

CUMBERLAND PLANNING BOARD MEETING MINUTES
February 17, 2026

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A. Call to Order: Chair Bingham opened the meeting at 7 pm.

B. Roll Call: Peter Bingham - Chair, Stacie Daigle, Robert LeBlanc, David Noonan, Lorraine Rardin, Joshua Saunders & Ann Sawchuck - Vice Chair. **Staff:** Bridget Perry - Director of Planning and Sustainability & Christina Silberman - Admin. Asst.

C. Approval of Meeting Minutes:

1. Minutes of the January 20, 2026 meeting. Ann Sawchuck referenced the language for the limitation of approval for the Storey Brothers gravel pit five-year permit approved last month and asked if it should be revised. Mr. Saunders suggested removing the limitation of approval. Ms. Perry said she will find the best way to correct this. Mr. Saunders moved to approve the minutes of the January 20, 2026 meeting as written, seconded by Ms. Daigle, and **VOTED, 7 yeas - unanimous, motion carries.**

D. Staff Site Plan Approvals: None.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: Site Plan Review: Lot 9 of Cumberland Foreside Village, to construct one mixed use building at 80 US Route One, Tax Assessor Map R01, Lot 12B in the Office Commercial South zoning district with a contract zone overlay.

Applicant/Owner: Loni Graiver.

Chair Bingham introduced the item.

Ms. Perry provided information on the current zoning and contract zoning for this parcel that is subject to the US Route 1 Design Standards. Ms. Perry reported that site plan approval was granted for a similar size building in 2017 that was amended in 2018 and the site plan approval has expired.

Loni Graiver, owner, reported that the plan is to construct a slightly smaller building with three offices on the first floor and two apartments on the second floor. Mr. Graiver said the infrastructure is consistent with the previous approval. Mr. Graiver has reviewed the peer review comments and has no problem with them. Mr. Graiver noted that an alteration may be needed for the entryway door placement depending on future tenant's needs. Ms. Perry noted that she would be able to review and approve this alteration if needed.

Chair Bingham asked if there are two buildings. Mr. Graiver said this is a two-lot condominium lot and one of the buildings currently exists.

Mr. LeBlanc asked if there would be additional impervious service changes to the entryway. Mr. Graiver said the walkway will be the same and the impervious service area will not change.

Chair Bingham opened the public hearing.

Bob Vail, Town Councilor - Wild Way, raised procedural concerns regarding the expired approvals and suggested legal review. Mr. Graiver said this site plan application has been submitted as a new application. Ms. Perry confirmed that the application is being processed as a new application and the application is complete.

Chair Bingham closed the public hearing.

Ms. Sawchuck reviewed the prepared findings of fact. A change under the limitation of approval to refer to it as the expiration of approval with revised language was noted. Mr. Saunders moved to adopt the findings of facts as written and amended, seconded by Ms. Rardin and **VOTED, 7 yeas - unanimous, motion carries.**

CHAPTER 229 SITE PLAN REVIEW SECTION 10: APPROVAL STANDARDS AND CRITERIA

A. Utilization of the Site: The Planning Board finds this standard is satisfied because there are no known environmentally sensitive areas, rare and endangered plants and animals, or significant wildlife or fisheries habitat. The Planning Board finds there are no wetlands or other environmentally sensitive areas on the site as evidenced by letters received from State agencies during previous subdivision review.

B. Traffic, Circulation and Parking: The Planning Board finds this standard is satisfied because the layout of the parking area allows for safe vehicular and pedestrian circulation.

C. Stormwater Management and Erosion Control: The Planning Board finds this standard is satisfied because a complete stormwater report has been completed for the proposed development and has been included in submission packet. The Planning Board finds an erosion control plan has been prepared and is included in the submission packet.

D. Water, Sewer, and Fire Protection: With the proposed condition of approval to provide a capacity to serve letter from Portland Water District, The Planning Board finds this standard is satisfied. The Planning Board finds the building will contain sprinklers.

E. Water Protection: The Planning Board finds the site is not located within a Town Aquifer Protection Area. The Planning Board finds that both public water and sewer connections will be utilized, there will be no unordinary storage of hazardous materials and storm water best management will prevent degradation to groundwater, water quality, and the aquifer.

F. Floodplain Management: The Planning Board finds this standard is satisfied because the site is not located within a floodplain according to FEMA Map 23005C0539F.

G. Historic and Archaeological Resources: The Planning Board finds this standard is satisfied because there is a letter on file from the Maine Historic Preservation Commission stating no historic or archeological resources are known to exist.

H. Exterior Lighting: The Planning Board finds this standard is satisfied because the proposed lights provide adequate downward facing lighting.

I. Buffering and Landscaping: With the proposed condition of approval, the Planning Board finds this standard is satisfied because the landscape plan shows a mixture of deciduous shrubs and trees that will provide a year-round buffer from neighboring properties.

J. Noise: The Planning Board finds this standard is satisfied because, after construction, the development will not generate excessive noise beyond the limits of the site.

K. Storage of Materials: The Planning Board finds this standard is satisfied because no bulk materials will be stored on site. The Planning Board finds that residential waste will be contained in Town approved bins.

L. Capacity of the Applicant: The Planning Board finds the applicant has financial capacity as evidenced in the bank letter in this packet. The Planning Board finds the applicant has technical capacity as evidenced by the use of qualified professionals listed in the application packet.

M. Design and Performance Standards

1. Route 100 Design Standards - NA
2. **Route 1 Design Standards - Applicable**
3. Town Center District Design Standards – NA
4. Village Mixed Use Performance Standards – NA

N. Route 1 Design Standards:

200. Master Planning: The Planning Board finds this standard not applicable because only one structure is proposed on the site.

301. Site Design: The Planning Board finds this standard is satisfied because the proposed structure fits into the existing topography and vegetation with additional landscaping to reduce the appearance of the building.

302. Rt. 1 Buffer Strip: The Planning Board finds this standard is satisfied because a 75'buffer strip will be maintained according to the site plan.

303. Vehicular Access: The Planning Board finds this standard is satisfied because the existing driveways of Route 1 will serve the lot.

304. Parking: The Planning Board finds this standard is satisfied because parking is set behind the building away from Route 1.

305. Service Areas: The Planning Board finds this standard is satisfied because no exterior dumpsters, recycling facilities, mechanical units, or loading docks are proposed.

306. Electric, Telephone and Cable: The Planning Board finds this standard is satisfied because all wired connections from existing utilities on U.S. Route 1 shall be made to individual lots via underground conduit.

Section 400: Building Standards

401. Building Design: The Planning Board finds this standard is satisfied because the building is designed in the traditional New England style of architecture.

402. Facades and Exterior Walls: The Planning Board finds this standard is satisfied because the building façade includes windows, doors and an awning to soften the appearance.

403. Building Entrances: The Planning Board finds this standard is satisfied because the building entrances are clearly defined.

404. Building Materials: The Planning Board finds this standard is satisfied because the siding has a painted clapboard look and a traditional roofing material will be used.

405. Architectural Details: The Planning Board finds this standard is satisfied because architectural details, such as colonnades, pilasters, gable ends, awnings, display windows and appropriately positioned light fixtures, will be used to reduce the scale and uniformity of larger buildings.

406. Roofs: The Planning Board finds this standard is satisfied because a flat roof is not proposed.

407. Windows: The Planning Board finds this standard is satisfied because windows shall reflect a classic New England style by featuring divided lights (window panes) and detailing trim around them.

408. Awnings and Canopies: The Planning Board finds this standard is satisfied because the proposed awning will enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest.

Section 500: Signage: The Planning Board finds this standard is not applicable because no signs are proposed.

The Board reviewed the proposed conditions of approval and suggested revisions.

Mr. Saunders moved to approve site plan review for Lot 9 of Cumberland Foreside Village, to construct one mixed use building at 80 US Route One, Tax Assessor Map R01, Lot 12B in the Office Commercial South zoning district with a contract zone overlay subject to the expiration of approval, the standard condition of approval and eight proposed conditions of approval, seconded by Ms. Rardin and **VOTED, 5 yeas, 2 nays (Daigle & Leblanc), motion carries.**

EXPIRATION OF APPROVAL: Construction of the improvements covered by any site plan approval, except for agriculture-related projects, 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 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.

STANDARD CONDITION 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 minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board (if Staff Review, the Town Planner or Staff Review Committee) prior to implementation. This condition shall be included on all site plans.

PROPOSED CONDITIONS OF APPROVAL:

1. All outstanding fees shall be paid prior the issuance of a building permit.
2. A preconstruction conference shall be held prior to the start of construction.
3. All clearing limits shall be clearly flagged by the applicant and inspected and approved by the town engineer prior to the preconstruction conference.
4. A performance guarantee in an amount acceptable to the Town Manager and Town Engineer shall be provided prior to the preconstruction conference.

5. All Town's engineer comments are addressed to the satisfaction of the Town prior to the preconstruction conference.
6. A capacity to serve determination letter for sewer and water from Portland Water district be provided prior to the preconstruction conference.
7. The planting plan be revised to show the addition of three spruce trees which shall be located as follows:
 - a. One near the entrance drive;
 - b. One at the northeasterly corner of the building;
 - c. One on the southeasterly corner of the building.
8. Use a double row of erosion control protection measures along the upslope of the wetlands.

2. Public Hearing: Site Plan Amendment: Addition of a 333.2-kilowatt solar array at 290 Tuttle Rd., Tax map R03, Lot 51A in the Rural Residential 1 Zoning District.

Applicant/Owner: Town of Cumberland **Representative:** Alex Roberts-Pierel of ReVision Energy.

Chair Bingham introduced the item.

Ms. Perry provided history of the project and reported that the Town Council has voted to approve the addition to the Town's existing solar farm.

Alex Roberts-Pierel, ReVision Energy, reported that the addition to the existing solar array will be owned outright by the Town, unlike the original solar array that was a power purchase agreement that the Town has since bought out.

A plan of the project was displayed. Mr. Roberts-Pierel noted that the solar array addition will sit between the existing array and Drowne Rd. The project has been approved by CMP. MDEP applications have been submitted. There will be a minor revision to the Town's solid waste permit. There will be no post development stormwater change. The addition will fit within the existing fenced in area. The construction will be a ballasted system that avoids penetration of the landfill cap.

Board members raised concern about glare from the solar panels and the lack of buffering. Mr. Roberts-Pierel said he doesn't believe that there will be any significant glare issues. Buffering was discussed during the pre-application conference with Town staff and the plan was to be consistent with what is there now. The issue with adding buffering is that vegetation can't be planted within the limits of the landfill which goes nearly right up to the road.

Town Manager Matt Sturgis explained the financial benefits, including long-term energy stability and the Town's climate action plan goals. Mr. Sturgis noted that there is a projected six-year break-even period. The project will be funded through reserves and renewable credits.

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

Ms. Rardin reviewed the prepared findings of fact. A revision to the limitation of approval to refer to it as the expiration of approval with the revised language was noted.

Mr. Saunders moved to approve the findings of facts as written, seconded by Mr. Leblanc. Chair Bingham said that he would like to see some additional buffering if possible and asked that this be considered. The proposed motion was then **VOTED, 7 yeas - unanimous, motion carries.**

CHAPTER 229 SITE PLAN REVIEW SECTION 10: APPROVAL STANDARDS AND CRITERIA

A. Utilization of the Site: The Planning Board finds this standard is satisfied because the additional array is situated within an existing fenced area and designed to minimize impact to adjacent properties and natural resources.

B. Traffic, Circulation and Parking: The Planning Board finds this standard is satisfied because the overall parking plan is unchanged.

C. Stormwater Management and Erosion Control: The Planning Board finds this standard is satisfied because the installation of the additional array will cause minimal disturbance that will not have adverse impacts on abutting and downstream properties.

D. Water, Sewer, and Fire Protection: The Planning Board finds this standard is not applicable because a solar array does not use water, sewer or fire protection.

E. Water Protection: The Planning Board finds the site is not located within a Town Aquifer Protection Area. The Planning Board finds the project will not impact groundwater.

F. Floodplain Management: The Planning Board finds this standard is satisfied because the site is not located within a floodplain according to FEMA Map 23005C0517F and 23005C0536F.

G. Historic and Archaeological Resources: The Planning Board finds this standard is satisfied because there is a letter on file from the Maine Historic Preservation Commission stating no historic or archeological resources are known to exist.

H. Exterior Lighting: The Planning Board finds this standard is satisfied because no lights are proposed.

I. Buffering and Landscaping: The Planning Board finds this standard is satisfied because there are no proposed changes to the landscaping plan.

J. Noise: The Planning Board finds this standard is satisfied because the additional array will not cause additional noise.

K. Storage of Materials; The Planning Board finds this standard is satisfied because no bulk materials will be stored on site.

L. Capacity of the Applicant: The Planning Board finds the applicant has financial capacity because the project is funded by the Town of Cumberland who is under contract with Revision Energy. A financial capacity letter is on file at the Town. The Planning Board finds the applicant has technical capacity as evidenced by the use of qualified professionals listed in the application packet.

M. Design and Performance Standards

1. Route 100 Design Standards - NA
2. Route 1 Design Standards - NA
3. Town Center District Design Standards – NA
4. Village Mixed Use Performance Standards – NA

The Board reviewed one proposed condition of approval.

Mr. Saunders moved to approve the site plan amendment for the addition of a 333.2-kilowatt solar array at 290 Tuttle Rd., Tax map R03, Lot 51A in the Rural Residential 1

Zoning District, subject to the expiration of approval under Ch. 229 of the town ordinance, the standard condition of approval and one condition of approval, seconded by Mr. Noonan and **VOTED, 7 yeas - unanimous, motion carries.**

EXPIRATION OF APPROVAL: Construction of the improvements covered by any site plan approval, except for agriculture-related projects, 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 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.

STANDARD CONDITION 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 minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board (if Staff Review, the Town Planner or Staff Review Committee) prior to implementation. This condition shall be included on all site plans.

PROPOSED CONDITION OF APPROVAL:

1. The MDEP solid waste permit is submitted to the Town prior to the preconstruction conference.

3. Public Hearing: Amendment to an approved site plan for Maine School Administrative District #51 (MSAD#51) for changes to drainage, landscaping, scoreboard location, etc. located off Tuttle Road Tax Assessor Map U11, Lots 1, 4A, 8, 9 and Main Street at Tax Assessor Map U11/U13, Lot 1/112. **Applicant/Owner:** MSAD #51 **Representative:** Patrick Carroll, Carroll Associates Landscape Architects.

Chair Bingham introduced the item.

Ms. Perry noted that her memo to the Board outlines the changes.

Pat Carroll, Carroll Associates, reported on changes made to the site during construction. Mr. Carroll apologized for not seeking de minimis changes in advance and also for missing the previous Planning Board meeting. Mr. Carroll noted that most of the changes are minor in nature and he answered questions from the Board.

Chair Bingham read the following letter from abutter Lee Buffinton.

Hi Bridget, Regarding the MSAD 51 amendment to the approved Site Plan as highlighted below - REQUEST/PROJECT DESCRIPTION: The applicant is MSAD # 51, Scott Poulin, Director of Finance, Human Resources and Operations. The representatives will be Patrick Carroll of Carroll Associates, Andy Johnston, P.E. of

Atlantic Resources Consultants, and Doug Breer of Stephen Blatt Architects. Dan Diffin, P.E., from Sevee and Maher Engineering has reviewed the plans for compliance with the Town of Cumberland's ordinances. The proposed amendments have been implemented on-site during construction:

- Modifications to placement of arborvitae and shrubs along north side of GHS parking lot – completed upon neighbor's request.
- Removal of 3 maple trees and the addition of 7 flowering cherry trees along west side of GHS driveway along neighboring property – completed upon neighbor's request with Town Planner approval.

This is a very misleading statement that makes it sound like we neighbors requested the school to remove the 3 maple trees that the School District removed in violation of the approved site plan! As you know, we were upset at the removal of the 3 maple trees which then triggered the remediation plan consisting of the planting of 7 cherry trees to which we agreed and you approved. Please alert the Planning Board of the need for clarifying language to set the record straight at Tuesday's Public Hearing.

Thank you, Lee Buffinton, President, Osgood Village Condo Association

Chair Bingham opened the public hearing.

Steve Pardue, 367 Tuttle Rd., said he is a direct abutter and asked if the score board has any speakers. Mr. Carroll answered no. Mr. Pardue referred to the requirement for replacement of trees that had been removed. Mr. Pardue expressed concern with headlights shining into his property now that the old maintenance shed has been removed.

Mr. Carroll noted that there are more than 200 trees proposed to be planted. There will be a 6' fence and additional trees planted that should remedy the headlight issue. Mr. Carroll noted that the school has worked with the neighbors and will continue to and he asked for patience during the next 1.5 years of construction for the new. Mr. Carroll noted that the school district wants to be a good neighbor.

Scott Poulin, MSAD 51 Director of Finance, Human Resources and Operations, assured the Board that MSAD 51 is committed to working with the neighbors.

Chair Bingham closed the public hearing.

Ms. Rardin suggested a change to the findings of fact under item I to add the words "removed and/or" in front of the word "lost".

Ms. Sawchuck reviewed the prepared findings of fact.

Mr. Saunders moved to approve the findings of fact as written and amended, seconded by Ms. Rardin and **VOTED, 5 yeas, 2 nays (Daigle & Noonan), motion carries.**

CHAPTER 229 SITE PLAN REVIEW SECTION 10: APPROVAL STANDARDS AND CRITERIA

A. Utilization of the Site: The Planning Board finds this standard is satisfied because the amendments do not change the overall master plan of the site.

B. Traffic, Circulation and Parking: The Planning Board finds this standard is satisfied because the overall parking plan is unchanged.

C. Stormwater Management and Erosion Control: The Planning Board finds this standard is satisfied because the amendment will not have adverse impacts on abutting and downstream properties.

D. Water, Sewer, and Fire Protection: The Planning Board finds this standard is satisfied because there are no proposed changes to water, sewer, and fire protection.

E. Water Protection: The Planning Board finds the site is located within a Town Aquifer Protection Area. The Planning Board finds that both public water and sewer connections will be utilized, there will be no unordinary storage of hazardous materials and storm water best management will prevent degradation to groundwater, water quality, and the aquifer.

F. Floodplain Management: The Planning Board finds this standard is satisfied because the site is not located within a floodplain according to FEMA Map 23005C0517F.

G. Historic and Archaeological Resources: The Planning Board finds this standard is satisfied because there is a letter on file from the Maine Historic Preservation Commission stating no historic or archeological resources are known to exist.

H. Exterior Lighting: The Planning Board finds this standard is satisfied because the relocated lights will remain downward facing.

I. Buffering and Landscaping: The Planning Board finds this standard is satisfied because the updated landscaping adequately replaces the removed and/or lost vegetation and has been coordinated with neighboring residents to address their concerns.

J. Noise: The Planning Board finds this standard is satisfied because the amendments will not cause additional noise.

K. Storage of Materials: The Planning Board finds this standard is satisfied because no bulk materials will be stored on site.

L. Capacity of the Applicant: The Planning Board finds the applicant has financial capacity because the project is funded by bonds issued per public referendum vote approved on June 11, 2024. The Planning Board finds the applicant has technical capacity as evidenced by the use of qualified professionals listed in the application packet.

M. Design and Performance Standards

1. Route 100 Design Standards - NA
2. Route 1 Design Standards - NA
3. **Town Center District Design Standards – Not applicable for proposed amendments**
4. Village Mixed Use Performance Standards – NA

Mr. Saunders moved to approve amendment to an approved site plan for Maine School Administrative District #51 (MSAD#51) for changes to drainage, landscaping, scoreboard location, etc. located off Tuttle Road Tax Assessor Map U11, Lots 1, 4A, 8, 9 and Main Street at Tax Assessor Map U11/U13, Lot 1/112 subject to the standard condition of approval, seconded by Ms. Rardin and **VOTED, 5 years, 2 nays (Daigle & Noonan), 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 and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board (if Staff Review, the Town Planner or Staff Review Committee) prior to implementation. This condition shall be included on all site plans.

G. NEW BUSINESS: Ms. Perry reported that one site plan application has been received for the March Planning Board meeting for a proposed campground for Mark Read to be located at 48 Blanchard Rd.

H. Adjournment: Mr. Noonan moved to adjourn the meeting, seconded by Mr. Saunders, and **VOTED, 7 yeas - unanimous, motion carries.**

A TRUE COPY ATTEST:

Peter Bingham, Planning Board Chair

Christina Silberman, Administrative Asst.