

Planning Board Meeting - Minutes
Tuesday, May 16, 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 Ward, Vice-Chair, Beth Howe, Bob Couillard, Mark Robinson, Bill Richards, Chris Neagle

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

C. Approval of Minutes of April 11, 2006

Mr. Robinson moved to approve the minutes of April 11, 2006.

Mr. Richards seconded.

VOTE: Unanimous

D. Consent Calendar / Deminimus Change Approvals:

1. SeaFax, 62 U. S. Route One, Tax Assessor Map R01, Lot 11C, in the Office Commercial (OC) district; Minor Site Plan Amendment to delete a wood guardrail as shown on the Site Plan.

Ms. Nixon presented background information as follows: SeaFax has submitted a revised site plan showing the removal of the proposed wood guardrail at the edge of the paving. The granite and bituminous curbing will remain as per the approved plan. The Town's peer review engineer Al Palmer, of Gorrill Palmer Consulting Engineers has reviewed the proposed change and agrees provided the curbing is installed as shown on the drawings, and the flat grades on the entrance drive and parking area the guardrail is not necessary.

Mr. Neagle moved to approve as a deminimus change the minor site plan amendment to delete a wood guardrail as shown on the plan for Sea Fax office building, 62 U.S. Route One, Tax Assessor Map R01, Lot 11C.

Mr. Couillard seconded.

Vote: Unanimous

E. Hearings and Presentations

- 1. Public Hearing: Minor Site Plan Review: M.J. Storey Landscape Construction at 224 Middle Road**, Tax Assessor Map R02, Lot 36A, in the Rural Industrial (RI) zone, MJ Storey Landscape Construction, Applicant, Scott Decker, P.E., SYTDesign Consultants, Representative; Bonnie Fusco, Owner.

Ms. Nixon presented background information as follows: This is the second review for this project. A site walk was held this week. There are some outstanding issues that need to be addressed, but this can be done at the meeting, findings of fact and conditions of approval have been drafted to allow this plan to be approved at this meeting. An e-mail was received from an abutter Heather Burr stating she is comfortable with the changes to the buffering plan. The applicant is Michael J. Storey. The applicant has a purchase and sale agreement on a 2 acre parcel of land located at 224 Middle Road, Tax Assessor Map

R02, Lot 36A in the Rural Industrial (RI) zone. The applicant is requesting minor site plan approval to construct a 40' x 60' building as a shop for his landscaping business. The operation will involve the parking lot vehicles, equipment and landscaping materials. Construction operations are a permitted use in the zone. The applicant will be connecting to public sewer, but installing a private drilled well.

Mr. Scott Decker, P.E., of SYTDesign Consultants reviewed the Planners comments as follows:

1. Is the application of reclaim material on the driveway sufficient to control the concerns raised about dust, noise, mud, etc.? *Mr. Decker stated they are planning to install re-claim to the far side of the building.*
2. Has the design engineer reviewed the stormwater plan to ensure that the runoff does not flow toward the Dow's leachfield? *Mr. Decker stated he has reviewed the plan and is satisfied that the water does not run towards Mr. Dow's leachfield. He has met with Mr. Dow and reviewed the plan.*
3. Will there be compost stored on site that has an odor? *Mr. Decker stated no, there will be small piles of sand, gravel, loam and bark mulch.*
4. Will there be any hazard for children on the site such as loosely piled sand? *There will be sand and gravel he is not sure it would be considered a hazard.*
5. The gate at the entrance should be shown on the plan. *The plan will be revised to show the gate.*
6. Ralph Oulton and Al Palmer need to review responses and sign off on comments. *Mr. Decker stated he has responded to Mr. Palmer's first round of comments and to his knowledge he hasn't signed off on the responses.*
7. Need exterior design of building. *The exterior will be clapboard.*
8. Need evidence of financial capacity. *A letter from the Bank has been sent and accepted.*
9. The exterior light fixtures need to have a timer set to turn off at 8:00 p.m., with a motion detector for security. *Mr. Decker agreed to have a timer and motion sensors on the lights.*

Mr. Decker referenced the letter of May 8, 2006 from SYTDesign Consultants addressing previous Planner's and Peer Review Engineer comments. Mr. Decker stated the project will not have an environmental impact.

Mr. Couillard asked if there was a picture of the building.

Mr. Decker stated the elevations will be similar to the one across the street, it will be a two-story building.

Mr. Ward stated at the site walk there were several trees in the front of the lot, would these be kept.

Mr. Decker stated once construction begins the applicant will contact Adam Ogden, Public Works Director to review the possible need to limb the trees for sight distance.

Ms. Nixon stated the trees are in the Town's right-of-way. These will not be removed unless they are a hazard, once the driveway is installed the applicant will meet with Mr. Ogden to determine if any need to be removed for sight distance. This is addressed as condition # 3.

Mr. Neagle stated this is a good project; there is 2,200 sq. ft. of wetland will a permit be needed.

Mr. Decker stated yes.

Mr. Robinson stated the re-claim driveway surface is a big improvement, and works well. Mr. Robinson asked if the project would fall under the new wetland guidelines.

Mr. Decker stated it is under the threshold.

Mr. Richards referenced the letter from Gail Wooley of SYTDesign Consultants which stated this was a narrow flat lot making it difficult to treat run-off. Will any of the containment material get into the wetland.

Mr. Decker stated no significant material, he can't say there might not be some drippings of a crank case, but not enough to be a problem.

Mr. Richards asked if that were okay.

Ms. Nixon stated the Town's engineer has not responded, this can be handled as a condition that Mr. Palmer and Mr. Oulton approve the final plan, or the Board can table the application until the next meeting.

Mr. Neagle stated he is uncomfortable with a blanket approval of our engineers, the Board's job is to review a project, and re-claim is more porous, could the Board direct that the site be graded so that surface water will drain away from the wetland.

Mr. Decker stated that would not be easy due to the natural contour of the land.

The public portion of the meeting was opened.

Mr. Joshua Dow, abutter stated many if not all of his concerns written in his letter last month have been addressed. He has met with Mr. Storey and Mr. Decker regarding stormwater run-off. His questions this evening are about process and procedure. Is the Site Plan if approved the limit for the entire parcel such as hours etc.

Ms. Nixon stated what the Board is approving is what is proposed in the plan. If the scope of the business expands the Code Enforcement Officer would look at the plan, and testimony to enforce the approved plan. A business may have to downsize an operation, or come back to the Planning Board for revision to the site plan.

Mr. Powers stated or as earlier this evening with SeaFax an applicant could have a deminimous change, such as the guardrail and present that change to the Board, or if the changer were very minor it could be approved at the staff level.

Mr. Dow asked about the exact location and staggering of trees on his boundary line could be moved without Board approval.

Ms. Nixon stated yes.

Mr. Dow asked if the public sewer were run by his property for Mr. Storey would he be required to tie into the sewer.

The public portion of the meeting was closed.

The Board reviewed the proposed findings of fact as follows:

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 applicant still needs to provide evidence that the wetland area will not be adversely affected by the runoff from the storage of materials area.

The Board finds the standards of this section have not 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 applicant has provided information on the number of vehicles anticipated.

The applicant has proposed to place a reclaim surface on the driveway to control dust and noise.

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 plan shows that the entrance area meets these standards.

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 area shows the required number of spaces and the handicapped space. There is a one-way traffic area for loading materials so as to minimize backup alarm noise. Several large apple trees need to be removed, however, there are additional trees being placed as buffers on either side of the lot and along the entrance drive. The applicant has been told that the pine trees in the Town right of way on Middle Road are to be left in place. If trimming is required now or in the future, the Public Works Department will be notified to do the work.

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 parking area has been designed to suit the needs of this business and the 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.

The will be no sales from this site, so there will not be any visitors. The employees will have safe access to the building from the parking area.

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 peer review engineer concurs with the design engineer that detention is not warranted based on the size of the project, and the overall level of development; however he still needs to sign off on the concern about the runoff from stored materials impacting the adjacent wetlands.

The Board finds the standards of this section have not 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 has submitted an erosion and sedimentation control plan prepared by SYTDesign that details the erosion control measures to be used. This has been reviewed and approved by the Town Engineer. CCSWC approval has been received.

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.

The applicant proposes to drill a well on site.

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.

The applicant will be extending the public sewer to the site.

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.

Connection can be made to the utility lines that run along Middle Road.

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 applicant will be connecting to public sewer. There will be no adverse impact on the groundwater as a result of this 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 only outdoor storage will be soil. There will be no adverse impact on the groundwater as a result of this project.

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.

For evidence of technical capacity, the applicant has utilized the services of SYTDesign Engineering, Sweet Associates for wetland delineation and Titcomb Associates for surveying; a letter stating financial capacity has been received from the applicant's bank has been received.

The Board finds the standards of this section have not yet 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 a two acre vacant lot. There are no evident historic or archaeological resources on site.

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 #230162-0016C 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.

The plans shows three 60 watt wall pack lights over each entrance area. The fixtures are shielded. They will be placed on a timer to shut off at 8:00 p.m. but with a motion sensor for security purposes.

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 site plan shows that a 21 balsam fir trees; or other suitable trees will be planted to buffer the sidelines of the site. The dumpster will be screened.

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 hours of operation are clearly stated in a note on the plan. The parking and loading area has been designed to minimize the need for vehicles to back up. The driveway will have reclaim material on it to minimize the noise made by the entering and exiting of the trucks.

The Board finds the standards of this section have not 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.

The site is being adequately buffered on all sides. The dumpster will be fenced. A gate will be installed at the entrance.

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 site plan shows that a 21 balsam fir trees; or other suitable trees will be planted to buffer the sidelines of the site. There is a flower bed in front of the building. A stone wall will be constructed along the front lot line. 4 sunset maples will be planted along the driveway.

The site is 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 parking area is shown on the plan. It is located to the rear of the building. There is a flower bed shown for the front of the building.

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. Powers asked in regards to .7 if a berm of 6-8” along the wetlands would serve to deter any materials from getting into the wetlands.

Mr. Decker stated he would look at it.

Ms. Howe moved to approve the findings of fact.

Mr. Ward seconded.

VOTE: 6 in favor (Richards, Howe, Robinson, Powers, Couillard, Ward)
1 opposed (Neagle)

Mr. Robinson asked if Mr. Dow would be charged a ready to serve fee for the sewer.

Mr. Neagle stated that is not relevant to this review.

Mr. Bill Shane, Town Manager and Superintendent of Sewers stated Mr. Dow will not be required to hook into the sewer and will not be assessed a ready to serve fee unless he buys a sewer unit to ensure future ability to access the sewer.

Mr. Couillard stated he would to see the building blend into the residential neighborhood.

Mr. Robinson moved to approve the Minor Site Plan request with the standard and proposed conditions of approval for MJ Storey Landscape Construction at 224 Middle

Road, Tax Assessor Map R02, Lot 36A, in the Rural Industrial (RI) zone, MJ Storey Landscape Construction, Applicant, Scott Decker, P.E., SYTDesign Consultants, Representative; Bonnie Fusco, Owner.

Mr. Richards 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 the building permit being issued.
2. That the clearing limits be flagged and approved by the Town Engineer prior to the issuance of a building permit.
3. There shall be no clearing in the Middle Road Right of Way. Public Works will trim or remove trees as needed.
4. That Al Palmer, Town Engineer, and Ralph Oulton, Sewer Review Engineer, approve the final plans with regard to impact on the wetlands.
5. The exterior light fixtures need to have a timer set to turn off at 8:00 p.m., with a motion detector for security.

2. Public Hearing: Minor Site Plan Review, Suburban Little League to add a storage structure and relocate other buildings at the Drowne Road School; Tax Assessor Map R03, Lot 51A in the Rural Residential 1 (RR1) district; Bill Hawkinson, Representative; Town of Cumberland, Owner.

Ms. Nixon presented background information as follows: The applicant is Suburban Little League. Bill Hawkinson is the representative. The applicant is requesting minor site plan approval to make several improvements to the two ball fields. (Bailey Field and Drowne Road Field) located on Drowne Road, Tax Assessor Map R03, Lot 51A in the Rural Residential 1 (RR1) district. The improvements consist of moving a two-piece shed from one location to another, and also the construction of a “Crows Nest” building on the Drowne Road Field. The fields are owned by the Town of Cumberland and leased to Suburban Little League.

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. There are photographs included in Board members packets showing a “Crows Nest” building.

Mr. Hawkinson applicant stated he is President of the Suburban Little League, the fields at the Drowne Road school currently have open dugouts and they want to add a “crows nest” similar to the photos behind home plate. This will give additional storage and a place for scorekeepers. The current shed at the top of the hill will be moved down the adjacent to the power pole.

Mr. Neagle asked the height of the “crows nest” in relation to the existing shed.

Mr. Hawkinson stated the current shed is approximately 6 – 8’ and the “Crows Nest” will be 16’.

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

Mr. Neagle moved to grant all of the requested waivers.

Mr. Robinson seconded.

VOTE: Unanimous

- Section 206.7.2.2:** location of all setbacks, yards, and buffers
- Section 206.7.2.3:** name and address of all property owners w/I 200 feet
- Section 206.7.2.4:** location map showing location of project
- 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 206.7.3.8:** location of drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, important or unique features, etc
- Section 206.7.3.9:** location of drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, important or unique features, etc
- 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. Robinson moved to approve the findings of fact.

Mr. Richards seconded.

VOTE: Unanimous

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 changes to the fields 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.

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.

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. There is ample parking and the proposed changes will not increase the demand for parking.

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 are no changes being made to the parking area. The current parking areas allows for safe circulation on the site.

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 layout of the parking area allows for safe pedestrian circulation for this site.

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 requested 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.

There will be no excavation for this project as the new structure will be placed 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.

The Board finds the standards of this section do not apply.

.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 is no need for any 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.

There will be no adverse impact on the groundwater as a result of this 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.

There will be no adverse impact on the groundwater or water quality as a result of this project.

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 the funds available for the improvements.

The limited nature of this project is such that the applicant has not needed to hire technical consultants.

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 to a 20' x 20' area.

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 #230162-0018C 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 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.

No additional buffering is proposed or required due to the nature of the use.

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 applicant proposes to have amplified announcement of the batters' names. This will be an infrequent occurrence and limited to daytime games.

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 additional storage of hazardous or waste materials.

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 no landscaping proposed and none is needed due to the nature of the site.

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 no changes being made to the parking placement. A small structure is being added to the site for storage.

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

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. Ward moved to approve with the standard and proposed conditions of approval the Minor Site Plan for Suburban Little League to add a storage structure and relocate other buildings at the Drowne Road School; Tax Assessor Map R03, Lot 51A in the Rural Residential 1 (RR1) district; Bill Hawkinson, Representative; Town of Cumberland, Owner.

Ms. Howe seconded.

VOTE: Unanimous

3. Public Hearing: Minor Site Plan Review: Seymour Bird & Supplies at 204 Gray Road, Tax Assessor Map U20, Lot 56 in the Highway Commercial (HC) / Medium Density Residential (MDR) districts; Nancy Tims, Owner, Applicant.

Ms. Nixon presented background information as follows: This is a small project that must go through site plan review. It is for a new business in an existing building. Ms. Nixon met with the applicant several weeks ago to explain what was needed for information and what might be waived by the Board. The applicant is not complete but has been left on the agenda to allow Ms. Tims to explain her proposal.

Ms. Tims stated the residence has a new well and septic, there is a small parking area on the Highland Avenue side of the property and a paved driveway with a U-turn gravel drive. Ms. Tims thought she had covered all the information needed and is present tonight to see what has been omitted.

Mr. Couillard stated he had driven by the building and the parking lot will have to be extended. Will there be a walkway from the parking area to the front main entrance?

Ms. Tims stated yes.

Mr. Ward asked if the property abutted a residential property.

Ms. Tims stated yes, Mr. Willis on the corner of Route 100 and Highland Ave.

Ms. Howe asked if the setback was non-conforming.

Ms. Nixon stated she met with Mr. Longley, Code Enforcement Officer and the structure was grandfathered.

Ms. Howe asked how many parking spaces there was, and is this a retail use.

Mr. Neagle stated there is not enough information to approve the application this evening, it is a great idea the Board just needs more information.

Mr. Powers stated the missing items are not insurmountable. The Board reviewed some of the outstanding items such as surface drainage, signed copy of the deed, handicapped parking, a parking plan etc.

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

Mr. Neagle moved to table the Minor Site Plan request for Seymour Bird Food & Supplies at 204 Gray Road, Tax Assessor Map U20, Lot 56 in the Highway Commercial (HC) / Medium Density Residential (MDR) districts; Nancy Tims, Owner, Applicant.

Mr. Robinson seconded.

VOTE: Unanimous

4. Public Hearing: Minor Site Plan Review: Cumberland House of Pizza at 176 Gray Road, Tax Assessor Map U19, Lot 10; in the Highway Commercial (HC) district; Chris Copp, C.F.E. Inc., Owner, Applicant **This item was tabled by the applicant.**

5. Public Hearing: Minor Site Plan Review: Chinese Gospel Church of Portland at 99 Gray Road, Tax Assessor Map U17, Lot 11A in the Local Business (LB) / Rural Residential 1 (RR1) districts; Fogel-Molin Cumberland, LLC, Owner; Tom Greer, P.E., Representative; Chinese Gospel Church of Portland, Applicant.

Ms. Nixon presented background information as follows: The applicant is the Chinese Gospel Church of Portland. The owner of the property is Fogel-Molin Cumberland, LLC. There is a Purchase and sale agreement on file. The property is located at 99 Gray Rd., Tax Assessor Map R-01, Lot 11A in the Local Business (LB) and Rural Residential 1 (RR1) zones. The parcel size is 4.1 acres. There is a contract zone agreement which permits the use (religious institution) in the zone. Thomas Greer, P.E., is the representative.

The applicant is requesting minor site plan approval to locate a church in a portion of an existing structure. The church is going to use approximately 1/3 to 1/2 of the existing building and lease the remaining space to a commercial business. At this time they do not plan to do any exterior construction however, they would like approval for the future construction of a 15' x 15' entry lobby.

The application was reviewed by our peer review engineer, Al Palmer and there are a number of outstanding concerns, the application does not appear ready for approval.

Mr. Tom Greer, of Pinkham Greer Consulting Engineers gave an overview of the project as follows: The Purchase and Sale agreement expires by May 31, 2006, the Church is nervous to close on the project without final approval. The church does not anticipate any new exterior construction with this project. They would like to get approval for constructing a 15' x 15' entry lobby for some time in the future. The new lobby, located

over the paved area at the entrance will provide a better entrance for both users of the building. If this can be done simply please add it to our approval.

The existing parking will be re-stripped to provide 38 spaces. This is more than enough for both users. The church will utilize the site on Sundays with the commercial entity using it during the week. The church plans on 75 seats which would require 25 parking spaces. This provides for about a 50% growth in church membership. The lease-able area of the building is about 4,378 sq. ft. This would require 18 spaces base on 1 per 250 sq. ft. The church area is the same including the basement area. Sight distances are listed on the site plan. The distance looking south falls short of the standards. It is not possible to relocate the drive to improve the distance; to the north the sight distance is 500'+ and approximately 390' to the south. They have contacted D.O.T. and submitted their entrance permit. Bruce Monger feels he can issue the permit they are scheduled to meet on site.

Mr. Powers asked if they are going to use the existing driveway.

Mr. Greer stated yes.

Mr. Richards asked if D.O.T. was willing to waive the standards.

Mr. Greer stated yes, the abutters have been notified and the accident information has been supplied; the applicant is requesting approval subject to the MDOT entrance permit.

The nearest fire hydrant is two miles away at the fairgrounds, they will have a fire alarm system.

Mr. Robinson stated the fire department has used the brook in the past.

Mr. Greer stated the traffic for the site will be equal to or less than the site generates now weekday use. On Sundays it is expected that the 50 to 70 church members will generate 50 to 70 trip ends. The MDOT is satisfied with the traffic counts of weekend and daily trips.

Mr. Neagle asked if there was any chance the Church might have a mid-week service.

Mr. Wayne Choi, of the Chinese Church stated they are not anticipating any mid-week service; they might have a Friday evening Bible study. If they did have a mid-week service there would be only 4 or 5 members.

Ms. Howe asked the age of the building.

Ms. Nixon asked for clarification on the driveway entrance.

Mr. Greer stated Mr. Bruce Munger of the MDOT is comfortable using the existing driveway; they are reviewing files and will meet on site.

Mr. Neagle stated this is an existing building with a change of use and agreed the MDOT would likely approve the entrance permit.

Mr. Robinson, Ms. Howe, and Mr. Richards agreed with Mr. Neagle.

Mr. Couillard stated the building was 15-20 years old; and there is less traffic in and out of the building than with the previous use.

Mr. Powers stated the consensus of the Board appears to grant approval after the DOT issues are resolved.

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

Mr. Neagle moved to table the application for Minor Site Plan Review for the Chinese Gospel Church of Portland at 99 Gray Road, Tax Assessor Map U17, Lot 11A in the Local Business (LB) / Rural Residential 1 (RR1) districts; Fogel-Molin Cumberland, LLC, Owner; Tom Greer, P.E., Representative; Chinese Gospel Church of Portland, Applicant.

Mr. Richards seconded.

VOTE: Unanimous

Items 6 & 7 were reversed.

6. Public Hearing - To recommend to the Town Council zoning amendments for Section 204.9 Industrial District to allow “Construction Operations” and “Self-Storage Facilities” as permitted uses.

Mr. Bill Shane, Town Manager stated he was representing the Town Council requesting that “construction operations” be allowed in the Industrial zone. Mr. Shane compared the allowed uses in the Rural Industrial zone which allows “construction operations”. The Storey Brothers are looking to re-locate their business to the abandoned gravel pit on Goose Pond Road. The proposed building would be similar to the building on Middle Road; the stockpiling of materials and gravel pit operations would remain as grandfathered use. *Construction operations: the use of a tract of land for the storage of construction equipment and materials used in residential and commercial construction. This use does not include the manufacturing or processing of concrete and/or asphalt, or the extraction or processing of earth materials, unless previously grandfathered.*

Mr. Neagle stated he didn't like the language previously grandfathered, but thinks the change is a good idea.

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

Mr. Couillard asked if the entrance was from Blackstrap or Goose Pond Road.

Mr. Shane stated Blackstrap Road, the Town's pit and the DOT entrance are off from Goose Pond Road.

Mr. Neagle moved to recommend to the Town Council a zoning amendment for Section 204.9 Industrial District to allow "Construction Operations" as a permitted use.

Mr. Richards seconded.

VOTE: Unanimous

The second item is "self-storage facilities" which are proposed as part of the Contract Zoning Agreement for Cumberland Foreside Village. This is a definition of such facility and allowing the use in the Ordinance.

The definition of a self storage facility is: a fully enclosed structure with individual, secured units (accessed with or without supervisions) used for the exclusive purpose of storage of non-hazardous business or personal materials. The structure shall be no larger than 15,000 sq. ft. in size; shall not exceed a height of 35'; and shall be required to meet all applicable lot standards of the zone in which it is located. There shall be no outside storage of any kind including such large items such as RVs and boats. The structure shall be landscaped with plantings sufficient to buffer the structure from adjacent properties. The architectural design of the building shall be consistent with the New England vernacular and shall include such features as pitched roofs, vertical rectangle windows, and brick, clapboard or shingle siding. The use of vinyl siding is acceptable; metal siding is not.

Mr. Neagle asked if self-storage buildings would be subject to site plan review.

Ms. Nixon stated yes.

Mr. Neagle stated he liked the language New England vernacular.

Mr. Neagle moved to recommend to the Town Council a zoning amendment to Section 204.9 Industrial District to allow "Self-Storage Facilities" as a permitted use.

Mr. Robinson seconded.

VOTE: Unanimous

7. Public Hearing: To recommend to the Town Council