

**Planning Board Meeting - Minutes
Tuesday, June 20, 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

Ms. Howe moved to approve the minutes of May 16, 2006 with technical corrections.
Mr. Robinson seconded. VOTE: Unanimous

D. Consent Calendar / Deminimus Change Approvals:

This item was tabled by Applicant

1. Stormwater Plan Revisions - R & N Woods Major Subdivision 6-lot subdivision at 52 Foreside Road; Tax Assessor Map U02, Lot 5, R & N Woods, LLC, Owner, Arthur Colvin, P.E., PLS, Associated Design Partners, Inc., Representative.

E. Hearings and Presentations:

1. Public Hearing: To abandon the approved major 4-lot subdivision: Roy Hill Woods, Roy Hill Road, Chebeague Island, Tax Assessor Map I03, Lot 130A, Island Residential District; James Katsiaficas, Esq. Representative; Roy Hill Realty, LLC, Owner.

Ms. Nixon presented background information as follows: The owner of the Roy Hill Woods Subdivision would like to have his approval rescinded at this time.

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

Mr. Richards moved to abandon the approved major 4-lot subdivision Roy Hill Woods, Roy Hill Road, Chebeague Island; Tax Assessor Map I03, Lot 130A, in accordance with the Certificate of Abandonment and the Standard and Proposed Conditions of Approval.

Mr. Couillard 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 deminimus 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.

Recommended Condition of Approval

1. The current or future owner shall dig up and flip the stumps so as to let rainwater wash the soil off. Within 90-days of the Board action, the applicant shall remove all the stumps and relocate them in an area off the site where they are not visible to others. There shall be no construction on the site prior to the issuance of

a building permit and any necessary review by the Board of Appeals and Planning Board. The owner shall insure that proper erosion control is provided.

Mr. Robinson asked about Town expenses incurred during the review.

Ms. Nixon stated the engineering review fees are paid by the applicant.

2. Public Hearing: Minor Site Plan Review; 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.

Ms. Nixon presented background information as follows: The applicant and owner is Nancy Tims. The property is located at 204 Gray Road, Tax Assessor Map U20, Lot 56 in the Highway Commercial (HC) and Medium Density Residential (MDR) zones. The parcel size is .66 acres. The applicant is requesting minor site plan approval to locate a bird food, supplies, and toy store in an existing building. There will be no changes to the building or the site. The building is currently being used as a residence. There are several waiver requests; the application appears to be ready for approval.

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

Mr. Richards asked if there were any concerns from abutters.

Ms. Nixon stated no.

Ms. Tims, applicant stated the closest neighbor is happy with the proposed plan.

Mr. Couillard stated the driveway had been done and the side lot was seeded.

Mr. Neagle stated this was a great use for the property and supported the application.

Mr. Neagle moved to approve the findings of fact as presented.

Ms. Howe 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.

There are no changes being made to 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.

There will be several minor changes to the parking area which will not negatively impact the site as a result of this change of use.

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 change of use.
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 several minor changes to the parking area which will not negatively impact the site as a result of this change of use.

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 is in conformance with the above requirements and will allow 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 parking is located to the rear of the building. 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.

There will be no external changes to the site and therefore no additional impact on stormwater.

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 or construction on this site.

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 project 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 the change in use. 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.

There are no changes being made to the site therefore there will be no adverse impact on the groundwater as a result of this change in use.

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 new proposed use will not store or generate any hazardous waste. 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.

There are no public improvements being done as part of this project.

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. There are no changes being made to the 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 #230162-0015B 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.

The applicant plans to place a downward facing, shielded light from a tree to light the walkway to the building.

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 is adequate buffering in place due to the existing vegetation.

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 will not increase the level of noise on the site.

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.

All trash will be kept inside and disposed of by the applicant.

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 is adequately landscaped. There is no need for additional landscaping for the proposed use.

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 location of the building. A minor change is the completion of a circular driveway in the rear 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.

Ms. Howe moved to approve the four waiver requests.

Mr. Richards seconded.

VOTE: Unanimous

- 206.7.4.2 - Grading at 2' contours;**
- 206.7.4.6 - Groundwater impact analysis/impact on downstream properties**
- 206.7.4.15 - traffic/peak hour and daily traffic generated by project**
- 206.7.4.16 - stormwater calculations/erosion & sedimentation control**

Ms. Howe moved to grant Minor Site Plan approval with the standard and proposed conditions for a change of use 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.

Mr. Neagle 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.

3. 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.

Ms. Nixon presented background information as follows: The applicant and owner is Chris Copp. The property is located at 176 Gray Road, Tax Assessor Map U19, Lot 10; in the Highway Commercial district. The parcel size is .88 acres. The applicant is requesting minor site plan approval to locate a restaurant in an existing building. There will be no changes to the building or the site. The building is currently being used as an animal hospital.

Mr. Chris Copp, Applicant stated the House of Pizza will be going in on the opposite side of the building.

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

Mr. Couillard asked about the well.

Mr. Copp stated the well is a common well shared with the Cumberland Café building, the water quality has been tested in accordance with restaurant standards.

Mr. Neagle asked if the House of Pizza was the same chain as the Falmouth House of Pizza.

Mr. Copp stated House of Pizza is not a trade name, the owners are relatives or friends and are willing to share the name.

Mr. Neagle asked who would run the restaurant.

Mr. Copp stated the people currently running the Standish House of Pizza will be operating the Cumberland restaurant.

Mr. Ward asked about the septic system.

Mr. Copp stated the original septic application was for the Cumberland Café, a 50 seat restaurant. He has had the plan reviewed by the soils engineer; who has stated the plan will be adequate; the chambers will be cement instead of plastic.

Mr. Neagle moved to grant a waiver of Section 206.7.6 - Boundary Survey.

Mr. Robinson seconded.

VOTE: Unanimous

Ms. Howe 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.

There are no changes proposed that will affect this criterion.

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 this change of use.

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 change of use.

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 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 is in conformance with the above requirements and will allow 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 parking is located in 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.

There will be no external changes to the site and therefore no additional impact on stormwater.

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 or construction on this site.

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 business 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 the change in use. 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.

There are no changes being made to the site therefore there will be no adverse impact on the groundwater as a result of this change in use.

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 new proposed use, a small restaurant, will not store or generate any hazardous waste. 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.

There are no public improvements being done as part of this project.

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. There are no changes being made to the 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 #230162-0015B 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.

There is adequate buffering to the rear of the site. The applicant owns the adjacent lots and buildings.

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 restaurant use will not increase the level of noise on the site.

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 a cooler placed to the rear of the building. It will be buffered by fencing as will the existing dumpster.

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 is adequately landscaped. There is no need for additional landscaping for the restaurant use.

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 and building placement on the site.

With the approval of the waiver from the landscaping requirement, 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. Neagle moved to approve the Minor Site Plan with the standard and proposed conditions for Cumberland House of Pizza located at 176 Gray Road, Tax Assessor Map U19, Lot 10 in the Highway Commercial (HC) district; Chris Copp, C.F.E. Inc., Owner, Applicant.

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.
2. A letter from Mark Cenci is received and approved by the Town Planner certifying that the waste water system is sufficient.

4. Public Hearing: Minor Site Plan Review: To construct a proposed Indoor Playground addition to the existing Toddle Inn Daycare Center at 10 Thomas Drive, Tax Assessor Map R02D, Lot 1A in the Office Commercial (OC) district; Dave Kamila, Land Use Consultants, Representative; Toddle Inn Daycare, Inc., Owner.

Ms. Nixon presented background information as follows: The applicant and owner is the Toddle Inn Daycare, Inc. The property is located at 10 Thomas Drive, Tax Assessor Map R02D Lot 1A in the Office Commercial (OC) zone. The parcel size is 6 acres.

The applicant is requesting minor site plan approval to construct a 25' x 70' addition to the rear of the building for use as an indoor playground. The original site plan for the daycare approved in May 2001, included plans for a future 45' x 75' addition to be used as a pool. There is no intensification of the use in terms of additional students, employees, or classrooms.

Planner's Comments:

1. The evidence of financial capacity is not typically sufficient as it does not state a commitment to lend the funds. However, there are no public improvements involved in this project so the Board could determine the letter submitted is sufficient.

Mr. Kamila, Representative responded to the Planner's Comments as follows:

1. *The Bank letter is typical for a small project prior to completion.*

2. The names of the abutting property owners are not shown on the plan.
Mr. Kamila stated the abutters names would be added to the final plan.

3. Sheet A-1 shows the elevation for the addition. It does not specify the type of material for the exterior siding. The end wall does elevation does not show any windows. The abutting property is Yarmouth's Cole Hahn. It is unlikely they would be able to see the building through the dense vegetation and distance.

Mr. Kamila stated the siding will be painted steel, to match the existing building. The addition will be built by PATCO Construction. The back of the addition will have an indoor climbing wall and basketball hoops; there are windows on the sides of the addition.

4. There is no legend for the plan. Where is the nearest hydrant? Where are the detention areas located?
Mr. Kamila stated the legend will be added, there is a hydrant at the entrance; and the detention pond beside the driveway and parking lot.

5. There is no additional landscaping shown around the addition.
Mr. Kamila stated the addition will have a basketball court and climbing wall on the back wall. The addition is not visible, no landscaping is proposed; the area will have erosion control measures in accordance with Best Management Practices and the area will be loamed and seeded.

6. A revised site plan (based on the plan approved in 5/01 by Sebago Technics) should be prepared which shows the following: a legend, location of existing sign(s), lighting (existing and proposed), hydrant locations, names of abutting property owners (including across town line in Yarmouth), detention pond, more specific wetland locations, type and location of new landscaping (if any).

Mr. Kamila stated the revised plan will include this information. There is no landscaping proposed due to the location of the addition.

7. Will the hours of operation remain the same?

Mr. Kamila stated the hours of operation and number of children will remain the same. They are requesting to add an indoor playground. The original site plan of 2001 proposed a future pool; the revised plan has scaled down the addition for an indoor play area.

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

Mr. Robinson asked about the Town's Engineer comments from Tom Saucier; specifically # 2 regarding the 75' Route One Buffer.

Mr. Kamila stated the trees are very close to the building and to conform to the DEP guidelines for grade a few trees may be affected. It shouldn't affect the buffer; the back of building is virtually not visible outside the site.

Ms. Nixon stated the trees could be flagged and inspected by the Planner prior to removal. This could be handled as a condition of approval.

Mr. Kamila stated the items listed by Tom Saucier, of SYTDesign would be corrected.

Mr. Richards asked if removal of the trees would infringe on the buffer, and if so would it require a waiver.

Ms. Nixon stated based on the grading plan clearing will extend into the 75' buffer.

Mr. Kamila stated scaling the plan the grading closest to Route One is 50'; they will try to limit impact. The building will be 90' from the right of way, with 15' to grade.

Mr. Richards asked if the integrity of the 75' buffer would be maintained.

Mr. Neagle stated this could be handled as a condition.

Mr. Couillard asked about a back door.

Mr. Kamila stated there will be two doors one on each side as shown on Sheet A-21.

Mr. Neagle stated this is a great project, with unique circumstances and a curve in Route One; he is not concerned about the buffer.

Mr. Couillard stated the fence is already in the buffer.

Ms. Nixon stated Toddle Inn was approved prior to the adoption of the Route One Guidelines requiring the 75' buffer.

Ms. Howe moved to approve the findings of fact.

Mr. Couillard 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 addition will be located in a cleared area to the rear of the existing building. It will not impact any wetland area. Appropriate erosion control measures will be taken.

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 this 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.

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.

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 existing parking area is in conformance with the above requirements and no changes are being made.

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 business; no changes are being made.

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 existing site plan was approved with the 45' x75' future addition for an indoor pool including building and pavement areas. The Lot was approved by DEP as a subdivision lot with the larger proposed addition. This addition will be approximately 50% smaller. There is an existing detention pond on site that will handle the additional runoff. The Town Engineer has reviewed and approved the plan.

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 erosion and control plan has been reviewed and approved by the Town Engineer.

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 supply as there will be no additional children or employees.

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 as there will be no increase in the number of employees or children.

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 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 daycare is on public water and sewer. There are no changes being proposed that would have an adverse impact on the 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 new proposed use will not store or generate any hazardous waste. 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.

There are no public improvements being done as part of this project.

The applicant has retained the services of Land Use consultants to prepare the application materials.

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 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.

There is no additional lighting being 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.

There is adequate buffering in place due to the existing vegetation.

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 addition of an indoor playground will not increase the level of noise on the site.

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 is a dumpster on site and there will be no increase in the amount of waste as a result of this addition.

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 is adequately landscaped. There is no need for additional landscaping for the proposed use.

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 parking area. There is adequate natural buffering and landscaping.

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. Neagle moved to grant Minor Site Plan approval with the standard and proposed conditions to Toddle Inn for a proposed indoor playground addition at 10 Thomas Drive, Tax Assessor Map R02D, Lot 1A in the

Office Commercial (OC) district; Dave Kamila, Land Use Consultants, Representative; Toddle Inn Daycare, Inc., Owner.

Mr. Couillard 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.
2. That a revised site plan be provided, prior to the issuance of a building permit, that includes all outstanding items listed in the Planner's comments.
3. That the changes listed as numbers 3 & 4 by Al Palmer, Town Engineer be incorporated into the revised plan.
4. The 75' buffer on Route One is to be maintained; the Town Planner will inspect flagged trees prior to removal.

6. Public Hearing - To recommend to the Town Council zoning amendments for Section 204.8 Office Commercial District (in the more southerly of the two Office Commercial Districts) to allow "Self-Storage Facilities" as permitted uses.

Ms. Nixon presented background information as follows: This amendment proposes to add self-storage facilities to the Southern OC District. Last month the Board made a positive recommendation to the Council to add them in the Industrial Zone; now the Council has asked that the Board make a recommendation on adding them as permitted uses in the southern OC zone. Mr. Shane, Town Manager is present to give a presentation from the Council.

Mr. Shane, Town Manager stated that last month the Town Council met after the Planning Board's advertising deadlines. The Town Council decided it would rather see self-storage facilities in the southern office commercial district. The definition should read the footprint of the structure shall be no larger than 15,000 sq. ft. in size.

The public portion of the meeting was opened.

Mr. Foley of 29 Granite Ridge Road, True Spring Farm Condominiums asked if this would allow the use in the zone, above the limit of Lot 10 in the contract zoning agreement for Cumberland Foreside Village.

Mr. Powers stated the proposal is to recommend to the Town Council to allow "self-storage facilities" as a permitted use in the southern office commercial district.

Mr. Couillard asked for clarification on the type of self-storage building.

Mr. Shane stated one building fully enclosed, not several buildings with individual units.

Ms. Howe asked if the use was allowed in the Industrial Zone.

Mr. Shane stated no.

Ms. Howe stated she thought the use was better suited for an Industrial zone, not Office Commercial.

The public portion of the meeting was closed.

Mr. Neagle moved to recommend to the Town Council their prior recommendation to allow “self-storage facilities” as defined in the Industrial Zone as a permitted use.

Ms. Howe seconded.

VOTE: 2 in favor (Neagle, Howe)
5 opposed (Robinson, Richards,
Couillard, Ward, Powers)

Mr. Robinson moved to recommend to the Town Council zoning amendments for Section 204.8 Office Commercial District (in the more southerly of the two OC districts) to allow “self-storage facilities” as permitted uses.

Mr. Richards seconded.

VOTE: 5 in favor (Robinson, Richards,
Couillard, Ward, Powers)
2 opposed (Neagle, Howe)

2048.1.11 .11 “Self-Storage Facilities”

104. .117 Self Storage Facilities: A structure divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential users.

Section 423: 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 foot print of 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 style and shall include such features as pitched roofs, vertical rectangle windows, and brick, clapboard or shingle siding. The use of the vinyl siding is acceptable; metal siding is not permitted.

6. Public Hearing: To recommend to the Town Council proposed amendments to Sections 414 and 104.60 Home Occupations of the Cumberland Zoning Ordinance.

Ms. Nixon presented background information as follows: The change to Home Occupations is primarily adding language that expands the definition of home occupation to include two types: home occupations where the owner actually occupies the residence and conducts the work in that residence (e.g. a craft maker) and home-based where the owner conducts most of the work off site (e.g. a plumber).

Mr. Shane, Town Manager stated this proposed amendment language is a result of a Council sub-committee consisting of George Turner, Steve Moriarty, Bill Longley, Code Enforcement Officer, and himself. The subcommittee has met twice with the Board of Adjustment and Appeals. The Board of Appeals has had input into the changes and has forwarded these changes to the Planning Board for recommendation to the Town Council.

Mr. Neagle stated these amendments were well done, and applauded the hard work; he was in support of the amendments.

Mr. Neagle moved to recommend to the Town Council the proposed zoning amendments to Sections 414 and 104.60 of the Zoning Ordinance.

Mr. Richards seconded.

VOTE: Unanimous

Sec. 414 Home Occupations and Home -Based Occupations

~~.60 — **Home Occupations:** Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling, used for living purposes and does not change the character thereof.~~

414.1-60 Home Occupations:

b
An occupation performed or conducted within a dwelling or an accessory structure **by** the residents thereof, which:

- .1 Is accessory to a residential use, and;
- .2 Is clearly incidental and secondary to the residential use of the dwelling unit, and;
- .3 Does not change the character of the dwelling.

Home occupations may include, but are not necessarily limited to, arts and crafts work, dressmaking, tutoring, music teaching, the use of a portion of a dwelling as a bed and breakfast inn, a day care home, professional offices such as those of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent or accountant, or similar uses.

414.2 .60A- Home-Based Occupations:

An occupation based or located within a dwelling or an accessory structure which is performed or conducted at a location or locations remote from the dwelling and which:

- .1 Is accessory to a residential use; and
- .2 Is clearly incidental and secondary to the residential use of the dwelling unit; and
- .3 Does not change the character of the dwelling.

Sec. 414 — Home Occupations

414.1 Any home occupation such as arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a residential building as a bed & breakfast inn, day care home, or as the office of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, accountant or similar uses may be approved as a special exception by the Board of Adjustment and Appeals if: [Amended, effective 12/13/89]

.1 The occupation of an office will be managed by a member of the family residing within the dwelling unit. Up to two employees who are not members of the family may be employed in a home occupation, and;

.2 The occupation or office will be located wholly within the principal or accessory structures, and;

.3 Exterior displays, exterior storage of materials, and exterior indication of the home occupation will not be permitted except for signs as may be specifically provided for by the Board of Adjustment and Appeals and as may otherwise conform to the conditions of this Ordinance; and

.4 Noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond property limits, and;

.5 Off street parking spaces will be provided in an amount to be determined by the Board as necessary to avoid street congestion.

§414 Home Occupations and Home-Based Occupations:

414.3-1 Any home occupation or home-based occupation may be approved as a special exception by the Board of Adjustment and Appeals if:

- .1 The occupation is owned or operated by a member of the family residing within the dwelling unit, and;
- .2 In the case of a home occupation, no more than two employees who are not members of the family are employed in the occupation, and;
- .3 In the case of a home-based occupation, no more than two employees who are not members of the family are present at the dwelling at any one time, and;
- .4 Objectionable or unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond the property limits, and;
- .5 No traffic in substantially greater volumes than would be normally expected in the neighborhood will be generated, and;
- .6 Off-street parking spaces are provided in an amount to be determined by the Board to avoid street congestion, and;
- .7 Exterior displays, exterior storage of materials, and exterior indications of the home occupation or home-based occupation, including signs, are inconspicuous.

A home occupation or home-based occupation does not require approval as a special exception if the seven (7) conditions above are met and it does not result in any exterior indications (including, without limitation, any visual, sound, odor, or traffic indications outside of the dwelling or accessory structure) of the existence of the home occupation or home-based occupation, and does not pose any potential threat to public health, safety, or welfare.

414.4 2 The granting of a special exception approval for a home occupation or home-based occupation shall apply to the applicant only while the applicant resides at the property.

F. Administrative Matters:

Ms. Nixon asked the Board about their thoughts of amending the subdivision ordinance to exempt 40-acre parcels from subdivision review.

The Board was to send comments electronically via e-mail, and Ms. Nixon would obtain a legal opinion from the Town Attorney.

G. Adjournment:

Mr. Ward moved to adjourn at 8:20 p.m.
Mr. Couillard seconded.

VOTE: Unanimous

A TRUE COPY ATTEST:

Thomas E. Powers, Board Chair

Pam Bosarge, Board Clerk