

**Planning Board Meeting - Minutes
Tuesday, July 18, 2006
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine
7:00 PM**

A. Call to Order

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

B. Roll Call

Present: Bill Ward, Vice-Chair, Beth Howe, Bob Couillard, Mark Robinson, Bill Richards, Chris Neagle

Absent: Tom Powers, Chair

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

C. Approval of Minutes of June 20, 2006

Ms. Howe moved to approve the minutes of June 20, 2006 with minor technical corrections.

Mr. Richards seconded.

VOTE: Unanimous

D. Consent Calendar / De minimus Change Approvals:

There were no Consent Calendar items.

E. Hearings and Presentations:

1. Public Hearing: Stormwater Plan Revisions: R & N Woods a major 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.

Ms. Nixon presented background information as follows: The Board is being asked to approve a revised stormwater plan that replaces a retention pond system with one utilizing underground storage chambers. The benefit to this design is the entrance area will be more attractive without the retention pond. Both DEP and Tom Saucier, Peer Review Engineer, have reviewed and approved the plan.

Mr. Art Colvin, Representative stated the revised stormwater plan will function the same as the previous design. The retention pond will be located in the same location and utilize a filtered isolator, which can be cleaned.

Mr. Couillard asked if the residents of Starboard Lane will be affected by the changed design.

Mr. Colvin stated all of the stormwater calculations will remain the same; there will be no additional water volumes.

Ms. Howe asked about packing down the topsoil, and if there would be an impact on absorption.

Mr. Colvin stated the manual gives specific installation instructions.

Ms. Howe asked if there would be grass planted.

Mr. Colvin stated yes, there is a revised landscape plan.

Mr. Richards asked if Mr. Saucier's peer review comments had been addressed.

Ms. Nixon stated yes, the peer review engineer's comments have been satisfied.

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

The Board reviewed the amended stormwater finding of fact. *# 14 Stormwater will be amended as follows: The approved stormwater management plan was revised from a retention pond system to a system utilizing underground chambers. This plan was reviewed and approved by the Town Engineer.*

Mr. Neagle moved to approve the amended # 14 Stormwater Finding of Fact as stated.

Mr. Robinson seconded.

VOTE: Unanimous

Mr. Neagle moved, based on the finding of fact, to approve the amended subdivision plan for R & N Woods, Tax Assessor Map U02, Lot 5; R & N Woods, LLC, Owner; Arthur Colvin, PLS, Representative.

Mr. Robinson seconded.

VOTE: Unanimous

2. 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; Chinese Gospel Church of Portland, Owner and Applicant; Tom Greer, Pinkham Greer Consulting Engineers; Representative.

Ms. Nixon presented background information as follows: The applicant and owner is the Chinese Gospel Church of Portland. 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 will 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.

PROJECT HISTORY: The applicant was before the Board in March and April for recommendations to the Town Council on how to allow the use of a church in the LB zone. Contract zoning was ultimately used.

The application is ready for approval. The DOT has approved the use of the existing entrance and all other information has been provided with the exception of the concern about adequacy of the existing lighting. There are a few minor conditions of approval.

Mr. Tom Greer, Representative stated the plan will be revised to reflect the Fire Chief's comments. The Church doesn't feel that there is a need for additional lighting; however, if the Board requests lighting they will install it. Mr. Greer asked if the lighting could be handled as a condition of approval and approved by the staff.

Mr. Neagle stated he liked the project and asked if the Fire Chief's comments had been reviewed.

Mr. Greer stated the interior alarm requirements will be met.

Mr. Neagle voiced concern regarding the need for outside lighting.

Mr. Greer stated there are outside lights on the front and rear of the building.

Ms. Nixon asked if motion lights could be added to the back of the building.

Mr. Greer stated they could be added, the delivery doors currently have wall pack lighting.

Mr. Neagle stated he would like to see a condition of no meetings of the congregation after 7:00 p.m. until a lighting plan was presented.

Mr. Richards stated he would prefer to see a lighting plan for the back of the building.

Mr. Couillard stated there is a light at the entrance end and half way under the eaves of the building.

Ms. Howe agreed it was not a good idea to limit meeting times.

Mr. Robinson asked if there were any waivers.

Ms. Nixon stated Al Palmer of Gorrill Palmer questioned the need for a waiver of the parking requirement; this is not needed because the Church meets on different days from the business.

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

Mr. Neagle asked if the parking spaces were adequate.

Mr. Greer stated the Church has thirty members with 10 - 15 cars; there are 15 - 20 parking spaces. The parking meets the required standards.

Mr. Neagle stated he was uncomfortable with the lighting provision.

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 proposal utilizes an existing building and parking area. There will be no excavation or disturbance on 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 no changes to the traffic access and parking. The applicant has provided an entrance permit dated 5/19/06 from the Maine DOT which reduces the required site distance from 840' to 495' on the left side. The two uses for the building: a church and telecommunications office, have different operating hours, so traffic and parking conflicts should not occur.

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. MDOT has issued an entrance permit.

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 proposed changes to the existing parking area. The site is generally open and there is ample parking for the business and church uses.

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 sufficient for the needs of the two uses given the fact that the church will be in use on weekends, and the business on weekdays.

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 rear of the building. Access to the building is through the parking areas, but the amount of pedestrian traffic is minimal and the pedestrian plan is appropriate for the type and scale of the development.

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.

No changes will be made to the drainage as a result of this project. Existing drainage generally flows west to east to the rear of the site, and the front drains towards Route 100. The original grading plan was submitted as evidence.

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 with this project.

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

.9 Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of

distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

There 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 this addition and the existing septic system is sufficient as evidenced by the letter dated 3/17/06 from Richard Sweet, Licensed Site Evaluator.

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 to the site and therefore there will be no additional impact on 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 are no changes to the site and therefore there will be no additional impact on groundwater or surface water 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 utilized the services of Pinkham and Greer, Consulting Engineers, and Richard Sweet, Licensed Soil Evaluator. The applicant has received a letter dated 7/11/06 from TD Banknorth indicating financial capacity. 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 will be no excavation or construction on 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.

As a condition of approval the plan will be revised to show wall pack lighting with timers on the front and rear of the building.

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

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

There are no changes being made to the building or site which necessitate additional buffering or screening.

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 new use, a church, 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 no additional storage required due to this new use.

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

.21 Landscaping

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

There are no changes being made to the building or site which necessitate additional landscaping.

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 areas are not being changed. The front area is set well back from the road. The rear parking is not visible from the road.

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 findings of fact for Minor Site Plan Review for the Chinese Gospel Church as presented.

Mr. Richards seconded.

**VOTE: 5 in favor (Howe, Richards, Couillard, Ward, Robinson)
1 opposed (Neagle)**

Ms. Howe moved to approve the Minor Site Plan with the standard and proposed conditions of approval 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; Chinese Gospel Church of Portland, Owner, Applicant; Tom Greer P.E., Representative.

Mr. Robinson seconded.

**VOTE: 5 in favor (Howe, Richards, Couillard, Ward, Robinson)
1 opposed (Neagle)**

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 the plan be revised to show wall pack lighting with timers on the front and rear of the building.
3. That the plan be revised to reflect the requirements of the Fire Chief.

3. Public Hearing: Preliminary Plan Review - Autumn Ridge a Major 12-lot clustered subdivision at 174 Orchard Road; a portion of Tax Assessor Map R08, Lot 42A, in the Rural Residential 2 district; Scott Decker, P.E., of SYTDesign Consultants, Representative; Burton Associates, Owner.

Ms. Nixon presented background information as follows: This is the third preliminary plan review for this subdivision. In December, the Board voted to table preliminary plan approval pending outside agency approvals. Those approvals are still outstanding, however, the applicant asked to be placed on this month's agenda to continue review. The applicant was checking into road access through North Yarmouth, but has decided to connect to Orchard Ridge, the Town is willing to consider road acceptance of the Orchard Ridge Subdivision road.

Mr. Ward asked Mr. Decker about the outside agency approvals.

Mr. Decker of SYTDesign stated the Ordinance allows outside permits to be included with the final submission. The Cumberland County Water and Soils report was received today.

Mr. Robinson stated he recalled stormwater and wetland issues needed to be addressed prior to preliminary approval. He would support tabling until receipt of the outstanding approvals.

Mr. Neagle stated outside agency approvals are not required for preliminary and he had no problem considering the application.

Mr. Richards asked about the wetlands.

Mr. Decker stated the stormwater plan has been re-designed to comply with the new regulations. The project will disturb approximately 18,520 sq. ft and requires a Tier 2 permit.

Ms. Howe stated she was interested in Ms. Stockwell's information and was not clear on the changes from December and now.

Mr. Decker stated in December there were 16,000 sq. ft. of disturbance, this plan is 2,000 sq. feet more. The wetlands have been surveyed, and he hasn't had a chance to respond to Ms. Stockwell's letter.

The public portion of the meeting was opened.

Ms. Sally Stockwell, representing the Conservation Committee, stated after a brief review there is a fair amount of wetland impact, and the State standards are to avoid impact if possible, in her opinion this project does little to avoid impact and she recommended eliminating lots to decrease impact to the wetlands.

Ms. Howe stated it was unfortunate that the road couldn't connect through North Yarmouth; this would have eliminated wetland impact.

The public portion of the meeting was closed.

Mr. Neagle suggested a buffer be required from the wetland.

Ms. Nixon stated tabling by the Board would be appropriate. If the road is rejected by DEP, the design would have to change. But, if all items are satisfied, the Board could grant preliminary and final approval in one meeting.

Mr. Robinson moved to table, pending DEP approval, the request for preliminary approval for Autumn Ridge, a 12-lot major subdivision at Orchard Road; Tax Assessor Map R08, Lot 42A in the Rural Residential 2 district.

Mr. Couillard seconded.

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

4. Public Hearing: Preliminary Plan Review - Cumberland Foreside Village a 12-lot major subdivision with six (6) commercial lots along Route One and six (6) expected lots to be a mixture of commercial and residential lots; Tax Assessor Map R01, Lots 7,8,8A, 11, 11B; Stephen Mohr, ASLA, Mohr & Seredin Landscape Architects, Inc., Representative; Cumberland Foreside Village, LLC, Owner.

Ms. Nixon presented background information as follows: This is the first review of the plans for this project. There are some general questions in her review and a number of more technical questions from Al Palmer’s review. Comments from Ralph Oulton for the sewer system review will be in next month. There are no findings prepared for this review.

Request: The applicant and owner is David Chase, dba/Cumberland Foreside Village, LLC (CFV) of 50 Gray Road, Falmouth, ME 04105. The applicant is represented by Thomas Greer, P.E., Pinkham and Greer. Mohr and Seredin are the landscape architects. The proposed subdivision is located on U.S. Route One, Map R-01, Lots 11, 11B, 8, 7,8A.

The original parcel was 67.2 acres. Deducted from this was the 8.8 acre Town lot and the 3 acre Seafax lot. This leaves a balance of 55.4 acres that have been contract-zoned to allow for a minimum of 6 commercial lots and a maximum of 134 residential lots. The applicant is uncertain at this time as to the actual ratio of residential to commercial. The project will be built out incrementally based on lot sales. The initial construction will consist of the site preparation work for Lots 7-12. Schematic site plans for Lots 7-12 have been included for informational purposes. Site plan applications will be submitted for each lot when ready for development.

History

- Sketch Plan Review and Recommendations to the Town Council on the contract zone.
- The Planning Board conducted a site walk in April with the Town Council.

Description:

| | |
|--------------------------|---|
| Parcel size: | 50.7 acres (?) |
| Net Residential Density: | Contract Zone |
| Number of Lots: | 12 (minimum of 6 to be commercial) |
| Zoning: | OC with a Contract Zone overlay adopted 6/14/06. |
| Development Type: | Contract Zone |
| Min. Lot Size: | 10,000 sq. ft. (contract zoning agreement allows for up to 134 residential lots.) |
| Lot frontage: | 75’ for residential; 150’ for commercial. |

| | |
|------------------|---|
| Water and Sewer: | Portland Water District. |
| Open Space: | No open space is shown. |
| Utilities: | Public water and sewer. Underground power, telephone, and cable from Route One. |
| Street Lighting: | At road intersections. |
| Road: | A 1400 foot section to top of hill, a 400' section to cul de sac, and a 200' stub to Falmouth line (stub to be considered as part of next development.) The maximum permitted length of the road is 2000'. The road section will contain a 24 foot paved travel way with curbing; a 4' grass esplanade and 4' paved sidewalk. |
| Sidewalks: | 4' sidewalk with grass esplanade on one side. |
| Waivers: | None requested. |

Outside Agency Approvals Required:

- DEP Site Location of Development Permit; ME.
- NPDES Maine Construction General Permit
- NRPA Tier I Wetlands Permit.
- MDOT Entrance Permits.
- Cumberland County Soil and Water Conservation Commission

Mr. Robinson asked about Al Palmer's question regarding sewer user units.

Mr. Stephen Mohr of Mohr & Seredin stated he was present with David Chase, Owner, Bill Walsh, and Tom Greer. The sewer units are owned by Peter Kennedy who is in the process of transferring them back to the Town who will then re-issue them to David Chase. Mr. Palmer is correct the current plan is for 100% commercial; David has 20 units and Mr. Kennedy has 65 or 75 units. Mr. Mohr reviewed the history of the contract zone and an overall description of the proposed project. Mr. Mohr reviewed the proposed use of lots such as tradesman's offices and light manufacturing. They have allowed a retail lot adjoining Falmouth. There is a reversion to residential lots, should commercial development not be viable. There is a 100' beautification buffer on the back side, and a 35' buffer on Route One. The sidewalk will be in the Route One right of way. The Falmouth side of the project has a building for Dick Fortune's business and Pinkham and Greer are having a building built. Mr. Mohr stated they have seen the comments from Al Palmer, and Ms. Nixon; these will be addressed.

Ms. Nixon asked if Lot 5 and the Town lot could share a common curb cut.

Mr. Mohr stated that will be discussed with the design team. The SLODA permit has been sent to DEP.

Mr. Couillard asked if there would be left and right turning lanes.

Mr. Mohr stated they are waiting for a report from the traffic engineer.

Mr. Richards asked about connectivity to the Falmouth parcel.

Mr. Mohr stated the original proposal was residential the connection need was for life safety; that need is gone based on commercial use.

Mr. Robinson stated he is pleased to see continued plans for commercial development along the Route One corridor.

Mr. Neagle stated this is a great project. He stated the wetlands on Lot 4 were not on the subdivision plan, and asked about the utility easement on Lot 7.

Mr. Mohr stated they anticipate sale as one lot with multiple buildings and a common drive which will be shown on the site plan. At the final subdivision review, site plan reviews will be submitted for several lots.

The public portion of the meeting was opened.

Mr. Tom Foley, of True Spring, thanked the Board and applicant for helping him to understand the review process; he asked why all lots did not have building envelopes.

Ms. Nixon referenced Rockwood Senior Housing which showed building envelopes and more detail.

Mr. Mohr stated site plans have been submitted to DEP, they can add building footprints and limits of impervious surfaces to refer to site plans.

Mr. Foley asked if the traffic study would be available for next meeting, and voiced concern of four additional curb cuts and congestion at peak traffic times. Mr. Foley voiced concern of water flow and impact on Norton Creek.

Mr. Mohr stated hopefully the traffic study would be ready for the next meeting.

Ms. Sally Stockwell of the Conservation Committee asked if the wetlands had been evaluated for vernal pools or significant habitats.

Mr. Mohr stated there are no significant habitats or vernal pools on the property.

The public portion of the meeting was closed.

Mr. Ward thanked Mr. Mohr for his presentation and explained that the Board was beginning the review process and appreciates public input. The Board took no action on the application.

The Board took a ten minute recess at 8:50 and reconvened at 9:00 p.m.

5. Public Hearing: Preliminary Plan Review - Castle Rock Business Park - Major 10-lot subdivision featuring nine (9) commercial lots and one (1) residential lot at Mill Road, Tax Assessor Map R07C, Lot 1A; in the Local Business (LB) and Rural Residential 1 (RR1) districts; Jeff Amos, P.E., Terradyn Consultants, LLC; Representative; Elvin Copp, Owner.

Ms. Nixon presented background information as follows: The owner and applicant is Elvin Copp of 38 Skillin Rd., Cumberland. Jeffrey Amos, P.E., of Terradyn Consultants is the representative. The application is for a proposed 10 lot subdivision consisting of 9 commercial lots and 1 residential lot. The property is shown as Lot 1A on Tax Assessor Map R07C and is 28.8 acres in size. The parcel is located

in both the Local Business District (LB) and the Rural Residential 1 (RR1) district. The MDOT has issued an entrance permit for the access road. The subdivision will utilize on-site water and septic. This review is for Preliminary Plan Approval. The Planner has deemed the application complete. Two waivers are requested.

HISTORY:

- Sketch Plan Review and Rezoning Recommendation to Town Council.

DESCRIPTION:

| | |
|-------------------|---|
| Parcel size: | 28.8 acres |
| Number of Lots: | 10 (9 business, 1 residential) |
| Zoning: | RRI and LB |
| Development Type: | Clustered |
| Min. Lot Size: | 40,000 sq. ft. (LB) |
| Lot frontage: | 150' |
| Setbacks: | Front = 50', Rear = 65', Side 30' (combined = 65'). |
| Water and Sewer: | Private. PWD line to be installed in future. |
| Open Space: | 11.91 acres. Owned by lot owners in common; open to public for general recreational use. |
| Trails: | Land is open. |
| Utilities: | Underground electric, telephone, and cable from Route 100. Letters needed. |
| Road: | A 700' (apx.) road with a cul-de-sac turn-around. 22' wide paved traveled way with 6' gravel shoulders on each side. PUBLIC OR PRIVATE? |
| Sidewalks: | None. 6' gravel shoulders each side. |
| Waivers: | 2 requested. |

Mr. Jeff Amos, of Terradyn Consultants presented an overview of the project. The layout is the same as was presented for the zoning amendment. The pavement will be 22' with a 6' shoulder. There have been discussions with DOT regarding design of a turning lane for Route 100. The project will require a SLODA permit; a general meeting has been held with DEP. Each lot will be served with onsite septic and wells. There will be an 8" diameter waterline installed within Castlerock Drive and stubbed at the property line in anticipation of future public water. Fire protection will be achieved from a proposed dry hydrant that will connect to a proposed detention pond.

Two waivers are requested:

1. That the center of the connection pipe of the dry hydrant be reduced from 30" to 24". The maximum lift from the water surface to the center of the connection pipe is 15'. As designed, the system has approximately 13' of lift. The extra six inches will help to ensure that the system will be functional.
2. That the required 6' high fence be waived. They believe this fence is not necessary. The stormwater pond is designed with slopes of 3:1 outside of the permanent pool and includes an 8' wide safety bench. Fences are not normally required on stormwater ponds. The dry hydrant will only be needed until such time as the waterline connection is made to the proposed water main to be located within the Route 100 right of way.

The developer met with Fire Chief Dan Small on June 22, 2006 to discuss the proposed layout and design. He was generally supportive of the requested waivers. The homeowners' association will be required to maintain water level in the pond. The pond will be lined with clay. The existing open space will be restored, the road will be removed and re-loamed and seeded. The peer review engineer's comments will be addressed prior to final submittal. Mr. Amos asked about waiving lot frontage on the lot in the cul-de-sac.

Mr. Neagle stated this is a great plan, lot frontage cannot be waived.

Mr. Couillard voiced concern of the detention pond being located close to Gray Road, and asked about the proximity to the brook.

Mr. Amos reviewed the location of the brook and the detention pond.

The public portion of the meeting was opened.

Ms. Sally Stockwell, of the Conservation Committee stated the Committee only conducted a brief review of the project, but asked if the lots could be moved to the front to minimize wetland impact.

Mr. Amos explained that the subdivision had been re-zoned to maintain the open space at Mill Road. The combined disturbance is less than 4,300 sq. ft. there will be a 100' no-impact buffer to the stream.

The public portion of the meeting was closed.

The Board thanked Mr. Amos for his presentation. The Board took no action.

6. Public Hearing: To recommend to the Town Council an amendment to the Subdivision Ordinance Section 3.1X - Subdivision - A subdivision shall be defined by 30-A.M.R.S.A. §4401, as amended from time to time. Lots of 40 or more acres shall **not** count as lots for purposes of this ordinance when the parcel of land being divided is located entirely outside any shoreland area as defined in 38 M.R.S.A. §435, as amended from time to time.

Mr. Bill Shane, Town Manger stated they have had a request from a resident who owns 60 acres next to the Turnpike on Tinker Lane. He would like to sell 50 acres, but that transfer would trigger subdivision review. It would be a hardship for this resident to undertake the expense of subdivision review. The Town Attorney has reviewed the change, and the Council believes it would have a small impact. There are 49 parcels of approximately 2,900 acres in the community, and the majority of large parcels are in tree growth or open space. The Town Council is asking for this amendment.

Mr. Richards asked the rationale for the Ordinance not exempting 40 acre lots.

Mr. Shane stated he wasn't aware of the original reason to require review of 40 acre lots.

Mr. Neagle stated he was opposed to this request; he would like to review 40 acre lots, and was not in favor of policy change based on individual requests.

Mr. Richards asked the motivation of the individual.

Mr. Shane stated this is a piece of land owned by Mr. Stratton; several years ago he wanted to donate a piece of this parcel of land to Habitat for Humanity; but the cost of developing was too high. All but a few of these over-40 acre parcels are in tree growth or open space designation.

Mr. Ward stated if any of these exempt lots were sold and the purchaser wanted to subdivide they would need to come before the Board for review.

Mr. Shane stated the State law allows this exemption and feels the Town should also allow this 40+ acre exemption.

Mr. Neagle stated the State does not currently allow this exemption and he does not support the amendment.

The public portion of the meeting was opened.

Ms. Sally Stockwell of the Conservation Committee stated this was not reviewed at their meeting. She stated land in tree growth pays a penalty for removal; however, in southern Maine the penalty is not substantial enough to prevent land from being sold for development. Idlewood Subdivision off from Range Road was in tree growth prior to development.

The public portion of the meeting was closed.

Mr. Richards stated he cannot vote in the affirmative for a situational need; that would be bad policy and agreed with Mr. Neagle.

Mr. Neagle moved to **not recommend** to the Town Council an amendment to the Subdivision Ordinance Section 3.1X - Subdivision - A subdivision shall be defined by 30-A.M.R.S.A. §4401, as amended from time to time. Lots of 40 or more acres shall **not** count as lots for purposes of this ordinance when the parcel of land being divided is located entirely outside any shoreland area as defined in 38 M.R.S.A. §435, as amended from time to time.

Mr. Richards seconded.

VOTE: 4 in favor (Neagle, Richards, Howe, Ward)
1 opposed (Couillard)
1 abstain (Robinson)

F. Administrative Matters: Signing of the amended Mylar for R & N Woods.

G. Adjournment - 9:35 p.m.

A TRUE COPY ATTEST:

William Ward, Board Vice-Chair

Pam Bosarge, Board Clerk