
4. That the applicant provides evidence of the purchase of the required sewer user permits from the Town of Cumberland prior to the release of the mylar for recording.
5. That a performance guarantee in a form acceptable to the Town be submitted to cover the cost of any required improvements. This is to be reviewed and approved by the Town Engineer prior to the release of the mylar for recording.
6. That all clearing limits be flagged and approved by the CEO prior to the preconstruction conference.
7. That a preconstruction conference be held prior to the start of construction.
8. That a Maine Construction General Permit be received from DEP no later than 30 days from the start of construction. No building permit shall be issued until this is submitted to the Code Officer.
9. That the construction hours of operation be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.
10. That the Contractor abides by all terms in the Town of Cumberland Blasting Ordinance including the posting of a bond and evidence of insurance. A pre-blast survey of homes within the required radius is conducted. The Contractor will attempt to notify abutters within 24 hours of blasting.

**6. Public Hearing - Minor Site Plan Review - to add a showroom addition at Copp Motors, 187 Gray Road, Tax Assessor Map U20, Lot 77 in the Highway Commercial HC district; Ronald Copp, Owner.**

Ms. Nixon presented background information as follows: This is a minor site plan review for an addition to an existing building. There are very few changes to the site so there are several waiver requests.

The applicant is Ronald Copp, owner of Copp Motors located at 187 Gray Road, Tax Assessor Map U20, Lot 77 in the Highway Commercial (HC) zone. The parcel size is 1.20 acres. The applicant is requesting minor site plan approval to construct a 70' x 22' addition for a showroom for classic cars to the front of the existing building.

This is a family business which has been in operation for over 30-years.

There are no additional utility requirements and no additional employees are contemplated. There will be no external changes to the site such as entrances, parking and loading and there will be no increase in traffic. Due to the limited nature of the proposal, there are several waivers that have been requested and need to be considered by the Board.

The Planning Board will review the plan and hold a public hearing. The application has been found complete by the Town Planner.

Mr. Ronald Copp, applicant stated they would like to add the 70' x 22' addition to display and cover his classic cars; vintage 50's, 60's and 70's. The cars are valuable and can't be left outside in the elements.

Ms. Nixon asked how many cars would fit into the addition.

Mr. Copp stated the one-story addition will conform to the setbacks and be parallel to Route 100, and probably accommodate 5 or 6 vehicles.

**The public portion of the meeting was opened.**

Ms. Kathy Lynch of 7 Blackstrap Road stated she is on the Route 100 Committee and is in favor of the addition. Mr. Copp has an attractive building, and the custom car showroom will benefit the area.

Mr. Robinson stated this is a simple proposal that fits the neighborhood and current use.

Mr. Robinson moved based on his knowledge and topography of the site to grant the requested waivers.

- **Section 206.7.3.2:** Boundary Survey – partial waiver request: deed description is provided.
- **Section 206.7.3.3:** Utilities, including sewer & water, culverts & drains, on-site sewage.
- **Section 206.7.4.2:** Grading plan at 2' contours. (site is completely flat)
- **Section 206.7.4.5:** Surface water drainage....
- **Section 206.7.4.6:** Groundwater impact analysis prepared by hydrogeologist.
- **Section 206.7.4.15:** Traffic peak hour and generation.
- **Section 206.7.4.16:** Stormwater calcs./erosion control plan

Mr. Richards seconded.

VOTE: Unanimous

The Board reviewed the findings of fact as follows:

**Findings of Fact**

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.

**Sec. 206.8 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.

.1 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 22' x 70' addition to an existing building, and the use for the addition, will not adversely affect existing natural resources. The entire site is flat and the applicant will apply Best Management Practices for the construction to control erosion.*

**The Board finds the standards of this section have been met.**

.2 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

- .1 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.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 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.
- .4 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.
- .5 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.
- .6 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.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:

- a. 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.
- b. 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.

***There will be no changes to the traffic access and parking as a result of the addition of this showroom. Based on a site visit, sight distance is sufficient. The Board finds the standards of this section have been met.***

.3 Accessway Location and Spacing

Accessways must meet the following standards:

- .1 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.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

***The existing entrance area is not being changed as a result of this addition. The Board finds the standards of this section have been met.***

.4 Internal Vehicular Circulation

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

- .1 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.
- .2 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).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 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.

*There are no changes being proposed to the parking area. The site is generally open and there is ample parking for the business as well as signage directing visitors and deliveries.*

**The Board finds the standards of this section have been met.**

.5 Parking Layout and Design

Off street parking must conform to the following standards:

- .1 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.
- .2 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.

*No new parking spaces are located within 15' of the side, rear, or front property lines.*

- .3 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

- .4 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.
- .5 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.
- .6 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.

*There will be minimal changes to the front parking area due to the construction of the addition; parking can be relocated to the rear and side of the building.*

**The Board finds the standards of this section have been met.**

.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.

***The parking is located in the front and to the sides of the building entrance. Customers will be exiting their vehicles and walking directly to the building. The layout of the parking area allows for safe pedestrian circulation for this business.***

**The Board finds the standards of this section have been met.**

#### .7 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.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- .2 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.
- .3 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.
- .4 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.
- .5 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.
- .6 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.
- .7 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.

*Due to the minimal changes to the site and the limited impervious surface increase, the runoff characteristics will remain relatively unchanged from current conditions. The applicant has received a waiver from the submission of stormwater calculations.*

**With the approval of the waiver request, the Board finds the standards of this section have been met.**

.8 Erosion Control

- .1 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.
- .2 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.

*The applicant will abide by DEP Best Management Practices in the construction. The building addition will be built on a slab foundation.*  
**The Board finds the standards of this section have been met.**

.9 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 additional water for this addition and the existing water is sufficient.*

**The Board finds the standards of this section have been met.**

.10 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.

*There is no need for additional sewage disposal related to this addition and the existing septic system is sufficient.*

**The Board finds the standards of this section have been met.**

.11 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.

*Above ground telephone and electric service to the existing building is on-site via an overhead pole at the entrance to the site. There is no need for additional utilities.*

**The Board finds the standards of this section have been met.**

.12 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.

*The proposed use as a classic vehicle showroom will not adversely impact groundwater.*

**The Board finds the standards of this section have been met.**

.13 Water Quality Protection

All aspects of the project must be designed so that:

- .1 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.
- .2 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.

*The proposed use as a classic vehicle showroom will not adversely impact groundwater.*

**The Board finds the standards of this section have been met.**

.14 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.

*There are no public improvements being done as part of this project. The applicant has stated that he has funds available for the construction project.*

*The limited nature of this project is such that the applicant has not needed to hire technical consultants. A building permit application shows the extent of the project and how it will be constructed. There will be regular inspections by the Town's Code Enforcement Officer during the construction process.*

**The Board finds the standards of this section have been met.**

.15 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 site is almost entirely developed and/or covered with materials such that there are no evident historic or archaeological resources on site. The extent of excavation needed for the construction is limited.*

**The Board finds the standards of this section have been met.**

.16 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.

*According to Flood Insurance Rate map #230162-0015B as issued by FEMA, the subject property is located in Zone C (area of minimal flooding.)*

**The Board finds the standards of this section have been met.**

.17 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.

*There is no additional exterior lighting proposed.*

**The Board finds the standards of this section have been met.**

.18 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.

*The building and parking areas are not proposed to have additional landscaping; the existing shrubbery along the front of the building will be relocated to the front of the addition.*

**The Board finds the standards of this section have been met.**

.19 Noise

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

*This will be an indoor showroom which should not create noise.*

**The Board finds the standards of this section have been met.**

.20 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 are no hazardous wastes generated by this use.*

**The Board finds the standards of this section have been met.**

.21 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 existing shrubbery along the front of the building will be re-located to the front of the addition.*

**The Board finds the standards of this section have been met.**

.22 Building and Parking Placement

- .1 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.

- .2 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.

***There are minimal changes being made to the building and parking spaces. The Board finds the standards of this section have been met.***

206.9            Limitation of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

Mr. Robinson moved to approve the findings of fact as read.

Ms. Howe seconded.

VOTE: Unanimous

Ms. Howe moved to approve the minor site plan with the standard and proposed conditions of approval to add a showroom addition at 187 Gray Road, Tax Assessor Map U20, Lot 77 in the Highway Commercial (HC) district; Ronald Copp, Owner.

Mr. Richards seconded.

VOTE: Unanimous

**F.        Administrative Matters**

1.        **Election of Board Officers** - Mr. Couillard re-nominated Mr. Powers as Board Chair. Mr. Richards seconded.

VOTE: Unanimous  
1 abstain (Powers)

Mr. Robinson re-nominated Mr. Ward as Vice-Chair of the Board.

Ms. Howe seconded.

VOTE: Unanimous

2.        **April Meeting** - The April Planning Board meeting will be April 11<sup>th</sup> instead of April 18<sup>th</sup>.

**G.        Adjournment**

Mr. Robinson moved to adjourn at 9:35 p.m.  
Ms. Howe seconded.

VOTE: Unanimous

A TRUE COPY ATTEST:

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Thomas E. Powers, Board Chair

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Pam Bosarge, Board Clerk