

**CUMBERLAND PLANNING BOARD MEETING MINUTES**  
**August 15, 2023**

**A. Call to Order:** Chair Bingham called the meeting to order at 7:12 pm. There was a delayed start due to technical difficulties. Chair Bingham noted that all Board members are present except for Ann Sawchuck who was excused prior to the meeting.

**B. Roll Call: Present:** Peter Bingham - Chair, Paul Auclair, Bridget Perry, Lorraine Rardin - Vice Chair, Joshua Saunders, George Turner, Carla Nixon - Town Planner & Christina Silberman - Admin. Asst. **Absent:** Ann Sawchuck.

**C. Approval of the Minutes of the June 20, 2023, meeting:** Mr. Auclair moved to approve the minutes of the June 20, 2023, meeting, seconded by Mr. Turner and **VOTED, 5 yeas, 1 abstained (Saunders) - motion carries.**

**D. Staff Site Plan Approvals:**

**1. Minor Staff Site Plan Review:** Amendment to an approved site plan for Friends School of Portland, for construction of a 28' x 15.9' (448 sf) shelter structure to be placed on a tent platform to be located at 11 U.S. Route 1, Cumberland Foreside, Tax Map R01, Lot 10.

Chair Bingham introduced the item. Ms. Nixon reported that the application is to replace an existing shelter when students are out in the field and need to get undercover that had not been approved originally.

Ms. Nixon said that the process of notifying neighbors of staff site plan applications is working because a neighbor contacted Ms. Nixon with concerns that the shelter structure was over their property line. Ms. Nixon reported that the Town has asked the applicant to hold off on the project until the location issue is sorted out. The project is approved but the location needs to be finalized.

**E. Minor Change Approvals:** None.

**F. Hearings and Presentations:**

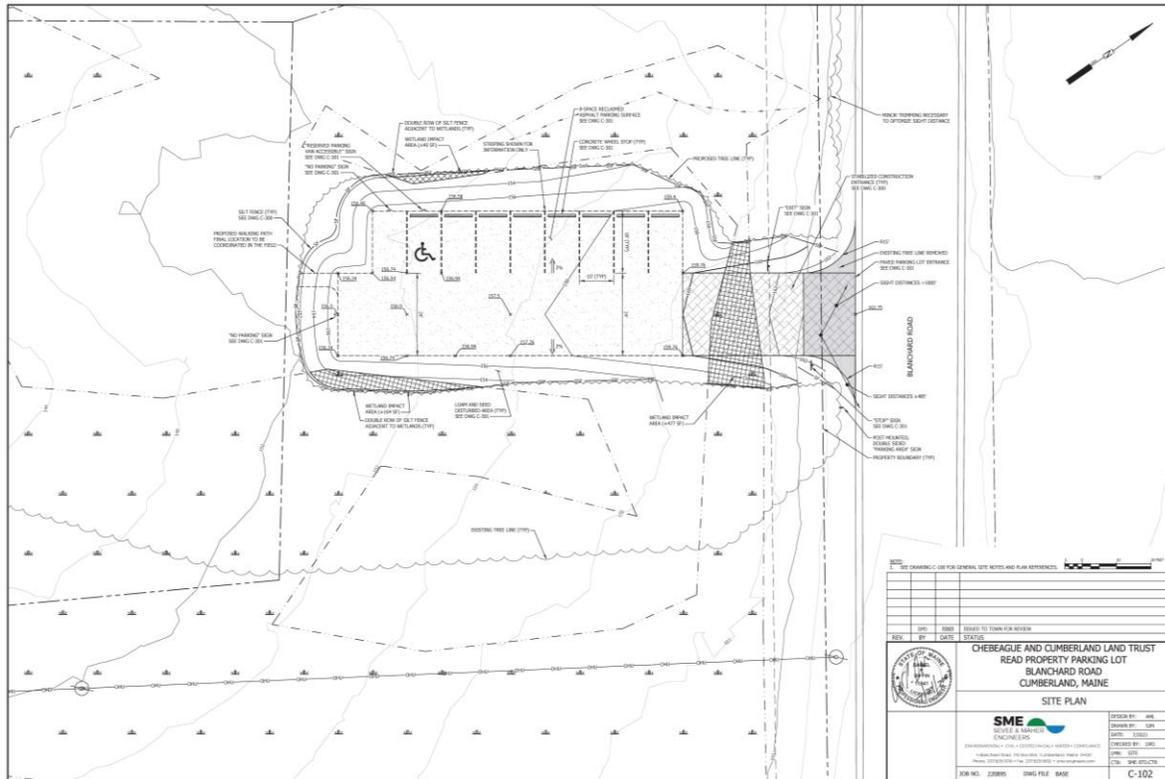
**1. Public Hearing:** Site Plan Review of an eight space parking area for access to Rines Forest to be located at 48 Blanchard Rd., Tax Assessor Map U12, Lot 6. **Applicant/Owner:** Chebeague and Cumberland Land Trust. **Representative:** Jeffrey Read, P. E. - Sevee & Maher Engineers.

Chair Bingham introduced the item.

Lorraine Rardin disclosed that she is an abutter to this project but does not think this will impact her ability to make a decision. No objections were made to Ms. Rardin participating in review of this item.

Jeff Read, PE - Sevee & Maher Engineers, said he is representing the project for the Chebeague and Cumberland Land Trust (CCLT). Access to the property is from a conservation easement granted by the Reads to allow for a small parking area for access to Rines Forest from Blanchard Rd. The use is an accessory use to an outdoor

recreational facility. Mr. Read described a displayed plan for an 8 space parking lot including one ADA van accessible space. The parking area will be constructed of reclaimed asphalt pavement with a paved apron off Blanchard Rd. There will be roughly 9,000 sf of disturbed area. The parking area will be just under 5,000 sf. The remaining area is to allow for fill and grading for stormwater runoff. The project will include about 680 sf of wetland impact. No additional permitting with outside agencies will be required.



Mr. Auclair said the application lists 58.98 acres and in other areas indicates 53 acres. Mr. Read said it is 53 acres. Mr. Auclair noted that the IF&W application has 9 parking spaces. Mr. Read said it is 8 spaces and the 9<sup>th</sup> space is reserved for ADA van access.

Ms. Perry said she believes the speed limit in this area is 25 mph but the application shows that the speed limit is 35 mph. Mr. Read said the speed limit changes to 35 mph prior to this location. Ms. Perry said she is pretty sure it is 25 mph here and noted that she lives in the area. Ms. Perry acknowledged the speed limit does not impact the application but she would like to have the speed limit confirmed for the public record.

Ms. Rardin asked about the location of a farm stand, that was previously approved, relative to the proposed parking area. Penny Asherman, CCLT, said there is a shed being built towards the back of this parcel and the property owner has reserved the right to have a farm stand in the future under the conservation easement.

Chair Bingham opened the public hearing.

Abigail Cram, 47 Blanchard Rd., said vehicles speed through this area and there will be a lot of rear endings happening here. Ms. Cram requested that there be proper signage and clearly marked speed limit signs. Ms. Cram said she is thrilled to have this in

conservation but the access will create a thoroughfare for people crossing by bike and on foot and she is concerned about safety factors.

Ms. Cram asked how this will differ from the current Rines Forest parking area. Ms. Cram also asked how far into the woods the parking area will be. Mr. Read noted that they cannot control the street postings or speed limits, that is a combination of the Town and the DOT. Mr. Read said the project is designed in conformance with Town standards with a full 24' wide access. The entry area will be a paved apron with a minimal 2-3 % grade and a flattened area not to exceed a 5% grade. Mr. Read identified the existing trees in the area and noted 40' of the tree line will remain for buffering. Ms. Cram asked when the area would be staked. Mr. Read said that the project will likely begin within the next year.

Dave Potter, owner of abutting lot, asked how people will get from the parking area to Rines Forest. Ms. Asherman said there will be a trail. The trail will go through the woods along the property line and connect to the third bridge at the waterfall trail. Mr. Potter said this will go along his property and he is concerned with people going onto his property. Ms. Asherman replied that there will be a buffer between the demarcated trail and the property line.

Sophie Wright, 42 Blanchard Rd., said she understands that the parking lot will have one trail through the woods to Rines Forest and there will be 40' of woodland on the east side. Ms. Wright asked if any trails are planned in the field. It was confirmed there will only be the one trail from the parking lot through the woods.

Mr. Potter asked for confirmation of the location of the trail through the woods. Mr. Read pointed out the location of the trail on the displayed plan.

Janet Puistonon, 43 Blanchard Rd., validated Ms. Cram's concerns about speeding in the area. Ms. Puistonon asked what kind of signage there will be to identify the parking area. Mr. Read said it will be a small parking sign similar to the one on Range Rd. Ms. Puistonon asked if there will be any lighting, Mr. Read answered no. Ms. Puistonon asked if an existing trail further down Blanchard Rd. with access to the Rines Forest waterfall trail will still be active. Ms. Asherman replied that the existing trail is part of the waterfall trail and will still be available.

Mr. Cram said it is unclear where the speed limit changes from 25 mph to 35 mph and requested more signage in this area. Chair Bingham suggested Ms. Cram contact the Town Manager with her concerns. Mr. Turner cautioned that people may not realize that when the DOT is contacted about speed limits in their neighborhoods, there is a chance that the speed limit could be raised.

Chair Bingham closed the public hearing.

Mr. Auclair said no matter where he drives, he gets tailgated and he wishes he had a solution but there are some very inconsiderate drivers.

Ms. Rardin referred to a trail on the opposite side of Blanchard Rd. that goes to Knights Pond and asked if this parking lot will be used to access the Knights Pond trail. Ms. Rardin said this would introduce pedestrians walking along Blanchard Rd. then crossing Blanchard Rd. to get to the Knights Pond trail. Ms. Cram said this is not an official trail

but the Fitz family are very generous and let people cross there. Ms. Cram said she knows people are going to cross there and the mountain bikers will be psyched.

Chair Bingham reviewed three requested waivers.

Mr. Saunders moved that the Board waive the hydrogeologic evaluation due to the unique nature of the property and the project, seconded by Mr. Auclair and **VOTED, 6 years, unanimous - motion carries.**

Mr. Saunders moved that due to the unique nature of the property and the project, the Board waive the requirement for identifying trees greater than 10" in diameter, seconded by Ms. Perry and **VOTED, 6 years, unanimous - motion carries.**

Mr. Saunders moved that due to the unique nature of the property and the project, the Board waive the requirement for a market study, seconded by Mr. Turner and **VOTED, 6 years, unanimous - motion carries.**

Ms. Rardin reviewed the proposed findings of fact.

Mr. Saunders moved to adopt the findings of fact as amended, seconded by Mr. Auclair and **VOTED, 6 years, unanimous - motion carries.**

**Findings of Fact - Site Plan Review Sec. 229-10 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.

**A. 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 plan will minimize impacts to the natural features of the site by minimizing disturbance to undeveloped areas as much as possible. Land disturbance has been limited to the mostly open areas of the site with less mature tree growth. Clearing in the forested area has been avoided completely. A wetlands delineation was completed by Coppi Environmental, LLC which identified the stream and forested wetlands associated with it to the east and west of the proposed parking area. A copy of a letter from the Maine Department of Inland Fisheries and Wildlife has not yet been provided. This is listed as a proposed condition of approval.**

***Based on the above facts, and with the proposed condition of approval, the Planning Board finds the standards of this section have been met.***

**B. Traffic, Circulation and Parking**

**(1) Traffic Access and Parking:** Vehicular access to and from the development must be safe and convenient. ***The traffic at the proposed parking area will be controlled by the restrictions of the conservation easement which details need for conserving as much of the natural environment as possible. Based on the limited parking available, traffic volume will be limited well below the 100 trip in a peak hour and a traffic movement permit is not required.***

**(a)** 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. **The combined entrance and exit drive for the parking lot has a sight distance of 350' in one direction, and 485' when looking in the other direction. Based on the MDOT standards of 10' for every mile per hour of the posted speed limit of 35 mph, this standard has been met.**

(b) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows. **This standard has been met.**

(c) 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. **This standard has been met.**

(d) The intersection of any access/egress drive or proposed street must function:

[1] 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

[2] At a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated. **This standard has been met.**

(e) 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. **N/A**

(f) 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. **No turning lanes are necessary due to the low traffic volume expected.**

(g) Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street. **This standard has been met.**

(h) The following criteria must be used to limit the number of driveways servicing a proposed project:

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. 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. **Only 1 combined exit/entrance drive is proposed for the parking lot.**

**(2) Accessway Location and Spacing:** Accessways must meet the following standards:

(a) 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. **N/A**

(b) Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible. **N/A**

**(3) Internal Vehicular Circulation:** The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

(a) 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. **N/A**

(b) 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). **N/A**

(c) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

(d) 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.

**(4) Parking Layout and Design:** Off street parking must conform to the following standards:

(a) 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.

(b) 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.

(c) 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

(d) 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.

(e) 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.

(f) 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 driveway and parking areas were located and designed to provide safe circulation to the site while minimizing impacts to the surrounding land. Existing grades and vegetation will be maintained to the extent practicable. The above standards have been met.***

**(5) Building and Parking Placement: N/A**

**(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. ***Based on the above facts, the Planning Board finds the standards of this section have been met.***

**C. Stormwater Management and Erosion Control**

(1) 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.

(a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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 proposed stormwater management plan was reviewed and approved by the Town Engineer. Based on the above facts, the Planning Board finds the standards of this section have been met.***

## **(2) Erosion Control**

**(a)** 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.

**(b)** 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.

**Slope and wetland impacts were limited. Erosion control will be in conformance with the Maine Erosion and Sediment Control Manual will be applied during construction. Based on the above facts, the Planning Board finds the standards of this section have been met.**

### **D. Water, Sewer and Fire Protection**

**(1) Water Supply Provisions:** The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

**There will be no water supply or sewage disposal required for this project. The parking area has been sized to allow a fire truck to pull in the drive aisle if needed and an ambulance will also be able to enter and exit the parking lot at the entrance as needed. Based on the above facts, the Planning Board finds the standards of this section have been met.**

**(2) Sewage Disposal Provisions:** The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

**There will be no need for sewage disposal in the parking area. Based on the above facts, the Planning Board finds the standards of this section have been met.**

**(3) 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. **No utilities are required for this parking area. Based on the above facts, the Planning Board finds the standards of this section have been met.**

**(4) Fire Protection:** The parking area has been sized to allow a fire truck to pull in the drive aisle, if needed. **Based on the above facts, the Planning Board finds the standards of this section have been met.**

### **E. Water Protection**

**(1) Groundwater Protection:** The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

**There will be no groundwater or hazardous materials discharged as a result of this project. The property is not located within an area designated as an aquifer protection area. There will be no on-site water supply or sewage disposal systems. Based on the above facts, the Planning Board finds the standards of this section have been met.**

**(2) Water Quality:** All aspects of the project must be designed so that:

**(a)** 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.

(b) 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. **No substances described above will be stored or discharged in a way that could contaminate surface or groundwater. Based on the above facts, the Planning Board finds the standards of this section have been met.**

(3) **Aquifer Protection (if applicable):** If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer is required.

**The parcel is not located in the Aquifer Protection Area. Based on the above facts, the Planning Board finds the standards of this section have been met.**

**F. 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 parcel is shown on Floodplain map number 230162 0015B. The location of the proposed parking area is within an area designated as Zone C-Area of Minimal Flooding. Based on the above facts, the Planning Board finds the standards of this section have been met.**

**G. Historic and Archaeological Resources:** If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**A review letter has been provided from the Maine Historic Preservation Commission. Based on the above facts, the Planning Board finds the standards of this section have been met.**

**H. 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.

**No exterior lighting is proposed. Based on the above facts, the Planning Board finds the standards of this section have been met.**

#### **I. Buffering and Landscaping**

(1) 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.

(2) Landscaping: There are no proposed changes to the landscaping plan due to the minimal change in the amount of pavement.

**The parking area will be buffered from views on all sides through existing vegetation. Based on the above facts, the Planning Board finds the standards of this section have been met.**

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

**There will be no activities associated with the parking area that will result in noise. Based on the above facts, the Planning Board finds the standards of this section have been met.**

#### **K. 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 external storage of material. There will be no dumpster or trash receptacles on site. Signs will be placed instructing visitors to remove any trash generated. **Based on the above facts, the Planning Board finds the standards of this section have been met.**

**L. Capacity of the Applicant:** The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

**Technical Capacity:** The applicant has retained the services of Sevee and Maher Engineers, Inc.

**Financial Capacity:** There is a letter on file dated July 25, 2023, from Atlantic Federal Credit Union stating that the project is estimated to cost \$50,000 or less and that the CCLT has sufficient funds in its bank accounts to finance the project.

**Based on the above facts, the Planning Board finds the standards of this section have been met.**

Mr. Saunders moved to approve the Site Plan Review of an eight space parking area for access to Rines Forest to be located at 48 Blanchard Rd., Tax Assessor Map U12, Lot 6, subject to the Standard Condition of Approval, the Limitation of Approval, the Expiration of Approval and the proposed Conditions of Approval, seconded by Mr. Auclair and **VOTED, 6 years, unanimous - motion carries.**

**STANDARD CONDITION OF APPROVAL:** This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except de minimis 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.

**EXPIRATION OF APPROVAL:** Construction of the improvements covered by any site plan approval must be substantially commenced within 12 months of the date upon which the approval was granted. If construction has not been substantially commenced within 12 months of the date upon which approval was granted, the approval shall be null and void. If construction has not been substantially completed within 24 months of the date upon which approval was granted or within a time period as specified by the Planning Board, the approval shall be null and void. The applicant may request an extension of the deadline to commence or complete construction 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 one-year extensions to the period of any and all federal and state approvals and permits are current.

**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.

**Conditions of Approval:**

1. A preconstruction conference shall be held prior to the start of construction.
2. All clearing limits are to be staked and inspected by the Town Engineer prior to the preconstruction conference.
3. That the lot be staked and the Chebeague and Cumberland Land Trust be allowed to review the site prior to construction.
4. A copy of a letter from the Maine Department of Inland Fisheries and Wildlife stating that the project will not have an adverse impact of fisheries and wildlife must be provided prior to the preconstruction conference.

**2. Public Hearing:** Recommendation to Town Council on amendment to the Official Town of Cumberland Overlay Zoning Map to remove the Manufactured Housing (MH) Overlay Zone as it is now obsolete.

Chair Bingham introduced the item.

Ms. Nixon explained that there is a basic zoning map that has the zoning districts and there is an overlay zoning map to show things like resource protection areas and any overlays that the Town has adopted. This proposal is to remove the MH overlay zone which was for manufactured housing. Manufactured housing is an antiquated term now that was used to differentiate from regular stick built housing. Prefab homes are now often placed on sites. There is no need for the MH zone because now a prefab home can be placed anywhere that a house can be built.

Chair Bingham said he does not know when the manufactured housing overlay zone was created. Mr. Turner said it was years ago that the law changed so that you couldn't prohibit a manufactured house and he wondered why the Town didn't remove the overlay. Ms. Nixon explained that all of the zoning maps were recently reviewed and it was discovered that the MH overlay zone needed to be removed.

Chair Bingham opened the public hearing. There were no public comments. Chair Bingham closed the public hearing.

Mr. Saunders moved that the Board recommend to Town Council an amendment to the Official Town of Cumberland Overlay Zoning Map to remove the Manufactured Housing (MH) Overlay Zone, seconded by Ms. Perry and **VOTED, 6 yeas, unanimous - motion carries.**

#### **G. Administrative Matters/New Business:**

Mr. Turner said that he went by the area of the proposed solar array that the Board recently approved and he hopes the proposed plantings are closer to ten feet than 6 feet.

Mr. Auclair said he will be away and will not be at the September meeting.

Chair Bingham said that the Chase proposal may come back in September and the school district may come mea culpa for some construction that probably shouldn't have been done.

Ms. Silberman reminded the Board to let her know if they wish to attend the Jensen Baird client seminar.

**H. Adjournment:** Mr. Auclair moved to adjourn the meeting at 8:10 pm, seconded by Ms. Perry and **VOTED, 6 yeas, unanimous – motion carries.**

#### **A TRUE COPY ATTEST:**

\_\_\_\_\_  
Peter Bingham, Planning Board Chair

\_\_\_\_\_  
Christina Silberman, Administrative Asst.