

Town of Scarborough

Planning Board

February 19, 2008

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (January 28, 2008)
4. Eastern Village, Ballantyne Development LLC requests final subdivision approval for traditional neighborhood development off Commerce Drive and Old Eastern Road
5. Darling Bedworks, David Darling requests site plan amendment for site at 582 U. S. Route One
6. Southborough, Peter Anastos requests site plan approval for restaurant development on Lot 200
7. Administrative Amendment Report
8. Town Planner's Report
9. Correspondence
10. Planning Board Comments
11. Adjournment

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

Town of Scarborough

Planning Board

February 19, 2008

MINUTES

Members Present

Staff

Mr. Callahan
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 7:05 P. M.

2. Roll Call

The Recording Secretary called the roll; Mr. Chamberlain was absent. Mr. Paul authorized Mr. Shire to vote.

3. Approval of Minutes (January 28, 2008)

Mr. Paul noted that on page 12, the vote should read 4-0 to deny. With that amendment, Mr. Shire moved to approve the minutes of January 28, 2008; Mr. Callahan seconded.

Voted 5-0

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

Mr. Bacon noted that the Board last saw this item on January 7, 2008 at which time there were a few outstanding items, such as details on the stormwater, the Eastern Trail and establishing boundaries within the open space. He stated that the comments had been addressed. Mr. Bacon stated that there were memos from SYTDesign dated February 18, 2008, and Mr. Wendel dated February 15, 2008; he stated that the Community Services Director had approved the trail design and some adjustments had been made in response to the Conservation Commission regarding the quantity standards for runoff. Mr. Bacon stated that there was a staff report that recommended the recreation fee be waived in lieu of construction of the Eastern Trail and the Ballantyne Drive to Vista Drive trail connection.

Mr. Bacon read an e-mail as follows: "The Conservation Commission understands that a group of concerned citizens have filed a petition to the Board of Environmental Protection to revoke and modify the DEP stormwater license for the Eastern Village development. Item 4 should be tabled until the Board of Environmental Protection responds to this petition and any necessary changes are made to the Eastern Village stormwater license." Mr. Bacon noted that there was a memo from Robert Green, of the DEP regarding modification of their permit. Mr. Bacon stated that he had provided a draft motion for the project and staff was comfortable that the project met the standards and felt it was ready for approval.

Mr. Kerry Anderson, of Ballantyne Development, stated that he had worked cooperatively with the Town departments and the Conservation Commission to resolve outstanding issues and the waiver request for the flooding standard. He stated that he felt they had done everything they could. Mr. Anderson stated that he did not support buffering the project from the Eastern Road and the perspective showed how the area would look with the trail along the site. He stated that he wanted to allow the neighborhood to access the trail and for trail users to be able to walk through the neighborhood. Mr. Anderson showed a perspective looking from the park inside the project.

Mr. Paul noted that this was not a public hearing but he would allow people to speak; he asked that they limit their comments to three or four minutes and not repeat what someone else had said. He stated that questions should be directed to the Board and there should be no discussion between the public and the applicant.

Mr. Edward Karabec, of 5 Kimball Drive, stated that he lived in the Old County Road neighborhood and was not opposed to the project, but it did abut a sensitive marsh. He stated that the neighbors would like to see traffic control and lighting information; he stated that this project would direct runoff into the marsh where the water level was rising and there was flooding in the neighborhood. Mr. Karabec stated that they would like to see all stormwater discharge sent to the west of the Scarborough Sanitary District easement and that a monitoring program be implemented so runoff did not create contamination. He stated that the low impact standards of the DEP should be the standard for this project. Mr. Karabec stated that lighting should be shielded with full cutoff fixtures and traffic should be encouraged to use Route One rather than Black Point Road.

Mr. Tom Daly, of 33 Old County Road, talked about the Eastern Trail; he stated that they had met with Mr. Bacon, Mr. Anderson and the abutter to discuss the trail which was then 12 feet wide. He stated that trail users would leave Black Point Road and would have to cross the access road to this development where there would be 400 to 500 vehicles, making it difficult to get across the development road. He stated that the trail was flawed and the idea of the trail was not to see development and he did not think the development enhanced the trail. He stated that there were only two existing homes that were near the trail and those owners had buffered the trail. He stated that the trail was designed for room to expand and this area was only 10 feet wide. Mr. Daly proposed that the Board not approve Phase III of the plan until the Eastern Trail Alliance had an engineer design the trail, which would belong to and be maintained by the Town. He stated that trails were a high priority in the Comprehensive Plan.

Mr. Paul Austin, of 3 Tide Mill Lane, stated that a petition was filed with the DEP because the waiver granted for the flooding standard was improper, though that was being addressed. He stated that, even more important, was that in order to get a DEP permit the applicant needed right, title and interest to all property involved, but there was no easement given by Inland Fish and Wildlife to put a 200 foot pipe under Eastern Road. He stated that he did not care that the pipe would exist but an easement was required. He stated that he believed the permit was invalid until that easement was shown and the Planning Board was not right to approve the project.

Mr. Charles Webber, of 84 Winnocks Neck Road, stated that he had followed this project for years and there had been countless meetings and studies and at this last hour, it conformed with the requirements and he thought it would be a model development for the center of town. He urged the Board to give final approval.

To a question from Mr. Callahan, Mr. Bacon replied that the language regarding on-street parking

had been removed from the conditions because it was addressed on the subdivision plan. To a question from Mr. Callahan regarding overnight parking; Mr. Anderson replied that there would be parking in the alleys behind the townhouses and an 18 space parking lot at the end of an alley for community parking. He stated that, as on any other street in Scarborough, there would be no on-street overnight parking. Mr. Callahan asked about traffic exiting into Black Point Road; Mr. Joseph Laverriere, of DeLuca-Hoffman, replied that the DOT approved the intersection which would not meet warrants for a signal but there would be left and right turn exit lanes and markings. He stated that there would be crosswalk improvements and a pedestrian-activated light.

Ms. Littlefield asked how close walkers would be to the buildings on Lots 1 and 19; Mr. Anderson replied that the houses could be 10 or 20 feet from the trail; he noted that one of the lots could be a small, neighborhood business or a home with an in-home business. He stated that the business would have no sign and would not attract business outside the development. To a question from Ms. Littlefield, Mr. Laverriere replied that there would be only one street crossing the trail. Ms. Littlefield stated that she was not offended by having the trail open to the homes and she was in favor of the pedestrian-activated light on Black Point Road. Ms. Littlefield asked about the easement from Inland Fish and Wildlife; Mr. Anderson replied that they had permission to replace the culvert and the town had an easement from Black Point Road past the Sanitary District pump station and the town had requested that he replace the culvert and put their stormwater into that culvert. He stated that they had an easement from Inland Fish and Wildlife for the access.

Mr. Fellows asked the status of the modified permit from the DEP; Mr. Anderson replied that it had been submitted; he stated that they had met every standard required by the DEP and their analysis was reviewed by six engineers, none of which had any issues; he stated that the waiver was not an issue. Mr. Anderson stated that they agreed to modify the permit at the request of the Conservation Commission and they had a letter from the DEP stating that their runoff was satisfactory either way.

Mr. Paul asked the direction of the stormwater; Mr. Laverriere showed the Sanitary District pump station and noted that there was a berm with a culvert where the rising water levels were a problem; he stated that stormwater from this project would drain further down and to the west of the District's easement.

Mr. Fellows asked how the responsibility of the homeowners association for Condition No. 7 would be enforced; Mr. Bacon replied that the DEP permit required monitoring of the stormwater system but the town did not monitor. Mr. Anderson stated that the Conservation Commission implied that they were releasing the stormwater directly into the marsh. He stated that the DEP requirements were very strict; he noted that their silt fence had to be inspected by a third party inspector to certify to the DEP that erosion and sediment control measures were followed properly. He stated that this project would be under a microscope with the DEP. Mr. Fellows asked what would be required from the DEP when the property was built out. Mr. Laverriere replied that the DEP required that as part of the stormwater management plan he had to outline inspections, monitoring and maintenance requirements and logs. He stated that, as a DEP project, there would be a five year recertification process.

Mr. Fellows stated that he did not have a problem with the lack of buffer to the trail; he stated that this was part of the TND Zone which encouraged integration with the community and this strikes a good balance. Mr. Maynard stated that the applicant had addressed all the Board's concerns and done every thing asked of him and anyone with concerns should have been at earlier meetings.

To a question from Mr. Paul, Mr. Laverriere replied that they had submitted the lighting catalog

earlier in the process and the light fixtures would have a glass top that would reflect the light downward with a cutoff fixture. Mr. Bacon stated that the design of the lights was higher end than what the town usually saw but they met the standards. Mr. Paul stated that traffic had been discussed at length at earlier meetings. He stated that there had been workshops discussions regarding the location of the trail and the conclusion was that it should be on the north side of the Eastern Road and it fit nicely with what the TND Zone was trying to accomplish.

Mr. Paul asked whether there could be consideration given to creating the entire trail as part of Phase II; Mr. Anderson replied that he had asked for a reprieve from building the trail all at once because of the cost of constructing all of the infrastructure, but he would get it done during Phase II. Mr. Paul noted that signage would need to be approved by the Board. Mr. Paul stated that the Board and the applicant had been working on this project a long time and it was a well run, if difficult and challenging, development process. He stated that the applicant had been extremely cooperative and had gone out of his way to accomplish everything the Board requested. Mr. Callahan confirmed that the roads and the sewer work would go along with the phasing.

Mr. Paul moved that the Planning Board approve the application of Ballantyne Development LLC under Chapter 406 the Town of Scarborough Subdivision Ordinance for the final subdivision plan for Eastern Village with the following findings, waivers and conditions:

Findings

The applicant proposes a one hundred and fifty-four unit (154) residential subdivision in accordance with the R-4 and Traditional Neighborhood Development (TND) overlay districts. The Planning Board finds that the subdivision meets the TND development standards. The development will include thirteen (13) out of the thirty-nine (39) bonus dwelling units as affordable housing. The development has been designed with 10.9% of the net residential area designated as open space and has been substantially laid out in grid pattern with interconnected streets. The streets within the development have been designed to be low-volume with 20' pavement widths, shade trees and sidewalks that provide for pedestrian movement and connectivity. The subdivision includes a range of housing types and also includes lots identified for possible nonresidential uses. In accordance with Section XVI.A. E. of the Zoning Ordinance, the Planning Board finds the modifications to the space and bulk requirements for this development to be consistent with the purpose of the TND and in accordance with Section VII.

In addition, the Planning Board finds that the subdivision meets Section 4. and 6. of the Subdivision Ordinance and Title 30-A M.R.S.A. Section 4404. More specifically, the Town Engineer and consulting engineer have reviewed the storm water design and have confirmed that the subdivision's storm water management system meet the Maine Department of Environmental Protection's water quality and water quantity standards. In regards to traffic impacts and congestion, the traffic impact fee totals for the Oak Hill, Payne Road corridor, and Dunstan Corner areas as well as the intersection improvements at Black Point Road and Eastern Road are found to be acceptable as per the Town's traffic consultant's memo of January 6, 2008. The Planning Board also finds that the Maine DOT traffic movement permit was issued for this project on April 11, 2007.

In lieu of the recreation contribution, the Planning Board finds that the construction of the new 1,800' segment of the Eastern Trail paralleling the Eastern Road and the 620' of trail connecting Vista Drive and Ballantyne Way, both of which will be open for community use, meets Section 6.3 of the Subdivision Ordinance.

Waivers

In association with the alternative street design standards, the Planning Board grants waivers for the minimum centerline radius's, minimum tangent between curves of reverse alignments, minimum distance between street intersections, minimum property radius's at intersections, and curb and pavement radii at intersections, which are more specifically described in attachment C of the applicant's submission material dated November 29, 2007.

Conditions

1. The subdivision shall be constructed in accordance with the subdivision plans entitled "Site Development Plans for Eastern Village, Scarborough, Maine November 2007" prepared by DeLuca-Hoffman Associates dated July 2006 and revised 2-4-08, plus any subsequent revisions approved by Planning Staff at the direction of the Planning Board.
2. Prior to the release of the attested final subdivision plan to the applicant for recording at the Cumberland County registry of deeds, the Payne Road Impact Fee amount of \$7,841.98 shall be paid to the Planning Department. (District 1 = \$896.58; District 2 = \$2,339.36; District 3 = \$1,497.15; District 4 = \$1,059.85; District 5 = \$2,049.04)
3. Prior to the release of the attested final subdivision plan to the applicant for recording at the Cumberland County registry of deeds, the Dunstan Corner Improvement District Impact Fee amount of \$4,697.00 shall be paid to the Planning Department.
4. The Oak Hill Mitigation Fee shall be paid on a per phase basis. The fee total of \$115,515.00 divided by 195 dwelling units equals a value of \$592.38 per dwelling unit. Accordingly, the sum of \$592.38 multiplied by the number of dwelling units planned in a given phase shall be paid prior to the issuance of a building permit within that phase of development.
5. Prior to the issuance of building permits for the multiplex dwelling units, the townhouse dwelling units, the non-residential uses, and the associated driveways, parking and site amenities for each, the applicant shall return to the Planning Board for site plan review and approval for these components of the development.
6. As per the standards for the density bonus for affordable housing, the applicant shall deed restrict thirteen (13) out of the thirty-nine (39) bonus dwelling units as affordable housing units. These thirteen affordable housing units shall meet the provisions within the definition for Affordable Housing in the Town of Scarborough Zoning Ordinance. These 13 affordable housing units shall be of the same design and construction as the market rate dwellings and the construction of the units shall be constructed in accordance with the applicant's phasing plan within their submission material dated November 29, 2007. The designation of a dwelling unit as affordable housing shall be made by the applicant prior to the issuance of a building permit for the unit. The applicant shall make such designation by submitting a written statement to the Planning Department identifying the mechanism by which the sale or lease of the unit will be restricted so as to meet the definition of affordable housing in the Scarborough Zoning Ordinance. If the Planning Department is uncertain about the adequacy of the mechanism proposed by the applicant, then the designation shall be referred to the Planning Board for a decision.

7. The applicant and/or the homeowners association will be responsible for the maintenance, upkeep and snow removal of all common facilities and improvements within the subdivision, including, but not limited to:
 - i. all portions of all roads, alleyways, driveways, parking lots and sidewalks within the subdivision, except the roads that are accepted as public streets by the Town of Scarborough;
 - ii. the entrances and accompanying landscaping, street lighting, street trees, common parks, open space, and the open space trails and paths, except the “Eastern Trail” as shown on the subdivision plan;
 - iii. the stormwater management system
8. The final covenants and homeowner association documents shall be reviewed and found acceptable by the Town Attorney prior to the recording of these documents at the Cumberland County Registry of Deeds.
9. Street numbers shall be located on the front/side of dwellings and non-residential buildings that face the street. Alleyways shall not be used for addressing or mail delivery boxes.
10. The applicant shall install a crosswalk and post-mounted flashing lights at the Eastern Road / Black Point Road intersection, per the specifications of the Town and MaineDOT.
11. Prior to commencing infrastructure construction or the issuance of building permits in each phase of development, the applicant shall submit “phased construction bid plans” for review and approval by the Town Engineer and the Director of Public Works.
12. The applicant shall work with the Ballantyne Homeowners Association to finalize an identification sign that the intersection of Commerce Drive and Ballantyne Drive that collocates both development names on the sign.
13. The applicant shall address the comments in the Town Engineer’s memo of February 15, 2008 and the SYTDesign memo of February 18, 2008.

Mr. Shire seconded

Voted 5-0

5. Darling Bedworks, David Darling requests site plan amendment for site at 582 U. S. Route One

Mr. Bacon noted that the Board had struggled with the size of the accessory outside display and wanted more landscaping for screening and wanted the applicant to come into compliance with the landscaping standards. He noted that the building housed a pet store as well as this business; he stated that Mr. Darling’s business encompassed 800 square feet of the building and the proposed outside display was 10,625 square feet and the Board needed to consider the size of the building use when determining accessory use. Mr. Bacon stated that there was a letter from the Town Attorney with his interpretation of Accessory Outside Displays.

Mr. Darling stated that the Board had received a landscape plan, a letter from Scarborough Economic Development Corp. and a playset catalog. He stated that his outside display would be of quiet playsets, not automobiles or industrial use. He stated that there had been outside display on this site since 2002 with no opposition and no strain on town services. Mr. Darling read a letter from his attorney with four points explaining why his accessory display met the ordinance requirements. Mr. Darling stated that he would agree not to put display in the buffers or in the way of traffic. He stated that whether display was a principle use or activity was not often gauged by size. He stated that it was important to stay focused on what the ordinance allowed and his lawyer had demonstrated that he met all the criteria and felt the application should be granted.

Mr. Shire stated that he did not agree with Mr. Darling's attorney's interpretation of the ordinance, which did not agree with the Town Attorney's opinion, and he did not see how the Board could support Mr. Darling's interpretation. Mr. Fellows stated that he did not feel compelled to disagree with the Town Attorney. He stated that he viewed the display as a showroom and felt the same way he did at the last meeting that the expansion was significant. Ms. Littlefield stated that the applicant needed an outdoor showroom but, according to the Town Attorney, not in this location. Mr. Callahan asked whether the applicant could apply to the Zoning Board for a variance; Mr. Bacon stated that the TVC Zone did not allow outside sales and service and the Town Attorney suggested that if there were more outside space than inside space it is not secondary. He stated that this proposal meets the definition of outside sales which was not allowed. Mr. Callahan stated that he agreed people wanted to see what they were purchasing; he stated that he thought the applicant needed some kind of display but the Board could not grant permission if it was not allowed in this zone.

Mr. Darling reiterated that outdoor sales was not allowed and he was not doing outdoor sales; he stated that the Town Attorney agreed they were doing display. He stated that that playsets would not be in a natural environment if displayed indoors. He stated that his existing display was exempt and he was asking for it to be expanded. Mr. Bacon stated that outdoor display was not exempted from the definition of outdoor sales and service simply because the site plan was approved before 1994; he stated that it did not have to be shown on the plan prior to 1994 but did have to meet the definition of accessory display and not sales.

Mr. Paul stated that most of the discussion lent itself to the legality as opposed to the role that the Board played with planning and development and he struggled with the fact that the Board was being asked to address the legality of the display. He stated that he agreed that, at this point, it was best that the Board follow the recommendation of the Town Attorney who does not indicate that a display is not allowed but what the size can be.

Mr. Darling stated that this request should not have any bearing on the land reclamation request and he would like to proceed with that. Mr. Bacon stated that all the conditions for the land reclamation were met and that issue was not before the Board tonight. Mr. Paul stated that the motion would address the reclamation. To a question from Ms. Littlefield, Mr. Darling replied that the display was now 2,900 square feet.

Mr. Paul moved that the Planning Board conditionally approve the application of Darling Bedworks under Chapter 405 the Town of Scarborough Zoning Ordinance and Chapter 405B the Town of Scarborough Site Plan Review Ordinance for the Darling Bedworks site plan amendment with the following findings and conditions:

Findings

The Darling Bedworks site is located at 582 U.S. Route One within the TVC District and currently includes an existing 3,600 sq. ft. building which is occupied by two different businesses, Pawsitively Pets and Woodplay of Maine. According to the Town's building permit files Pawsitively Pets occupies 2,800 sq. ft. of the building and Woodplay of Maine occupies the remaining 800 sq. ft.

The applicant has applied to the Planning Board for site plan review to reconcile some past changes to the parking area that occurred in association with moving a structure from the site as well as to propose additional off-street parking, drive aisle width, and 9,500 sq. ft. +/- of accessory outside display for use by Woodplay of Maine. This site plan review process was also condition of approval of the Land Filling and Reclamation Permit that was issued for the site in October of 2007.

In regards to the parking lot changes, the Planning Board finds that the site plan enhances the parking lot layout and improves accessibility and safety for visitors to the site.

In regards to the proposed accessory outside display for Woodplay of Maine, the Planning Board finds that the square footage (9,500 sq. ft.) of the display area cannot be considered accessory (secondary and incidental) to the 800 sq. ft. business that operates principally within the building. Rather the Planning Board finds that the size of the outside display area in relation to the display area available within the building meets the definition of "Outdoor sales and services." As outlined in the Town Attorney's letter dated February 4, 2008, outdoor sales and services is a use where "merchandise is sold or displayed principally outdoors..." and the Planning Board finds 9,500 sq. ft. of outside display vs. 800 sq. ft. of inside display meets that definition. In addition, the Planning Board finds that outdoor sales is not a permitted use in the TVC District. Given this, the Planning Board does not approve the outside display area proposed by the applicant and therefore conditions an accessory outside display area that meets the standards of the Zoning Ordinance (condition 2).

Conditions

1. The landscaping and parking lot changes shall be installed as per the Darling Bedworks Planting Plan dated 2-4-08.
2. The site plan shall be amended to establish an 799 sq. ft. accessory outside display area in the same vicinity as the proposed display area and shall be submitted within 60 days to Planning Staff for review and approval.
3. The applicant shall finalize and execute the Letter of Credit for the Land Reclamation on the site.

Ms. Littlefield seconded.

Voted 5-0

Mr. Darling stated that this is tough to swallow; he stated that the zone had been changed from a B-2 Zone to a TVC Zone during his project. He stated that this was a huge decrease in his display that was allowed and now it was being made a lot smaller.

Mr. Paul called a recess at 9:00; the meeting resumed at 9:05 P. M.

6. Southborough, Peter Anastos requests site plan approval for restaurant development on Lot 200

Mr. Paul stated that, because the DOT and DEP permits had not yet been received, there would be only a discussion tonight with no approval. Mr. Bacon stated that this was the second phase of an existing project. He stated that there was a staff report commenting on the turning radius for the Fire Department, landscaping in the parking lot and pedestrian access to the existing hotel.

Ms. Maureen McGlone, of Gorrill Palmer, stated that in October 2007 they proposed a hotel and restaurant on this site but the hotel may not be built and they had maximized the impact so the DEP approval would allow the highest use for an 11,000 square foot restaurant with an additional 150 parking spaces. He stated that they had no tenant for the second structure but used that figure for the DEP permitting process. Mr. Adams stated that he and two partners would own the restaurant, Sebago Brewing Co., and would do the bulk of their brewing in Gorham. Ms. McGlone stated that they had addressed the staff and SYTDesign comments.

Ms. McGlone stated that the building access would be off Southborough Drive and would go straight to the restaurant; she stated that they made architectural changes by bring the building entrance to the side with architectural features at Payne Road. She stated that parking would be in the rear with spaces on the sides. She stated that the dumpster would be well-landscaped and not visible and there would be a timber guardrail to separate the parking from Payne Road and around the bio-retention cell. Ms. McGlone stated that there would be heavy bands of landscaping around the parking lot and the area to compensate for parking space reduction; she stated that they showed 16% landscaping within the parking lot.

Ms. McGlone stated that lighting would be consistent with Phase 1. She stated that they were working on pedestrian access which would go across the parking lot and connect the sidewalk to the building. She stated that they would modify the existing sidewalk to bring it around the parking. Ms. McGlone stated that they had discussed the utilities with Portland Water District and the City of South Portland and gas would be supplied via Payne Road. She stated that there would be a right turn lane into Southborough Drive. She stated that the sewer would be connected to the existing manhole at Southborough Drive. She stated that they would put in another fire hydrant and the 50 foot turning radius at the request of the Fire Department. Ms. McGlone stated that they had met with the DOT and would address Mr. Bray's traffic comments.

Ms. McGlone stated that they had added a crosswalk as part of the application to the DOT and a sidewalk at Payne Road; she stated that Duratherm would be used for the crosswalk. She stated that they had applied to the DEP for the drainage; she stated that the stormwater treatment would be taken care of for both Phase 2a and 2b. Ms. McGlone noted that the discharge would have a control for large storms to bypass the treatment system; she stated that there was a watershed behind the site so it made sense to let large storm runoff before the peak flow. She stated that there would be no additional wetland impact.

Mr. Pat Carroll, of Carroll Associates, stated that they wanted to integrate the landscaping with the existing hotel and the landscape plan showed the similar level and size of the plantings. He stated that the existing pines along Payne Road and Southborough Drive would be retained and would be supplemented with 25 evergreen trees to fill in the gaps at the corner near the service area of the structure. He stated that there would be screening near Pizza Plus with evergreen planting and shrubs at the other corner of the site. Mr. Carroll stated that there would be islands of trees with shrubs and perennials in the parking lot. He stated that they would enhance the façade and soften the building and create a pedestrian access to the building; he stated that they

would provide privacy for the outdoor dining area; he stated that the existing berm would remain at the front of the building. Mr. Carroll showed the bio-retention area with water-tolerant plants to help absorb toxic material from the parking lot.

Mr. Joseph Delaney, of Whipple Callender Architects, stated that the building would be 7,300 square feet with a 700 foot outside terrace dining area. He stated that the structure would be a steel frame building and they had followed the design guidelines; he stated that the height of the building would be 14 feet to the eaves with a flat roof. Mr. Delaney stated that there would be architectural interest in the building profile with an open corner view at Payne Road where there would be a function room. He stated that they would like to have wall signage at the Payne Road corner. He stated that there would be a small scale retail store with an entrance separate from the restaurant. Mr. Delaney displayed the elevations and stated that they would have vinyl siding with substantial trim in two tones of gray and a stone base.

To a question from Mr. Callahan, Ms. McGlone replied that they would install the sidewalk to the future building with the construction of this phase. She stated that they proposed to DOT that they continue the sidewalk along Payne Road with a crosswalk across the street and a walk light at the existing traffic light. She stated that their offsite improvements would be a right turn lane in the existing DOT right of way.

Ms. Littlefield thanked the applicant for shifting the building and asked how many patio seats there would be; Ms. McGlone replied that there would be about 30 seats. To a question from Ms. Littlefield, Mr. Carroll replied that they had planted blueberries in the bio-retention area where they would grow well in wet soil and would make a good groundcover. Ms. Littlefield noted that the planting chart needed some editing. Ms. Littlefield noted that flat roofs were not her favorite. To a question from Ms. Littlefield, Mr. Adams replied that they sold beer and other merchandise in the retail area. To a question from Ms. Littlefield, Ms. McGlone replied that wetlands in a can was a manufacturing term for a treatment chamber with plants, which provided filtering and treatment; she stated that there would be chambers in the parking lot to store stormwater prior to flowing into the treatment chambers.

Mr. Maynard stated that he was against flat roofs. Mr. Delaney stated that this was a tight site and, for a restaurant, a peaked roof did not take care of the need for equipment. Mr. Shire stated that this was a well done, interesting project. Mr. Fellows stated that he appreciated the explanation for the flat roof and the change in the parking lot configuration and the thoughtful landscaping plan. He stated that he would like to see a rendering of the view corridors. To a question from Mr. Fellows, Mr. Adams replied that their lease in South Portland would end in January 2009 and they felt this was a better location and would like to have a new facility.

Mr. Paul thanked the applicant for listening to the Board and eliminating the parking in the front of the building. He confirmed that the sidewalk tipdowns were ADA compliant. To a question from Mr. Paul, Mr. Delaney replied that the blue metal awnings were intended to be there year round. To a question from Mr. Bacon, Ms. McGlone replied that the existing hotel's monument sign may also have small signs for the tenants but that was not yet settled.

7. Administrative Amendment Report

Mr. Chace noted that a transformer building at Maine Medical Center that was discussed at an earlier meeting and needed an adjustment to the DEP approval had been approved administratively.

8. Town Planner's Report

Mr. Bacon reminded the Board about the workshop with the Town Council on Tuesday, February 26, 2008, regarding a Contract Zone for a new retirement facility.

Mr. Bacon stated that there were plans to be signed for Eastern Village.

9. Correspondence

There was no correspondence.

10. Planning Board Comments

Mr. Maynard stated that, as the Town's cameraman, he had seen the Eastern Village project for two and a half years and people had ample time to make their comments prior to tonight's meeting when the project was ready for approval. He stated that it was only fair to the applicant for people to come forth before the plans were ready to be signed. Mr. Paul stated that the public could call or write the staff with their concerns.

11. Adjournment

The meeting was adjourned at 10:15 P. M.