

**Planning Board Meeting - Minutes
Tuesday, August 15, 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 July 18, 2006

Ms. Howe moved to approve the minutes of July 18, 2006 with minor technical corrections.

Mr. Robinson seconded.

VOTE: Unanimous

D. Consent Calendar / De minimus Change Approvals:

There were no Consent Calendar items.

E. Hearings and Presentations:

1. Public Hearing: Minor Site Plan Review; Chebeague Island United Methodist Parish House to build an addition at 259 North Road, Chebeague Island; Tax Assessor Map I06, Lots 12 & 16; in the Island Residential (IR) district; Douglas Ross, Representative; Bruce Bowman, Surveyor.

Ms. Nixon presented background information as follows: The applicant is the Chebeague Methodist Church. The property is located at 259 North Rd., Tax map I-06, Lots 12 & 16, in the Island Residential district. Religious institutions are permitted by special exception with site plan review. The parcel size is 26,681 sq. ft. Douglas Ross is the representative. Bruce Bowen prepared the site plan.

The applicant is requesting minor site plan approval to add a 20' x 16' addition to the rear/side of the building. The addition is needed to store tables, chairs, and general office supplies. It will also provide a furnace room with a separate outside entrance. There are no changes to the site, parking etc.

PROJECT HISTORY: None

DEPARTMENT HEAD REVIEWS: None

PLANNER'S COMMENTS: None

PEER REVIEW ENGINEER: None

REQUESTED WAIVERS: SECTION 206.7.3 Existing Conditions

206.7.3.9. direction of existing surface water drainage across the site and off site.

SECTION 206.7.4.2 Grading at 2' contours
206.7.4.5 Surface water drainage and impact assessment on
downstream properties

Mr. Robinson stated the plan appears to have the fuel tank located outside on a pad.

Mr. Ross stated that is correct.

Mr. Robinson asked about the difficulty to move the tank.

Mr. Ross stated the addition will allow the furnace to be moved into its own room to meet code.

Mr. Robinson voiced concern regarding the groundwater; and suggested if there was any opportunity to move the fuel tank it be done.

Mr. Ross stated he would check into it.

Mr. Couillard asked if they were removing the chimney.

Mr. Ross stated yes, they will have a pre-fab chimney, the existing chimney is problematic.

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

Mr. Neagle stated he had read the findings of fact and agreed, and asked if they needed to be read aloud.

Mr. Powers stated they are read aloud and reviewed to become part of the public record.

Ms. Howe moved to grant the requested waivers.

Mr. Richards seconded.

VOTE: Unanimous

Waivers granted: Section 206.7.3.9- direction of existing surface
water drainage across the site and off site.
Section 206.7.4.2 - Grading at 2' contours
Section 206.7.4.5 - Surface water drainage and
impact assessment on downstream properties.

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

Mr. Richards seconded.

VOTE: Unanimous

Findings of Fact

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

Sec. 206.8 Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

.1 Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The small addition will not impact any environmentally sensitive areas.

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

.2 Traffic Access and Parking

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

- .1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- .4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- .5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and

pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

- .6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
 - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
 - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

There will be no changes to the traffic access and parking.

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

.3 Accessway Location and Spacing

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

The existing entrance area is not being changed.

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

.4 Internal Vehicular Circulation

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

- .1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
- .2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

There are no proposed changes to the existing parking area or layout of the site.

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

.5 Parking Layout and Design

Off street parking must conform to the following standards:

- .1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- .2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- .3 Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

- .4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.

- .5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- .6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

There are no proposed changes to the existing parking area.

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

.6 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

There are no changes to the existing parking area which currently allows for safe pedestrian circulation.

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 small addition to the building. A waiver was approved by the Board.

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.

Appropriate erosion control measures are listed as a condition of approval.

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.

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 provided a copy of the Treasurers Report from the Ladies Aid committee of the church which shows that adequate funds are on hand for the construction of the addition.

The applicant has utilized the services of Bruce Bowen, Registered Land Surveyor for preparation of the site plan.

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.

There are no historic or archaeological resources in the area of the proposed addition.

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

- .16 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use, and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The 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 will be two exterior lights at the two entrances to the addition.

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 small storage area addition 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 exterior storage proposed.

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 area is not being changed.

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

206.9 Limitation of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month

extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

Ms. Howe moved to approve the minor site plan approval with the standard and proposed conditions for the Chebeague Island United Methodist Parish Hall to build an addition at 289 North Road, Chebeague Island; Tax Assessor Map I06, Lots 12 & 16; in the Island Residential (IR) district; Douglas Ross, Representative; Bruce Bowman, Surveyor.

Mr. Richards seconded.

VOTE: Unanimous

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Proposed Conditions of Approval

1. That proposed erosion control measures be reviewed and approved by the Code Enforcement Officer prior to the issuance of a building permit.
2. That the plan be revised to reflect any requirements of the Fire Chief

2. Public Hearing: Preliminary Plan Review: Cumberland Foreside Village a 12-lot 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: 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 were 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.

Ms. Nixon stated this is the second review for this project. There are still some general questions and technical issues to be addressed; and we are waiting for DEP approvals.

Mr. Steve Mohr, of Mohr & Seredin Landscape Architects stated he was present with David Chase, Owner, and Tom Greer of Pinkham & Greer Consulting Engineers.

Mr. Mohr stated the technical comments from the peer review engineer were being addressed with revisions, the comments are not significant, and there is no issue for concern.

Mr. Mohr addressed the Town Planner's comments as follows:

1. Label True Spring and Hawks Ridge Subdivisions on subdivision plan.
This will be done.
2. Submit new boundary survey sheet with Owen Haskell's seal.
This will be done.
3. Show net residential acreage calculations on subdivision plan. Clarify acreage amount.
This will be done.
4. Schematic of Falmouth development? (requested during Sketch Plan Review)
This will be submitted.
5. Easement from DOT for sidewalk along Route One.
A D.O.T. permit was received in 2005 this needs to be amended for the office use.
6. Need landscaping plan for entrance area and roadway and any other plantings along Route One.
Entrance details will be submitted for the next meeting. The traffic report has looked at 5-7 year build out with trip ends to Johnson Road and the on and off ramps at Yarmouth and Tuttle Road. The site distance is adequate. In years 4, 5 or 6 build out improvements will need to be made to Route One. There will be a right turn south bound and a dedicated left turn northbound.
7. Sidewalk Detail
The traffic study has been received they will provide a complete cross section on the sidewalk, MDOT has agreed.
8. Evidence of ownership of sewer user permits.
They are corresponding with the Town Manager regarding sewer units, and are waiting for written confirmation of capacity; preliminary discussions indicate adequate capacity.

Ms. Howe asked about the buffer with the addition of turning lanes.

Mr. Mohr stated there is room within the existing pavement for the right hand lane. Mr. Bray's recommendation included limbing trees in the right-of-way; the sidewalk will require some clearing; plan C-5.1 shows the sidewalk detail.

Ms. Howe stated she would prefer to keep the buffer.

Mr. Mohr stated the sidewalk details will be presented in the September review.

Mr. Richards asked about the status of the peer review engineer comments.

Mr. Mohr stated they are technical issues and will be addressed for the final plan submission, and not necessary for preliminary plan approval.

Mr. Tom Greer, of Pinkham Greer Consulting Engineers reviewed the stormwater pre and post development drainage; this project has three different models. The existing Phase I, there will be detention ponds at the top of the hill, which will drain half to 295 and half to Route One, it is shallow to bedrock, and the existing conditions have high runoff. There will be an under drain soil filter to protect water quality at final development.

The public portion of the meeting was opened.

Mr. Tom Foley, representing True Spring Farm condominiums asked if there were permits for curb cuts. Mr. Foley had spoke with Bruce Munger from D.O.T., who he didn't think any permits had been issued.

Mr. Greer stated there is a current permit for the access road, this needs to be changed based on use. Route One is not a retro-grade highway and the permitting process should be fairly simple.

Mr. Foley asked what affect the turning lanes would have on the buffer requirement. Mr. Foley stated he would like to see the maximum buffer maintained.

Mr. Mohr stated he had briefly reviewed Mr. Bray's traffic report which appears to state on the western side of the development existing pavement will accommodate the turning lane; on the left side they will need an additional 2-3 feet, he is not sure how that would affect the True Spring area, this needs to be drawn.

Mr. Foley asked if there is less buffer what accommodations would be made.

Mr. Powers stated they will respond when they have all the facts.

Mr. Neagle stated that this project has an approved contract zoning agreement.

Mr. Foley stated he felt decisions were made prior to having all the facts.

The public portion of the meeting was closed.

Ms. Howe moved to table the application for Preliminary Plan Review for 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.

Mr. Ward seconded.

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

3. Public Hearing: Minor Site Plan Review: City Brew Drive-thru Coffee Kiosk at Gray Road; Tax Assessor Map U19, Lot 11 in the Highway Commercial (HC) district; Holding Ground Properties, LLC; Applicant; Ron Copp, Sr., Owner.

Ms. Nixon presented background information as follows: The applicant is Janet Acker of 14 Ocean St., South Portland, Me. She and her husband Barry Acker are the sole owners of Holding Ground Properties, LLC dba City Brew Coffee. The applicant is proposing to build a coffee kiosk on the corner of Route 100 and Blackstrap Roads at Gray Road, Tax Map U19, Lot 11 in the Highway Commercial (HC zone). The .45 acre parcel will be leased from Ron Copp, Sr. and Ron Copp, Jr. The kiosk is self-contained, meaning that no on-site water or septic is required. Electricity will be underground to the building. The hours of operation will be 6:30 a.m. to 6:00 p.m. There will be no indoor seating, but in seasonable weather, there will be a few outdoor tables, there will be 2-3 employees hired, but only 1-2 will be working at any one point. There are 5 parking spaces shown.

The applicant has provided a copy of the MDOT Entrance Permit granting access 130' west of the intersection on Blackstrap Rd. The other entrance will be via the existing opening at the Veterinary building.

PROJECT HISTORY: None

DEPARTMENT HEAD REVIEWS: None

This application is not complete; however it was left on the agenda so that the Board has the opportunity to hear about the project and offer any comments or suggestions that would be helpful to the applicant. While a coffee kiosk may not seem at first glance like a desirable project for the Town, in reality this parcel is too small for any other development that would require on site well and septic. The Route 100 Committee and the Town Manager are hoping to use this project as a prototype to illustrate how possible new design guidelines for the Route 100 corridor would look. These guidelines would include such elements as granite curbing, grass esplanade and a sidewalk within a 25' "landscaping easement: that would also include trees and shrubs.

The applicant will now work with a professional engineer to create a site plan that addresses the comments made by Tom Saucier, peer review engineer in his review.

Ms. Howe asked about the water supply for the business.

Ms. Acker, Applicant stated they have a van with tanks that pump potable water and gray water into the tanks.

Mr. Richards asked if vegetation was part of the plan.

Ms. Acker stated yes.

Mr. Neagle and Mr. Powers agreed this seems like a great project.

Mr. Ward asked about sewer, with respect to the exchange program, what about bathroom facilities.

Ms. Acker stated there will be no public restroom facilities; use from an adjoining property will be for employees only.

Mr. Robinson stated he is a member of the Route 100 Committee and stated it was important that the Copp families (property owners) are in agreement with the committee to come up with a proposed plan to improve the area.

Mr. Powers stated they look forward to a formal application.

Mr. Couillard stated he is a member of the Route 100 Committee and didn't think the building proposed would meet the Committee's idea of a New England style building; the kiosk is very modernistic; he questioned whether this would be wanted in other areas of town.

Ms. Acker stated she understood there were no design guidelines in place.

Mr. Neagle stated there are seven members of the Board who will have seven different opinions, and there are no design guidelines in the ordinance. Mr. Neagle asked about the status of the proposed traffic light.

Mr. Robinson stated that Bill Shane, Town Manager, stated once the Route 100 Committee recommends to the Council a development plan, this will be given to D.O.T. At that point the D.O.T. will review the criteria for a traffic light at the intersection.

Mr. Powers thanked the applicant for the presentation.

The Board took no action.

4. Public Hearing: Recommendation to the Town Council on a proposed Contract Zoning Agreement for development of a four-unit multiplex condominium building at a parcel of land located on Main Street; Tax Assessor Map U13A, Lot 12A in the Medium Density Residential (MDR) district; Jim Guidi, Applicant; Cottage Farm Road, LLC, Owner.

Mr. Guidi, Applicant stated he had been working with the Town Council to develop affordable condominiums for seniors. He has had neighborhood meetings and dropped the number of proposed condos from six to four. Mr. Guidi stated he currently has the land under contract from Cottage Farm Road, LLC. The project will be a 62+ elderly project. Two of the units will be designated as affordable using the MSA Portland HUD requirements. There will be two structures that will face Main Street; one is a cape-style building with a breezeway and attached barn, the residence will have an 8' pitch roof and the barn a 12' pitch. There will be a detached 4-car garage.

Mr. Neagle asked what was in the existing office building on the adjoining property.

Mr. Guidi stated a dentist and podiatrist office. The contract zone request is asking for a density increase and minimal setback relief.

Ms. Howe asked about the mechanism to maintain affordability of the project.

Mr. Powers asked if there would be deed restrictions to allow an affordable formula.

Mr. Ward asked the size of the units.

Mr. Guidi stated the affordable units would be 900 sq. ft. and the market rent units would be 1,000 sq. ft.

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

Ms. Nixon asked about long-term affordability.

Mr. Guidi stated the units will be occupied based on the income guidelines from the Greater Portland Metropolitan Statistics.

Mr. Robinson stated he supported the concept; the area is appropriate, but thought there were not enough details to forward a recommendation.

Mr. Neagle stated he thought this was a great place for 62+ senior condominiums.

Mr. Richards stated his concern was public opinion, and stated by virtue of no public comments there must be no concerns.

Mr. John Mackey, of 6 Cottage Farms Road stated they were notified. His concern is the size of the lot which is barely large enough to support a modest home. He stated he is just a neighbor and not a neighborhood.

Mr. Steve Moriarty, Town Councilor stated this request has been informally referred to the Planning Board for a recommendation. The Council put the request on the August 28th agenda to set a date for the public hearing. This was done in anticipation of a recommendation from the Planning Board. Mr. Moriarty stated Mr. Guidi is asking for some setback relief and density bonus.

Mr. Neagle asked if the Council had discussed buffering along the rear of the property.

Mr. Moriarty stated the Council had dealt with the proposal only twice, with no great detail; the buildings would resemble a traditional cape style home. The Council had an informal show of hands, and each member supported the concept; the use is consistent with the Comprehensive Plan and compatible with the neighborhood.

Ms. Nixon asked if these would be rented in accordance with the definition of affordability as defined by the Greater Portland Metropolitan Statistics. At site plan review she would like to see the garage moved forward for less impact on the rear abutter.

Mr. Guidi stated the building locations would be addressed at site plan application. The drawings presented are meant to show a general overview of the project.

Ms. Howe voiced concern of language to maintain affordability upon transfer of units. She felt there should be a mechanism to control continued affordability of the units.

Mr. Moriarty stated the Town does not own the land; they are not trying to manage profit, but to address the need for senior housing. This location meets the requirements of the Comprehensive Plan.

Mr. Neagle moved to send a general recommendation in favor of the proposed Contract Zone Agreement to build a four unit multiplex age restricted condominium building at Main Street; Tax Assessor Map U13A, Lot 12A; in the Medium Density Residential (MDR) district; with the following two conditions.

1. That the front Main Street setback for all structures is thirty (30) feet.
2. The rear setback for all structures from the Mackey property is thirty-five (35) feet.

Mr. Ward seconded.

VOTE: Unanimous

F. Administrative Matters - Ms. Nixon stated that this year's Planning Board Annual Report was combined with the Planning Department report. She asked if the Chair was comfortable with this as they have been separate reports in the past.

Mr. Powers, Board Chair stated that was fine.

Mr. Ward moved to adjourn at 9:15 p.m.
Mr. Neagle seconded.

VOTE: Unanimous

G. Adjournment: 9:15 p.m.

A TRUE COPY ATTEST:

Thomas E. Powers, Board Chair

Pam Bosarge, Board Clerk