

Town of Scarborough

Planning Board

January 7, 2008

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes (December 10, 2007)
4. The Planning Board will conduct a public hearing to receive input regarding an amendment to the Zoning Ordinance for updated regulations for the Haigis Parkway Zone signage
5. The Planning Board will conduct a public hearing to receive input on proposed amendments to the Stream Protection District Overlay along a portion of Stuart Brook
6. Scarborough Crossing, Old Port Realty, LLC requests site plan discussion for Phase 2 of site on County Road
7. Eastern Village, Ballantyne Development LLC requests final subdivision approval for traditional neighborhood development off Commerce Drive and Old Eastern Road
8. McDonald's requests site plan approval for 4,000 square foot restaurant on Lot 9 at Scarborough Gallery
9. Administrative Amendment Report
10. Town Planner's Report
11. Correspondence
12. Planning Board Comments
13. Adjournment

NO NEW ITEMS SHALL BE TAKEN UP AFTER 10:30 P. M.

Town of Scarborough

Planning Board

January 7, 2008

MINUTES

Members Present

Staff

Mr. Callahan
Mr. Chamberlain
Mr. Fellows
Ms. Littlefield
Mr. Maynard
Mr. Paul
Mr. Shire

Mr. Bacon, Town Planner
Mr. Chace, Assistant Town Planner
Ms. Logan, Recording Secretary

1. Call to Order

Mr. Paul called the meeting to order at 7:00 P. M.

2. Roll Call

The Recording Secretary called the roll; all members were present.

Mr. Allen welcomed Phil Maynard, second alternate, and Donald Shire, first alternate, to the Board. He noted that the two new alternates would vote only when the full members were absent or recused from an item.

3. Approval of Minutes (December 10, 2007)

Mr. Chamberlain moved to approve the minutes of December 10, 2007 as presented; Ms. Littlefield seconded.

Voted 5-0

4. The Planning Board will conduct a public hearing to receive input regarding an amendment to the Zoning Ordinance for updated regulations for the Haigis Parkway Zone signage

Mr. Harvey Rosenfeld, President of Scarborough Economic Development Corp., gave a power point presentation. He noted that the earlier zoning of the Haigis Parkway Zone was for high tech, office, and small retail buildings but that had changed, and the first user of the parkway was a large retail center with some small retail. He stated that the staff felt the signage should be liberalized without compromising the high quality gateway into Scarborough. Mr. Rosenfeld showed examples of freestanding signs and noted that sign sizes did not correspond with what was recommended. He stated that, because of the layout of the parkway, an alternative site for a sign may not necessarily be at the entrance. He stated that they were recommending that wall signs be allowed on both sides of a building so tenants could be identified from both the road and the parking lot; he stated that wall signs would be in addition to freestanding signs. Mr. Rosenfeld stated that campus directional signs would allow sufficient signage to attract customers and keep the gateway intact; he stated that the Town did not want the parkway to become a thoroughfare.

Mr. Paul opened the public hearing and asked that people try to limit their comments to three minutes and not repeat what everyone else had said.

Mr. Michael Scarks, of Neptune Properties, stated that he had a project across from the Cabela's site and had worked with Mr. Rosenfeld and Mr. Bacon to make sure appropriate signage fit into the mold of the zoning. He stated that he knew the Town was concerned about the quality of the park's aesthetics, but the character of the development would be more retail than office use. Mr. Scarks stated that if high quality development was expected, people needed to pay their rents and meet the standards of national tenants; he stated that reasonableness was the key. Mr. Scarks stated that, in this case, with parking to the rear of the buildings, the tenants had to be identified inside the parking lot. He noted that the business directory signs proposed were smaller than the 150 feet allowed in the B-2 Zone.

Mr. Scarks noted that the average frontage on Route One was less than 200 feet but the average frontage on Haigis Parkway was over 1,200 square feet and access was tightly controlled so there would be bigger developments that would need to be identified at fewer points of access. He stated that smaller signs may not be the solution to better development because of the possible traffic hazard caused by having too many tenants on one sign. He stated that he would rather see a higher standard of matching the sign to the architecture of the building and would rather see a reasonable sized sign of 150 square feet with a 15 foot height. Mr. Scarks stated that his other significant point was there was nothing that defined sign heights and this would be a good opportunity to do that. He stated that the three foot directional sign was very small compared to a hexagonal stop sign. He showed a comparison of different sign sizes.

Mr. Richard Shinay, who represented New England Expeditions, Scarborough Gateway, stated that, while it was apparent that retail was starting on Haigis Parkway, there was the possibility of large office buildings. He stated that his client's concern was that the 50 square foot wall signs may not be large enough for a 100,000 square foot office building with a single tenant. He asked that the Board consider passing on to the Town Council that proportional sized signs should be considered. Mr. Shinay noted that banners and streamers had been excluded but the possibility existed for some retailers to use decorative banners and they were considered on light poles so the Town should think about some exceptions for seasonal or decorative banners.

Mr. Paul closed the public hearing.

Mr. Rosenfeld stated that he and Mr. Bacon were working on the banner issue and would bring it back to the Board, but they were now excluded from the HP Zone. Mr. Rosenfeld stated that the Town could consider larger signs for larger buildings; he stated that the Gateway was in a Contract Zone and had specific signage. He stated that this amendment developed signage for the entire zone not a specific project; he stated that the Town did not want the same signage on Haigis Parkway as in the B-2 Zone on Route One. Mr. Rosenfeld noted that the three foot sign would say simply, "exit" or "enter" and the staff felt three feet was sufficient for that purpose. He stated that the 100 foot sign at 10 feet high was a good sized sign and each tenant would have a sign on the building for a good amount of signage. Mr. Rosenfeld stated that the staff's efforts were to encourage uses that would provide high end jobs for Scarborough.

To a question from Mr. Callahan, Mr. Rosenfeld replied that a project could have two freestanding signs 150 feet apart if they had 300 feet of frontage. Mr. Rosenfeld noted that most of the signage would be inside developments themselves on the internal road. Mr. Bacon stated that a project could have two entrances; he stated that a second freestanding sign would identify the development.

To a question from Ms. Littlefield, Mr. Rosenfeld replied that off-premise signs were not allowed anywhere in town other than in the HP Zone for the purpose of facilitating interconnectivity with

other projects. Mr. Bacon noted that Section 2.b. of the proposed amendments indicated that a freestanding sign may be a business directory sign for a multi-tenant building or multiple businesses accessible through the entrance. He stated that the intent was for businesses to be listed on the directory sign where a curbcut was shared. Ms. Littlefield stated that she liked the idea of defining the height of a sign from the center line of the street, as suggested by Mr. Scarks; she stated that she wanted to make sure people would find their entrance and she would lean toward larger signs. Mr. Rosenfeld reiterated that there were defined accesses that could not be changed and there would have to be internal roads with signage.

To a question from Mr. Chamberlain, Mr. Rosenfeld replied that any changes would take place if a lot of large, single office users wanted logos on large buildings and those logos may have to be proportional. Mr. Rosenfeld stated that another large retail user would have to have a Contract Zone which would control their signage. He stated that it may be found that more signage was needed. Mr. Bacon stated that the staff could consider establishing larger signs in proportion to the size of the building; he stated that this proposal was geared around smaller tenants within a project.

Mr. Fellows stated that he felt this was a reasonable recommendation. He stated that he would be more liberal with size, especially if the signs were architecturally integrated with the building and facing the parking lot may add more interest with that side of the building looking like a front. Mr. Rosenfeld noted that any signage would be reviewed by the Planning Board and incorporated into the site plan for design and location. Mr. Maynard asked whether there was any regulation for what was beneath a sign for landscaping; Mr. Rosenfeld replied there was nothing specific in the Ordinance but the Planning Board made signs attractive by requesting landscaping or stone. Mr. Bacon noted that there were no written requirements but there was a standard in the Site Plan Ordinance that the sign needed to be an integral component of the site plan.

Mr. Allen stated that he thought the Board was in favor with a couple of caveats. He stated that the staff would look at the size of the buildings in relation to the size of wall signs to make it work for the developers and the tenants, but not lower the standards for Haigis Parkway. He stated that, where there were multi-tenants in a building or development, the street signage should help accommodate the names of the businesses and it may make sense to restrict the square footage of a sign based on the number of tenants in the project, driven by the number of tenants and not a strict limit. Mr. Rosenfeld stated that there would be two signs allowed for each tenant in a multi-tenant situation so five retail tenants would have ten signs as well as the business directory sign; he noted that a tenant could have a sign on a different wall than his own. He stated that the concern was uniformity with similar signage throughout the parkway.

Ms. Littlefield stated that she would like to see sign size driven by the number of tenants based on four, not six, tenants in a building. Mr. Scarks noted that three to five feet of snow made the bottom of signs unreadable so a sign should be allowed to be raised up.

5. The Planning Board will conduct a public hearing to receive input on proposed amendments to the Stream Protection District Overlay along a portion of Stuart Brook

Mr. Bacon stated that this change was called for in the Comprehensive Plan and was a followup to changes in the Dunstan area. He stated that the proposal was to change the buffer along Stuart Brook from 75 feet to 250 feet and not allow new development within that 250 foot buffer; he stated that this was not intended to regulate the roads or to impact the existing structures and they would not become nonconforming. Mr. Bacon stated that the final component was that if the land within the 250 foot buffer were conveyed to the Town or Land Trust, it would give a density

bonus which could be transferred outside the property or be used on the same property as long as it was outside the buffer.

Mr. Paul opened the public hearing. Ms. Katie Foley, of 3 Lucky Lane, stated that she would like to know the process and the next step. She stated that she purchased her property because it was affordable and, because it had Route One frontage, would be a good investment property. She stated that this change would encompass her entire lot and the restrictions would devalue the future potential of her property. Ms. Foley stated that hers was a one bedroom, 620 square foot house. She stated that she purchased the property for investment along the Route One commercial area and this would not allow development; she stated that the site was in a business zone and the best use would be for her to sell it. Ms. Foley stated that the transfer of development rights would not be of use. She stated that she was not aware of any problems with the stream so there is a better way to protect the stream by requiring developers to take protection measures. She reiterated that she was concerned about how this would impact her future.

Ms. Kate O'Neil, of 5 Lucky Lane, stated that she was here for information and wanted to confirm that existing homes could still be expanded. Mr. Paul replied that expansion could be done providing it did not go any closer than 75 feet to the stream. Mr. Bacon stated that the process was that the Town Council passed their first reading in December 2007 and, following this public hearing, the Council would hold their own public hearing and second reading, at which time they would vote on this change to the Ordinance. He stated that the amendment could be seen on the website under the Town Council's page dated December 19, 2007 or the Planning Department could provide a copy.

Ms. Suzanne Foley-Ferguson, of 331 Black Point Road, confirmed that the TVC Zone in the vicinity of this proposal had been approved in November 2007. To a question from Ms. Foley-Ferguson, Mr. Bacon replied that this stretch of Route One was not rezoned from the R-F Zone to the TVC Zone in accordance with the Comprehensive Plan and, in part, because the Town did not want a commercial zone all the way to the Saco line, but have it broken up by a residential area for the gateway into town. He stated that part of the reason for the Stream Protection Zone was to keep the area residential. Mr. Bacon stated that this area of Route One at Lucky Lane was never a business zone.

Ms. Foley-Ferguson stated that there were many streams in town that should have a 250 foot buffer; she stated that this amendment was good in general but not with a broad stroke. She stated that things such as slopes and soils could also be a real factor in whether a 250 foot buffer was needed to protect a stream; she stated that she knew of no problems in Stuart Brook. She noted that Cape Elizabeth decreased a buffer from 75 feet to 25 feet to allow a business to increase and Scarborough did not want to be seen as anti-business. Ms. Foley-Ferguson stated that the amendment would devalue her sister's property in how it could be used in the future. She stated that she did not think the two nearby large parcels would remain in the R-F Zone and 3 Lucky Lane would be a good access point. She stated that allowing a road closer to the stream than a structure did not make sense because the runoff from a road was much worse.

Mr. Paul closed the public hearing.

To a question from Mr. Callahan, Mr. Bacon replied that Stuart Brook was not the only brook considered in the Comprehensive Plan, but the area was identified as an important approach because of its proximity to other protected areas and the green gateway. He stated that commercial development was not proposed in the area but the properties west of Route One were contemplated to be

in the Dunstan Village Residential Zone for a higher density than the R-F Zone. To a question from Ms. Littlefield, Mr. Bacon replied that 75 feet was the standard buffer for stream protection but the town was proposing stricter regulations for this and other streams and rivers.

Mr. Chamberlain noted that the allowance of expansion of nonconforming structures was a benefit to this amendment and being able to transfer development rights also made sense. He asked how the development rights were figured; Mr. Bacon replied that a developer would have to deduct the slopes, wetlands or other natural constraints then take the difference between 75 feet a 250 feet and that figure could be used on the same property or elsewhere. Mr. Bacon stated that under the Shoreland Zoning Ordinance roads and driveways had to be outside the 75 foot buffer unless the Planning Board allowed them, but they could be no closer than 50 feet; he stated that there were performance standards and criteria to meet.

Mr. Fellows stated that he supported this proposal which would protect the stream and preserve a green gateway between Saco and Scarborough. Mr. Shire asked whether the town believed the bonus was a valid attempt to ward off litigation for the taking of land. Mr. Bacon stated that the bonus was an incentive and there was no required conveyance to the town so there was no taking. Mr. Shire stated that there was a taking by not being able to use the land. Mr. Bacon stated that the provision was written to not change the development potential of the property but to direct growth outside the buffer. Mr. Fellows stated that at this time no one could build within the 75 foot buffer; Mr. Paul stated that only new development would be impacted by the 250 foot buffer.

Mr. Maynard asked whether Ms. Foley would be grandfathered to build another home; he noted that she purchased the property for investment purposes and the amendment would cut down her ability to develop or get her money back. Mr. Bacon stated that he would need to know the size of the lot and there was no subdivision potential if the lot was less than two acres. Mr. Paul stated that not everyone could be appeased and the town had tried to minimize the impact and hoped that the provisions mitigated negative impact to the landowners; he stated that no restrictions were being added to the homeowners.

Mr. Paul stated that it sounded as if the Board was generally in favor of this amendment and would recommend it to the Town Council assuming that there were no legal implications to the town. Mr. Maynard stated that he still had a problem with decreasing the value of anyone's property after they had purchased it and Ms. Foley bought her property for investment purposes. Mr. Chamberlain encouraged all the landowners involved to attend the Council's public hearing. Ms. Foley-Ferguson noted that a developer of the back lot would need her sister's land for access and would pay a lot more for the land than someone buying for residential use only. Mr. Paul stated that 3 Lucky Lane would be usable by a developer for a road. Ms. Foley-Ferguson stated that there was an existing road between the stream and the houses; she stated that 100 feet may do the job and not allowing a road 50 feet from the stream would also help.

Mr. Paul allowed Ms. Kathy Fruen, whose mother owned property on the other side of Stuart Brook, to speak. She stated that her mother had been waiting for a zone change so she could sell her property at a profit, but this amendment would use about 50% of her property. She stated that she was worried that there would be no value in the land though this made an effort to retain the value. Ms. Fruen asked how lots could be squeezed onto the land when the 250 foot buffer was taken out; she asked how the value could be retained when she could install only a certain number of septic systems. Mr. Paul encouraged Ms. Fruen to hire a professional engineer to determine that. Ms. Fruen confirmed that the value could be retained if the development rights were sold to someone else.

Mr. Paul called a recess at 8:45 P. M.; the meeting resumed at 8:50 P. M.

6. Scarborough Crossing, Old Port Realty, LLC requests site plan discussion for Phase 2 of site at 91 County Road

Mr. Bacon noted that this site had a multi-tenant building approved in 2006; he stated that two buildings were approved but only one had been built. He stated that one of the conditions of approval was that if a building permit had not been issued for the second building when the first building was completed, the applicant was required to report to the Board the status of Phase 2.

Mr. Danny Bouziannis, of Old Port Realty, stated that Phase 1 was complete and during construction all the site work was done for the entire project, including parking, the sidewalk, the septic system and the water holding tank for the fire department. He stated that the electrical, plumbing and drainage were also ready for a new building. Mr. Bouziannis stated that there was pressure treated wood on the foundation for the new building and the Board had discussed loaming and seeding it but would rather put in crushed stone so there would be no need to remove grass when the building was completed. He stated that the entire property was maintained.

Mr. Paul confirmed that the applicant wanted the Board to approve the crushed stone to protect the foundation and improve the appearance of the lot. Mr. Bouziannis stated that the building would be constructed as approved when he had another tenant. Mr. Chamberlain, Mr. Callahan, Ms. Littlefield and Mr. Maynard stated that they had no issues. Mr. Fellows asked whether a date for another report should be set in the event a building permit had not been issued. Mr. Paul stated that his only concern was the timing because the building had already been approved and could be built without further review. Mr. Bouziannis noted that all the landscaping was done.

Mr. Paul moved to amend the original proposal to require that if the building permit had not been issued for the second building within 18 months of this date, the developer should return to the Board for further discussion; Mr. Chamberlain seconded.

Voted 5-0

7. Eastern Village, Ballantyne Development LLC requests final subdivision approval for traditional neighborhood development off Commerce Drive and Old Eastern Road

Mr. Paul noted that there had been discussion between the applicant and Mr. Bacon and it was determined that this item would be for discussion only and not for final approval.

Mr. Joseph Laverriere, of Deluca-Hoffman, noted that there were a few comments from staff and they would rather get them resolved so there would not be a lot of conditions. To bring the new members up to date, Mr. Laverriere explained that this was a multiuse project in the R-4 Zone with a Traditional Neighborhood Overlay. He stated that all the state and federal permits had been received. Mr. Laverriere stated that there would be eight building phases for 154 residential units and there was reserved land at the front of the site where there could be 41 more units. He stated that there would be 89 single family homes, 37 attached townhouses and 28 apartments and up to 5,000 square feet of total retail space. Mr. Laverriere stated that the nonresidential lot against the Eastern Trail would be a public amenity, such as a bike rental or public bathroom.

Mr. Laverriere stated that the Traditional Neighborhood District required 33% affordable housing which would be 13 units dispersed throughout the project and would not be identifiable as affordable housing.

Mr. Laverriere stated that they had provided the Board with a waiver request, their state and federal permits and a response to earlier staff comments; he stated that since the last meeting they had met with several town departments and their input had been incorporated into the current plan. In response to the Conservation Commission comments, Mr. Laverriere stated that the DEP required that they capture 80% of the runoff for formal treatment in a large pond with some lots being taken care of on their own. He stated that there would be high level thermal treatment and a certain volume of water would be cooled before discharging into the marsh. Mr. Laverriere stated that they had requested a waiver for quantity discharge but were not changing the amount of discharge from predevelopment to postdevelopment. He stated that there was a granite box culvert in use since the 1800s that was in various stages of failure and would be replaced by Mr. Anderson; he stated that this would prevent Eastern Road from washing out again. He stated that they had requested a waiver for the amount of flow which would return to the original 180 cfs of the existing culvert.

Mr. Laverriere noted that their access would be 700 feet in from Black Point Road on Eastern Road where the Eastern Trail and the road coincided. He stated that they would recreate the trail for 700 feet on the north side of the road to separate it from the road. He stated that there had been discussion about providing an easement on the rest of the property for the trail in the future. He stated that the staff had requested construction of the trail to the parking spaces on their land and they were willing to do that but there were three lots, 1, 119 and 120, that were adjacent to the proposed trail and they did not want to push them back. He stated that they wanted the trail to be part of the neighborhood and did not want a substantial tree buffer as requested by the Conservation Commission. Mr. Laverriere stated that they would put in plantings but did not want to hide the neighborhood and the trail from each other; he stated that they were not interested in extending the trail if they had to have separation.

Mr. Laverriere noted that they wanted to apply the recreation fee toward the construction of the trail and the trail through the woods; he stated that they had no problems with changing the surface of the woods trail.

Mr. Bacon noted the Conservation Commission memo and an e-mail from C. D. Armstrong, of the Friends of Scarborough Marsh, encouraging Best Management Practices. He stated that there were memos from Mr. Wendel, Mr. Tubbs and Mr. Bray, who focused on his recommendation for a safe crosswalk at Black Point Road.

To a question from Mr. Fellows, Mr. Laverriere replied that they were willing, and now had DOT's support, to install a DuraTherm crosswalk across Black Point Road. Mr. Paul suggested a caution light at the Eastern Road/Black Point Road intersection that could be activated by a pedestrian. Mr. Fellows stated that he would like to hear elaboration from the Conservation Commission on their request for screening the trail; he stated that he agreed with the applicant that it made more sense to integrate the trail. To a question from Mr. Fellows, Mr. Laverriere replied that they wanted to be able to plow the woods trail and the original request was for it to be paved but the town now wanted a passive woods trail; he stated that the applicant was flexible. Mr. Bacon stated that the Community Services Director wanted the first 700 feet of the new trail paved and he could discuss the remaining section with him.

To a question from Mr. Maynard, Mr. Laverriere replied that Community Services would maintain the section of the Eastern Trail on this property. Mr. Maynard stated that he liked the passive path rather than the pavement but it would have to be maintained. He asked whether there was any area between the road and the trail; Mr. Laverriere replied that they had a restrictive area in which to work, especially near Black Point Road where there would be a four foot esplanade.

Mr. Laverriere stated that further down the trail the esplanade would widen to eight feet and 14 feet where it would connect to the south side of the road. To a question from Mr. Maynard, Mr. Laverriere replied that the houses on Lots 1 and 119 would face the street and the trail would be at their side yards. Mr. Maynard stated that he had been impressed with this project.

Mr. Callahan noted that the first two phases of the project were off Ballantyne Place and off Eastern Road and asked whether all the roads would be built at once. Mr. Laverriere replied that the roads would be built in phases and the two sections would be connected during Phase 3. Mr. Callahan confirmed that there would be no overnight parking on the streets. Mr. Laverriere stated that there would be no visitor spaces for the townhouses but there would be parking outside the public right of way in the private alleys behind the townhouses; he stated that there would be a 20 foot clear right of way for emergency access. To a question from Mr. Callahan, Mr. Laverriere replied that the alleys would now be one-way and would accommodate automated trash pickup. To a question from Mr. Callahan, Mr. Laverriere replied that they did not know whether they would ever be able to use Ward Street as an access.

Ms. Littlefield stated that, if the lighting equipment were required for the crosswalk, it should be shown with the next submittal and the Town Engineer and the Conservation Commission should be comfortable with the runoff designs for Lots 81 and 83. She asked the function of the ditch along this part of Eastern Road; Mr. Laverriere replied that the ditch was in the right of way and the trail would be on the inside of the ditch. Ms. Littlefield stated that she liked the project. Mr. Chamberlain stated that he, too, liked the project. He asked why the reserved land was not being developed at this time; Mr. Laverriere replied that they wanted to get through the process as quickly as possible and this land would have held up the process because of its wetlands. He stated that there could be no more than 41 lots on the reserved land. Mr. Chamberlain asked about mailbox locations; Mr. Anderson replied that the three options were in the alleys, on the front of the houses or a central location in a structure such as a neighborhood store, but he had not made a final decision.

Mr. Chamberlain stated that he was against buffering the trail; he stated that it may make more sense to have restrooms at the Sanitary District's pump station rather than near the homes. He stated that he had been concerned about odors from the pump station but a lot of improvements had been made. He stated that people who buy near the pump station should be made aware of its existence. Mr. Chamberlain stated that he was not convinced the recreation fee should be dollar for dollar for the trail but should include the toilets.

Mr. Paul asked that the applicant consider DuraTherm for crosswalks at Commerce Drive and across the access Eastern Road as well as the Black Point Road crosswalk. He stated that the CMP lease for lighting in the development should be taken care of prior to the next meeting. Mr. Paul stated that he was satisfied with no buffer on the two lots abutting the trail. He noted that the staff suggested changing the sugar maples along the road to a species that would tolerate salt. Mr. Paul asked that the applicant talk with the Ballantyne Place Association who wanted to erect signage. Mr. Paul noted that the Board would agree to the waivers on street widths and setbacks.

To a question from Mr. Paul, Mr. Laverriere replied that all the wetlands mitigation would occur on the site and they would be creating a wetland next to the pond and doing some stream restoration work; he stated that the mitigation had been approved by the DEP. Mr. Laverriere stated that there would be no wetlands on private property following mitigation. Mr. Chamberlain noted that there were a few single lots that could use shared driveways.

Mr. Anderson stated that he was opposed to the buffer at the trail and was glad the Board agreed; he stated that he wanted to embrace the trail but would be willing to plant trees 30 to 40 feet apart to shade the trail.

8. McDonald's requests site plan approval for 4,000 square foot restaurant on Lot 9 at Scarborough Gallery

Ms. Littlefield stated that, though her company has no association with this project, it does have business with the developer on other projects. The Board had no objection to Ms. Littlefield's participation.

Mr. Bacon stated that the Board had seen the sketch plan and this would be site plan review; he stated that there was a staff report dated January 7, 2008 regarding sign setbacks, parking angles and pedestrian connections. He stated that there was a memo from SYTDesign dated December 12, 2007 and Mr. Bray had established an impact fee total which was different from the original subdivision fee because this is a drive-through and not a sit down restaurant. Mr. Chace stated that he had received proof of right, title and interest.

Attorney Robert Danielson noted that this lot was originally approved for a 7,000 square foot restaurant but the proposed McDonald's would be only 3,886 square feet. Mr. John Kucich, of Bohler Engineering, stated that Lot 9 was a 1.25 acre lot bounded by Spring Street and Gallery Boulevard. He stated that the building would be centrally located on the lot with the front of the building facing Gallery Boulevard and the side with doors facing Spring Street and the loading area would be in the rear. Mr. Kucich stated that there would be 45 parking spaces at the sides of the building and with 75° angle spaces for easy in and out with one way circulation. He stated that customers would drive around the building to get to the window and would drive around once again to exit the site. He stated that there would be 590 feet of queuing space within the site. He stated that there would be a delivery once every four or five days; he stated that there would be a fully enclosed trash container at the rear of the building. Mr. Kucich stated that there would be a monument sign at Gallery Boulevard and another at the opposite side; he stated that they would meet the 15 foot setback requirement.

Mr. Kucich stated that the pedestrian access had been accommodated with crosswalks. He stated that this was a pad site and was very flat; he stated that drainage was taken care of with the subdivision approval and the utilities were available. He stated that there would be a landscaping buffer along Spring Street and around the building with a total of 22 trees and 200 shrubs. Mr. Kucich stated that there would be eleven 20 foot light poles, which was less lighting than the typical McDonald's, and the poles would be lower at the sidewalks. He stated that lowering the height of the poles would create the need for more poles. Mr. Kucich distributed copies of a standard McDonald's building and stated that they had redesigned the structure for a colonial type building with brick and clapboards, and mullioned windows. Mr. Kucich stated that he hoped the Board liked the building which had been specially designed and was one of only two McDonald's like it in the country. He stated that they would change the drive-through side of the building by adding brick near the window and putting up a trellis.

Mr. Callahan noted that 32 parking spaces were required but the applicant was providing 45. Mr. Kucich stated that the developer required one space per 100 square feet of usable space and experience dictated more than 32 spaces. To questions from Mr. Callahan, Mr. Kucich replied that there would be scheduled deliveries during the day but not during peak times. Mr. Kucich stated that the drive-through queuing was much more than they needed. Mr. Callahan noted that sometimes the queue at the Route One McDonald's extended into the parking aisle. To a ques-

tion from Ms. Littlefield, Mr. Kucich confirmed that a customer would go around the building twice to enter and exit the drive-through. He stated that there would be a directional sign at the angled exit from the drive-through so it would be very difficult to turn the wrong way to avoid going around the building again. Ms. Littlefield asked whether the staff was comfortable with the 75° angle parking; Mr. Bacon replied that the Site Plan Ordinance required a 45° to 60° spaces and the 75° angle would make people want to back out and turn the wrong way. He stated that the Board should hear from the applicant regarding the parking angles. Mr. Kucich stated that the angled spaces were the corporate standard at thousands and thousands of restaurants. Ms. Littlefield asked whether there would be landscaping at the dumpster near the abutting Reny property; Mr. Kucich replied that there would be trees around the dumpster and a fence along the property. Ms. Littlefield stated that this building was not as colonial as she would like. Mr. Kucich stated that the mechanicals were within the four foot roof parapet. Ms. Littlefield stated that the rear elevation of the building was boring. Mr. Kucich stated that they would supplement it with a trellis and landscaping.

Mr. Chamberlain commended the modifications bringing the building into compliance but he would like to see some landscaping near the building on the Spring Street side. Mr. Kucich stated that they could put landscaping there but would have to give up some of some of the landscaping along the street to accommodate the parking and they thought it would be better to enhance the street landscaping. Mr. Bacon stated that the parking aisle width could be less. Mr. Kucich stated that they wanted a passby area for customers going to the drive-through.

Mr. Maynard stated that he did not see a peaked roof as required by the design standards and from the windows up, it was just a box. He stated that the design standards should be met. Mr. Shire agreed and stated that this was a bad building and the applicant could do better. Mr. Shire noted that he had read that McDonald's would be selling upscale coffee to compete with Starbucks and asked whether that would affect traffic at this location. Mr. Kucich replied that people drink coffee and changing the brand would not affect traffic. To a question from Mr. Maynard, Mr. Danielson replied that the buildings in Freeport and Yarmouth were existing buildings purchased by McDonald's. Mr. Danielson stated that not all New England colonial buildings had peaked roofs and there were green metal roofs in the area that were not colonial. He stated that a box was the most efficient design for a restaurant and this roof design really worked for the mechanicals; he stated that it was still a McDonald's with or without a peaked roof. He stated that the design standards did not allow fake mansards or roofs designed to hide the mechanicals; he stated that Bedford, Massachusetts thought this was colonial enough for them and he did not understand the Board's dismay. Mr. Maynard reiterated that it was just a box with bricks.

Mr. Fellows appreciated the work done in response to the Board's comments and stated that he was not so much concerned with the peaked roof as he was with the side of the building facing the corner which needed a little more visual interest for the roof and the blank façade. To a question from Mr. Fellows, Mr. Kucich replied that the fence at the rear would be on McDonald's property. Mr. Fellows stated that he would favor enhanced landscaping at Spring Street as it was still a corner location.

Mr. Paul asked whether a special crosswalk material could be used at the main entrance, the end of the drive-through lane and the crosswalks across the street to Wal-Mart. He asked that the applicant consider reduced lighting when the restaurant was closed. Mr. Kucich stated that the access road to Wal-Mart was not under their control but they could discuss the crosswalk with Wal-Mart; he stated that they did not leave the parking lot lighting on when they were closed. Mr. Paul noted that there was a requirement for landscaping between the building and the sidewalk and that should be addressed. He stated that the 75° parking space made it too easy to turn

the wrong way and spaces that met the required 45° to 60° angle would give more room for landscaping at the building. Mr. Paul stated that he thought the applicant had made substantial strides from the initial presentation but felt the design standard should be more closely followed; he stated that he would not say that he would not approve the building without a peaked roof, but the building could be dressed up and the design standards say that a corner lot needs prominence on the corner that faces two streets. He stated that he would be less concerned with a flat roof if more were done architecturally on the west wall.

Mr. Kucich stated that he would address the Board's concerns; he stated that they had situated the building so the prominent features would face the main roads. Mr. Paul stated that the prominent features should be on the corner and the Board had to maintain consistency with all applicants though the Board did not want cookie cutter buildings throughout town.

9. Administrative Amendment Report

Mr. Chace stated that there was a request from Maine Medical Center to install a small transformer building with their other mechanicals in the rear of the building and the Planning Board Chairman had been comfortable with an Administrative Amendment.

Mr. Chace stated that there was a request from the Grondins for a business directional sign at the entrance to Border Road and Mr. Paul was also comfortable with this Administrative Amendment.

10. Town Planner's Report

There was no report.

11. Correspondence

Mr. Chace noted that he had a memo from Maine NEMO announcing a training session for Conservation Commissions and other interested parties at the South Portland Council Chambers on Thursday, January 10, 2008. He stated that he would be attending and would welcome any Board members who wanted to join him.

12. Planning Board Comments

Ms. Littlefield moved to elect Mr. Paul as Chairman and Mr. Fellows as Vice Chairman for the year 2008; Mr. Callahan seconded.

Voted 5-0

Mr. Bacon welcomed the two new members to the Board. Mr. Maynard stated that they had taken the place of two great Board members.

13. Adjournment

The meeting was adjourned at 11:15 P. M.