

**PLANNING BOARD MEETING
MINUTES
TOWN OF CUMBERLAND
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, April 17, 2012
7:00 p.m.**

A. *Call to Order*

Chairman Neagle called the meeting to order at 7:00 p.m.

B. *Roll Call*

Members Present: Chris Neagle, Chair, Gerry Boivin, Ronald Dillon, April Caron, Peter Sherr

Members Absent: John Ferland, Vice-Chair, Peter Bingham

Staff Present: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant

C. *Approval of Minutes of March 20, 2012*

Mr. Dillon moved to approve the minutes of March 20, 2012 as amended.

Ms. Caron seconded.

VOTE: Unanimous 5-0

D. *Staff Site Plan Approvals: -*

1. Farm Stand at 295 Tuttle Road, William James, Owner. Ms. Nixon presented a brief overview of the proposed farm stand, stating it is in accordance with the Comprehensive Plan.

E. *Hearings and Presentations:*

1. ***Public Hearing: To recommend to the Town Council draft zoning amendments to the Official Overlay Zoning map to expand the Setback Overlay District 1, Section 204.17.1 of the Zoning Ordinance to include the following properties: Tax Map U06, Lot 87, 145 Foreside Road, U06< Lot 86, 149 Foreside Road; U06, Lot 85, 1 Wildwood Blvd, and Tax Map R01, Lot 2B, 2 Birch Lane.***



Ms. Nixon stated this is a request that started at the Town Council and has been referred to the Planning Board for public hearing. The proposal has changed from the original request to include the property at Map R01, Lot 2B at 2 Birch Lane. The Code Enforcement Officer, Bill Longley has reviewed the proposal and included a memo in the packet. Mr. Shane is present to give an overview of the proposal.

Mr. Bill Shane, Town Manager reviewed the proposal as follows: The request originated with the Armstrong's at 145 Foreside Road, as you can see from the enclosed plot plan their house is non-conforming, but if it was included in the SOD1 overlay district it would conform. The Council looked at the proposal and included the two parcels between Wildwood and the Armstrong's property. The Ferland's at 2 Birch Lane have requested to be included to also make their lot conforming. The house at 2 Birch Lane is essentially part of Wildwood Blvd; and is a piece of land that was originally a caretaker's cottage on the Payson Lot.

Mr. Dillon asked what surrounds the lot at Map R01, Lot 2B.

Mr. Shane stated that is a large piece of land that was the Payson Estate; this property has a walking trail.

Mr. Neagle asked if the house at 2 Birch Lane was essentially part of the Wildwood neighborhood.

Mr. Shane stated yes.

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

Mr. Neagle stated it seems like a great idea and he would support the recommendation.

Mr. Dillon moved to recommend to the Town Council draft amendments to expand the Setback Overlay District 1 to include the following properties; Tax Map U06, Lot 87, 145 Foreside Road, U06, Lot 86, 149 Foreside Road; U06, Lot 85, 1 Wildwood Blvd, and Tax Map R01, Lot 2B, 2 Birch Lane; as shown on the attached map.



Mr. Sherr seconded.

VOTE: Unanimous 5-0

- 2. Public Hearing:** Major Site Plan Review for a mixed use development at 319 Main Street, Tax Assessor Map U13, Lot 110 in the Town Center District (TCD); Flash Island, Inc., Applicant, Owner, Scott Decker, P.E., SYTDesign Consultants, Representative.

Mr. Neagle stated this is the second review for this project, last month the Board conducted a site walk prior to the meeting and reviewed the request which was tabled by the Board pending outstanding issues

Ms. Nixon presented background information as follows: The applicant and owner of the parcel is Jim Guidi, dba/ Flash Island, Inc. The parcel is shown on Tax Assessor Map U12, Lot 110. The applicant proposes to redevelop the .76 acre parcel by converting and expanding the existing residential structure into a café / grocery (Phase I) and to construct a new building that will have 2-1 bedroom apartments on the second floor and a fitness center on the first floor (Phase 2). The applicant would like approval for both phases at this time.

Mr. Jim Guidi, Applicant addressed comments from the last meeting as follows:

- **Sound levels and odor (ventilation and dumpster):** *The original plan was to have outside seating on a deck fronting Main Street. The deck has been eliminated. The Dumpster will have a cover and be emptied on a regular basis to avoid odors. The kitchen hood has been re-located to the rear of the building and will have a Hoodmart HMEX 36-B Kitchen Exhaust hood with 0.50" static pressure. This equates to 72.57 dB, which is less than the maximum 75 dB allowed. A catalogue cut sheet was provided for the Board.*
- **Provide additional information on the uses in Phase 2 building:** *There are two uses intended for Phase 2 building. The second floor will have two 1,000 sq. ft. residential apartments and the first floor will be a 2,000 sq. ft. fitness center. There will be a mix of cardio equipment, free weights, and open space for activities such as Yoga or Pilates. There will be no shower or locker rooms.*
- **Buffering for all adjacent properties, including the high school:** *The landscaping and buffering plan has been amended spruce trees and raised bed gardens have been added. There will be buffering for the high school, and the chain link fence will remain with no gate / access from the high school. Mr. Guidi discussed the MSAD fencing with the Dr. Hasson, Superintendent, and the MSAD don't want a solid fence and no gate. The fence will remain the same and three additional trees have been added. The Osgood Village buffer will be a 6' foot solid natural cedar fence with round caps; which will extend 300' with the last 8' section closest to Main Street tapering to 4' for traffic. There will also be plantings.*
- **Traffic Study:** *A traffic study was conducted by Eaton Traffic Engineering*
- **Parking & Circulation Plan:** *A sketch showing turning movements of delivery trucks was included in the packet. There will be one vendor that uses only semi-trailers for deliveries. This vendor delivers once a week and will back into the site and park on the access drive or park on Main Street for the short length of time to make a delivery. Delivery times would be between 9:00 a.m. and 2:30 p.m.*
- **Elevation Drawings and location of Phase II Building:** *Building elevations were provided, the location of Phase II building has been shifted to the southeast along the side property line to provide more space between the building and the abutting property to the North. The Phase II building is being relocated to the back of the property approximately 50 feet which is the furthest possible without interfering with the stormwater management plan. The Phase II building will be colonial style with vinyl clapboard siding will be Mountain Cedar a (dark tan) color. The front café building will be white.*

Ms. Caron asked about the location of the HVAC unit for the Phase II building, and asked if there was information regarding sound for that unit.

Mr. Guidi reviewed the location of the HVAC on the plan and stated he had no information regarding noise from the unit.

Mr. Neagle clarified the view and location of the front of the Phase II building, and siding type.

Mr. Guidi continued to address outstanding issues as follows:

- **Lighting Plan:** *This has been submitted, the lights will be changed to LED bulbs and the fence location has been re-calculated; there will be zero light trespass.*

Mr. Neagle asked the Board for any questions of Mr. Guidi.

Ms. Caron asked about the possibility of an entrance from the school property.

Mr. Guidi stated he talked with Dr. Hasson, Superintendent of the MSAD regarding security and access and stated he thought the school would have to go through site plan for any changes to this plan. Mr. Shane stated there might be an internal approval process. The only spot if this were to happen is off from the second building.

Ms. Caron agreed that was the best location, stating she felt it should happen, and asked about the next step for that to happen.

Mr. Dillon asked for clarification regarding the one semi-delivery per week, and clarification on Mr. Guidi's delivery time preference of 9:00 a.m. to 2:30 p.m.

Mr. Guidi stated the traffic at 9:00 a.m. has decreased, he doesn't see a reason to restrict it until 9:30, and perhaps move it back in the afternoon; his preference is 9:00 a.m. to 2:00 p.m.

Mr. Boivin asked if the lighting would be on timers, or would the lights go off at a certain time.

Mr. Guidi stated they will be on a timer; he would think one hour after closing they should be off by 10:00 p.m.

Mr. Boivin asked if the lighting study took into consideration building shadowing.

Mr. Guidi stated according to the most recent schematic there should be no light spill.

Mr. Boivin asked about the 12' hood and fan; is there any plan to do a pre and post noise study.

Mr. Guidi stated that has not been considered; he thinks that would be a code enforcement issue after the fact if there were problems with the noise.

Ms. Nixon stated she thought the hood / fan should be installed, and if the neighbors were concerned with the noise, we would require a noise study be done in accordance with the standards.

Mr. Neagle asked if the town had a noise ordinance.

Ms. Nixon stated no.

Mr. Boivin asked if the noise level was above background noise.

Mr. Neagle stated no it is not above background noise, it is stated as 75 decibels at property lines.

Mr. Sherr asked for clarification on the lighting plan, stating the previous lighting study didn't take into affect the fencing, and clarified with the change in fencing and light bulbs this mitigates any light spill at the property lines.

Mr. Guidi stated yes that is correct, it is a little confusing because there are two plans in your packets.

Ms. Nixon stated the photometric sheet shows zero at all the property lines.

The Board reviewed the updated photometric sheet showing zero light trespass at the property lines.

The public portion of the meeting was opened.

Mr. Neagle referenced the three letters from neighbors that were included in the planning board packets.

- Letter dated 4/11/12 from Gary Heisleberg, President of Osgood Village Condo Association. Mr. Heisleberg is present, and will review the contents of his letter.
- Letter dated 4/12/12 from Thea McDowell: Mr. Neagle read Ms. McDowell's letter into the record as follows: "As outlined in Mr. Heiselberg's letter dated April 11, 2012, the Osgood Village Condominium Association owners have met with Mr. Guidi, and have reviewed his proposed changes and have discussed how best to meet our concerns and his plans. We are all in agreement with the points Gary made in his letter. We ask that any Board approval be contingent on our successful resolution of these matters of concern.

I truly wish that 319 Main St. would remain a residence. However, if the project is approved, I hope that the Board will consider the site, its quiet neighbors, and urge that future operations not only adhere to the Town Center ordinances, but actually operate without pushing the maximum limits. Scaling back the closing hours or placing a 'hard close' at 9pm would be a good example. I personally am very concerned about the noise and 'commotion' that is inherent with cars entering, idling, and leaving, patrons entering and leaving the restaurant, especially as the closing hour approaches. My home is closest to the entrance where these sounds will be most concentrated. Every car and every patron will pass my home both arriving and leaving. Thank you for your consideration."

Mr. Neagle continued stating there is an e-mail from Mary Yeo; who is present and will address her concerns. And there is also a letter from Carolyn Currie whose husband is present; the Board reviewed the letter, stating Mr. Currie will articulate the Currie's position.

Mr. Gary Heiselberg, of 8 Village Way stated he was also president of the Osgood Condo Association and he was speaking for all of the members, most of whom are also present. The Board has seen the comments sent in the letter with their on-going concerns which are light, noise, smells and buffering. We are not convinced that the proposed buffering proposals are satisfactory. We did meet with Mr. Guidi and discussed amongst us all our concerns and suggested what they felt would meliorate some of them; and we also expressed preferences as to what they would like to see. Mr. Guidi agreed to consider them and at 11:00 a.m. this morning I received an e-mail rejecting the fence specifically with no mention of the other elements discussed. Mr. Guidi sent us alternatives, none of which match what was described this evening. We are frustrated by the fact we are expected to respond within a few hours. We are not convinced the proposed plan provides adequate buffering from the project. Mr. Heiselberg asked for clarification on hours of operation, and asked if someone entered the restaurant at 8:55 p.m. would they be able to order, eat their meal, and leave well after the 9:00 p.m. closing time. This would add to the concern of noise, light, etc.

Mr. Neagle stated his opinion is different than that; you can eat until 8:00 or 9:00 p.m. at closing time. There is no exception for people who walk in at 8:59 p.m. can sit and eat and drink for two hours. His understanding is that 9:01 the restaurant is closed.

Ms. Nixon stated when the Town Center District Committee was meeting it discussed about how difficult it would be to push someone out of the restaurant at a specific time. You could have two different patrons enter the restaurant at 8:30 p.m. and they may not both finish their meal at 9:00 p.m. It is very difficult to say hours of operation, some people may stay beyond closing time to finish their meal.

Mr. Neagle asked if that was stated in the standards.

Ms. Nixon stated it does not.

Mr. Dillon stated it was discussed at the committee level.

Mr. Neagle again stated his view for the sake of the neighbors who don't want someone leaving at 10:30 p.m. when the restaurant closes at 9:00 p.m. We will discuss this when proposing conditions of approval.

Ms. Caron stated she has eaten at establishments where the kitchen closes at 8:30 p.m. and the restaurant closes at 9:00 p.m.

Mr. Heiselberg continued with concern about the Phase 2 building; addressing access from the high school. We at the condominiums have not considered this option; this would now become a traffic way with a convenient short cut from the high school to Main Street. We also have a major problem with the Phase 2 building; it is still fuzzy on exact details of the use of the building. We feel it overcrowds a narrow and small lot, and just because something can be done it doesn't mean it should be done. Based on all of that we ask you to deny approval of the plans, and should you approve the plan we recommend conditions that an earlier close time is enforced to ensure all customers have departed the restaurant by 9:00 p.m. and we request elimination of the Phase II building.

Mr. Neagle stated the Board can't address concerns of whether a use should exist; the Board's only job is to review a project for conformance to the ordinance standards.

Mr. Heiselberg stated this has been discussed amongst the residents and the single highest frustration level is the fact that the people who are most affected by these changes have the least to say; because the Board can't consider our concerns of diminished quality of life.

Mr. Neagle stated the process that led up to the adoption of the rules had an enormous opportunity for public comments. In respect to the standards of the Ordinance the Board hears their comments loud and clear. The Board however, is not allowed to hear about appropriateness of the project.

Ms. Mary Yeo, of 322 Main Street read her e-mail as follows: "Our family moved to 322 Main Street in 1973. My husband was principal of Greely High School for twelve years. I worked in the school district for over fifteen years. Our seven children all graduated from Greely High School and three of my grandchildren attended the Cumberland schools. For almost forty years we have paid taxes to the Town. This will attest to our investment in this community and continued interest in the development of Main Street. My concern lies in the proposal and plans for a fitness facility and bar and grills to be built directly across the street from me. I live right next door to the Food Stop Store. The idea of selling alcoholic beverages on property that abuts the High School is highly questionable and objectionable. Being right across the street within clear sight of this proposed establishment, especially if a deck is built, brings about concerns of loss of privacy and quality of life. The lights, smells, and noise from the establishment are a concern. Adding traffic to an already busy section of Main Street brings about safety concerns. Why not bring in a high end bakery or a natural food store? This would be the precedence that I am sure the residents of Cumberland want. Please think about it because your decision will determine what kind of businesses will move into our beautiful town. Keep Cumberland beautiful!"

Ms. Mary Ellen Joyce of 10 Village Way, Osgood Condominiums stated she was the first to purchase her condominium. She understood that it was next to the high school, but the view outside her back window was a field. She objects to the second building because of its size and volume, the building will create a wall. She feels this development will impact their quality of live and value of their properties. She met with Mr. Guidi and the fence and buffering is not yet resolved. She voiced concern of patrons waiting to be seated, would they wait along the porch, and also voiced safety concerns regarding the semi trucks backing into the site from Main Street. Ms. Joyce thanked the Board for listening to their concerns regarding the impact to their quality of life.

Mr. Doug Currie of 321 Main Street stated his wife sent in a letter and encouraged the Board to read the letter as it is more eloquent than his words. Mr. Currie highlighted the main points of concern for him and his family as follows: We moved into Cumberland about eight years ago because of the rural setting. The Town Center District Design Standards state to “to protect residential properties through sensitive site planning, buffering, and building designs”. We have a number of concerns regarding the buffering, building design and site planning. Mr. Currie stated they are concerned with smell and stated we have an outdoor family; most of our time during good weather is outside. Our pool is located right on the boundary with the property; the deck area is on the side closest to Main Street. This project will have a significant impact on their privacy when outside. Mr. Currie stated there are two potential sources for odors; one is the vent which is going to be located at the back of the roof. The other is the dumpster; the proposed location is extremely close in proximity to their outside family area. Any dumpster even when covered has potential for smell on a hot summer day. Mr. Currie asked if the dumpster could be moved towards the high school and showed a possible location on the plan. Mr. Currie also voiced concern of the noise from the roof vent, and asked if this would be on continuously from 6:00 a.m. to 9:00 p.m.

Mr. Guidi stated the vent will be on during cooking.

Mr. Currie asked about air conditioning; the vents at Food Stop are a significant noise; we would encourage any additional steps available for noise mitigation.

Mr. Currie continued stating they are pleased the Phase II building has been moved back fifty feet. It still would be preferable to have the building at the back of the lot and parallel to Main Street. Mr. Currie voiced concern of the safety and maintenance of their large sugar maple tree root system and branch overhang. Carolyn sent the Board information on tree preservation and construction. The sugar maple tree is a major feature in our back yard; it is spectacular in the fall. Mr. Currie also voiced concern of the side window in the Phase II building which will look directly into their swimming pool area, and ask if they could consider moving the window.

Mr. Shane, Town Manager clarified the Town Center District guidelines in the Zoning Ordinance regarding noise. Mr. Shane stated he would like to include in the Performance Guarantee for this project the addition of a line item for noise and budget \$2,000 and that will be part of the letter of credit. The Town has decibel readers; these standards are very specific and he thinks the intent was for this type of use and properties.

Mr. Neagle stated the Ordinance reads the noise can't exceed 75 decibels at the property line; and there has been no indication that the noise will exceed those requirements. Is there some reason you want to hold this one out especially.

Mr. Shane, state no, the concern is the exhaust system from restaurants.

Mr. Neagle clarified there would be \$2,000 held for testing of the noise.

Mr. Shane stated yes, and the letter of credit is released when the project is finished.

Mr. Shane continued referencing Section 11: Limitation of Approval in the Site Plan Ordinance; which states “Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2) one year extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals

and permits are current.” Mr. Shane asked that the Board consider substantial completion to mean the foundation and first floor framing plan completed within the first twelve months.

Mr. Neagle stated the Ordinance states the applicant has twelve months for substantial completion and then he can ask for two (2) one year extensions. So he could do nothing for two and a half years except ask for extensions and build the project in the last six months.

Mr. Shane stated he didn’t think that is what the Ordinance states, it says the plan must be substantially commenced within twelve months; of the date upon which the approval was granted. Then it states “if construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void”; which is where the conflict lays.

Mr. Neagle stated an applicant can request an extension of the approval deadline; that is the day it was approved. I don’t think it is unclear, I agree substantially commenced is a little vague, but I am not sure why we should pick on this applicant to come up with a definition of substantially complete; that is up to the Town and the Code Officer.

Mr. Shane continued stating for clarification he spoke with Dr. Hasson, Superintendent of Schools, and Dr. Hasson’s concern was there cannot be a cut through the fence without a dedicated walkway. He will not allow students to cut through a parking lot. At this point the school has stated until the safety concerns for students are addressed they would not consider a cut to the fence.

Mr. Guidi addressed abutter concerns as follows:

- Cedar Fencing: I sent Mr. Heiselberg a sheet from Katahdin fencing showing the proposed cedar fence.
- Hours of Operation: The doors are locked at 9:00 p.m. and you stop serving at 9:00 p.m. This is how he interpreted the ordinance.

Mr. Neagle reviewed the Council approved Ordinance which states hours of operation to be from 6:00 a.m. to 9:00 p.m. Mr. Neagle suggested that the Board not try to tinker with Council approved ordinances. We could limit less than stated in the Ordinance but didn’t feel the Board can expand the hours. If this is approved the hours of operation are 6:00a.m. to 9:00 p.m.

The Board discussed whether patrons would be out the door at 9:00 p.m.

Mr. Dillon stated he was on the Town Center Committee and this issue was discussed at length; the Committee did discuss the doors close at 9:00 p.m. and there would be no food served after 9:00 p.m.; however, there may be people inside the restaurant at that time that could finish their meals.

Mr. Boivin stated if the doors close and serving stops at 9:00 p.m. the employees would need to clean up after the doors close.

Mr. Neagle stated the words may be ambiguous and he understands everyone’s point of view, but doesn’t feel the Board has the authority to clarify the issue.

Ms. Nixon stated she thought there should be a condition of approval for the lighting on the premises. It seem like lights shouldn’t be on more than one hour before and after closing. That would give employees enough time for clean up; with all activity at the establishment to be finished within one hour of closing.

Mr. Boivin stated there is an incentive to wrap things up by 10:00 p.m.

Mr. Guidi continued as follows:

- I have researched Sugar Maple trees; there is a critical root system that extends under the canopy. The roots do extend under the proposed foundation location. There is Best Management Practices BMP for the roots. We will adhere to the BMP.
- The end window is an exit hallway; there will be no one sitting by the window.
- Performance Guarantee: Mr. Guidi thought the \$2,000 escrow would be excessive; he would not like to escrow any funds for sound mitigation.
- Phase II Building: it is not possible this will be started within one year; the first building will take six months to complete.

Mr. Neale stated he should keep an open dialog with the Town for application extensions if necessary.

Ms. Caron asked how any branches on the Sugar Maple tree that would be touching the building would be handled.

Mr. Guidi stated any branches touching the building would be cut.

Mr. Neagle stated you can cut limbs straight up from property lines.

Mr. Guidi stated the tree is beautiful and he would intend to do as little as cutting as possible so as to not harm the tree.

Ms. Maryann Woodard of 7 Village Way, stated when she heard about the plans she was sadden and sickened. However; they all moved into Village Way with the idea these were their retirement homes. Cumberland was her retirement area; she left Kennebunk when her husband passed away. She stated she feels with this proposed development Village Way is the filling sandwiched between the school and a restaurant. Our beautiful development is in the middle. I and several residents thought the house would remain residential. Cumberland will now have the restaurant at the end of the street, Food Stop and this restaurant it feels like overkill for Main Street. This development may make us consider putting our homes on the market, and that wasn't my intent when I purchased my property. When we met with Mr. Guidi I suggested a pretty white fence, which would be maintenance free. It is very disheartening.

Mr. Shane stated under the Site Plan Ordinance there is a Performance Guarantee section so he withdrew his request for any sound studies.

Mr. Gary Heiselberg of Village Way stated he was concerned about the 75 decibels from the fan without any other noise.

Ms. Yeo asked about trucks idling on Main Street during deliveries.

Ms. Caron asked if trucks could front into the parking lot; or only back in referencing the backup beeps.

Mr. Guidi stated semi trucks would only be able to back into the site, he anticipates only one delivery per week. Box trucks can front into the parking lot.

The public portion of the meeting was closed.

Mr. Boivin stated Mr. Guidi has addressed many of the comments from the previous Planning Board meeting. Mr. Boivin asked Mr. Guidi if he would be willing to move the dumpster to the preferred

location near the propane tank, and asked about the window in the Phase II building. The plan looks good; he would like to see the dumpster moved.

Mr. Guidi stated yes, it is feasible to move the dumpster in the area of the propane tanks near the garden.

Ms. Caron asked Mr. Guidi about his thoughts on the vinyl fence.

Mr. Guidi stated the cedar fence is his preference.

The Board reviewed proposed conditions of approval.

Mr. Dillon moved to find that the Town Center District Standards have been met.

Ms. Caron seconded VOTE: Unanimous 5-0

Mr. Sherr moved to accept the Town Center Design Standards as written with conditions.

Ms. Caron seconded. VOTE: Unanimous 5 – 0

Ms. Caron moved to approve the waiver requests.

Mr. Sherr seconded. VOTE: Unanimous 5 – 0

Waivers granted: Section 1.5.1 of the Design Guidelines
High Intensity Soils Survey
Hydro Geologic evaluation
Location of proposed recreation areas

Mr. Boivin moved to grant Major Site Plan approval for 319 Main Street, Tax Assessor Map U13, Lot 110 in the Town Center District subject to the twelve conditions of approval and the standard condition and limitation of approval.

Ms. Caron seconded. VOTE: Unanimous 5-0

Conditions of Approval

1. That all fees be paid prior to the issuance of a building permit.
2. That a performance guarantee in an amount to be approved by the Town Engineer be provided prior to the issuance of a building permit. This performance guarantee will include a line item for landscaping and an amount will be retained to ensure new plantings survive the first year after planting.
3. The approval of the Phase II building is for the location and design of the building and for the proposed uses being one fitness center and two (2) one (1) bedroom residential apartments.
4. That a six foot high solid natural color cedar fence comprised of four inch wide cedar boards extend along the entire southerly boundary; approximately 300 feet in length with a step down to a height of 4' high for the last eight foot section closest to Main Street. This fence shall be maintained in good condition by the owner.
5. That the area in the parking lot where delivery vehicles will turn around, as shown on the circulation plan, be paved as per the Town Engineer's comment.
6. Deliveries by semi-truck vehicles are to be restricted to the hours of 9:00 a.m. to 2:00 p.m.

7. Hours of operation shall be no more than 6:00 a.m. to 9:00 p.m. seven days per week; and all operational interior and exterior lighting (including sign lighting) is to be shut-off between one hour after closing and one hour before opening. Security lighting allowed as per the plans.
8. That a letter from Inland Fisheries and Wildlife be provided.
9. That Best Management Practices (BMP) is used to protect the root system of the sugar maple tree located in the rear of the Currie property during construction of the Phase 2 building.
10. That all recommendations of the Fire Chief be complied with.
11. The dumpster shall be on wheels for emptying as per the Town Engineer's review. The dumpster is to be re-located opposite the location currently shown on the plan.
12. Construction hours of operation are to be 7:00 a.m. to 5:00 p.m. Monday through Saturday excluding Sundays and Holidays for the duration of exterior framing, excavation, and site work.

NOTE: A PRECONSTRUCTION CONFERENCE IS REQUIRED.

MAJOR SITE PLAN APPROVAL STANDARDS AND CRITERIA

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

.1 Utilization of the Site

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

The site will be served by public water and sewer. There are no natural habitats affected by this development.

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

.2 Traffic Access and Parking

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

- .1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- .4 The intersection of any access/egress drive or proposed street must function:
(a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- .5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.
- .6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
 - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
 - b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

The accessway location has been approved by MDOT.

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

.3 Accessway Location and Spacing

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest

signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

The project meets these standards.

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

.4 Internal Vehicular Circulation

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

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

The site layout provides adequate internal circulation.

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

.5 Parking Layout and Design

Off street parking must conform to the following standards:

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

- .3 Parking stalls and aisle layout must conform to the following standards.

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

- .4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.
- .5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- .6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

The site layout complies with the standards.

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

.6 Pedestrian Circulation

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

The site will utilize an existing sidewalk along Main Street. There will be a walkway to the building from the sidewalk.

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

.7 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

- .2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- .3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
- .4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- .5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- .6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- .7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

The stormwater plan has been reviewed by the Town Engineer.

Based on the information provided, the standards of this section have been met.

- .8 Erosion Control
 - .1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
 - .2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

The Town Engineer has reviewed and approved the erosion and sedimentation control plan.

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

.9 Water Supply Provisions

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

The project will be served by public water. There is an ability to serve letter on file from the Portland Water District.

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

.10 Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules. **The project will utilize public sewer. The Town Manager has allocated the required number of sewer user permits. There is an ability to serve letter on file from the Portland Water District.**

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

.11 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

The utilities will be placed underground.

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

.12 Groundwater Protection

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

The project will utilize public sewer.

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

.13 Water Quality Protection

All aspects of the project must be designed so that:

- .1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- .2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

The project will utilize public sewer. There will be no storage of fuel, chemicals, or other hazardous materials.

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

.14 Capacity of the Applicant

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

Technical capacity is evidenced by use of a professional engineer, landscape architect, and surveyor.

There is a commitment letter from MECAP on file.

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

.15 Historic and Archaeological Resources

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

There is a letter on file from the Maine Historic Preservation Commission, a letter from the Department of Conservation, Inland Fisheries and Wildlife is required as a condition of approval.

The Board finds the standards of this section will be met with the condition of approval.

.16 Floodplain Management

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

The site is not located within the 100 year floodway of any river or stream.

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

.17 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

The application includes a Site Lighting Plan that is in compliance with the requirements of the ordinance.

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

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

The landscape and buffering plan includes fencing and plantings along the two side and the rear property lines.

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

.19 Noise

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

The applicant has provided information on the decibel levels of the ventilation system.

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

.20 Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.**
- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.**

- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There will be no outdoor storage of materials. A dumpster is proposed and will be enclosed by a six foot stockade fence in the parking area next to the propane tank.

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

.21 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

The applicant has submitted a proposed landscaping plan that shows plantings around the front building and in other areas around the site.

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

.22 Building and Parking Placement

- .1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
- .2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

The building and parking placement meet the standards.

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

.23 Fire Protection

The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance once the applicant has met the design requirements of the Town's Fire Protection Ordinance.

The Fire Chief has reviewed the plans and made recommendations for the project. They will be listed as a condition of approval as are approvals from any State and Federal agencies relating to fire protection.

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

.24 Aquifer Protection (if applicable)

If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer, is required.

The parcel is located in the Aquifer Protection Area. The proposed uses will not adversely affect the aquifer.

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

.25 Route 100 Design Standards (if applicable)

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.

N/A (Parcel does not front on Route 100)

.26 Route 1 Design Guidelines (if applicable)

All development in the Office Commercial North and Office Commercial South districts is encouraged to be consistent with the Route 1 Design Guidelines.

N/A (Parcel does not front on Route 100)

TOWN CENTER DISTRICT REGULATIONS (Section 204.16)

Section 204.16 Town Center District (TCD)

204.16.5 The following minimum setbacks are required for all structures in the TCD district, except that sheds and driveways are permitted to a minimum setback of eight (8) feet from the side and rear lot lines:

- .1Front: 15 feet
- .2Rear: 15 feet
- .3Side: 10 feet

204.16.6 The following performance standards shall apply within the TCD, provided however that the Planning Board may determine, based on the specific elements of a proposed development, that the standards be modified. For additional requirements relating to building and site improvements, refer to the Town Center District Design Standards.

- .1 **Building Design:** New structures, excluding single family homes, within the district shall be of a New England architectural style and materials consistent with Section 2.1 of the Design Standards.

- .2 **Lighting:** The use of exterior lighting shall be only as required for safety and to identify, during business hours only, businesses, parking areas and sidewalks. Fixtures shall be fully shielded, giving off no light above the horizontal plane. There shall be no internally illuminated signs. No greater than 1 foot-candle lighting permitted on the site; and there shall be 0 foot candles at the property line.

The lighting plan meets the standard.

.3 Cafe Standards:

- .1 Seating shall be limited to 48 seats.
- .2 No more than 20 square feet of advertising shall be permitted on site. There shall be no advertising placed in windows or doorways of the building. Advertising shall not include internally illuminated signs.
- .3 No kitchen ventilation hoods will be mounted on the front door street side of the building *and will be located to minimize impact on neighboring properties.*
- .4 Outdoor seating is permitted but must be buffered from adjacent uses by fencing and plantings unless located between the front of the structure and the public right of way.
- .5 *All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.*
- .6 Restroom facilities for the patrons shall be provided on the premises.

There is no outdoor seating proposed.

- .4: **Parking Standards:** Parking shall be located to the side or rear of multiplex residential and non-residential structures.
- .5: **Buffering and Landscaping:** All non-residential uses must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade and/or a combination of these or other techniques.

Buffering and landscape design meets these standards.

- .6: **Hours of Operation:** All non-residential uses in the TCD shall be open for business only within the time frame of 6:00 a.m. to 9:00 p.m.
- .7: **Commercial Deliveries:** Commercial deliveries shall be limited to the hours of 7:00 am – 7:00 pm for all non-residential uses added to the district after April 11, 2011.
- .8 **Noise**
 - .1 Intent

These Performance Standards governing noise are intended to insure that the rights of property owners, as well as the overall health and general welfare of the District, are not diminished by unreasonable noise levels generated by any permitted or special exception use within the District.

.2 Maximum Permissible Sound Level

The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, shall not exceed a measurable level of seventy-five (75 dB) beyond the property boundaries of the site upon which the sound or noise is generated or originates.

.3 Sound or Noise Abatement

In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations

.4 Measurements of Sound or Noise

In cases where sound measurements are required in order to insure compliance with these regulations, measurements shall be taken:

- .1 With a device meeting the standards of the American Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;
- .2 At a height of four feet (4') above prevailing grade at the property boundary in question;
- .3 With the instrument set to the A-weighted response scale; and
- .4 Recorded by an individual familiar with sound measurement and the particular device being used.

.5 Exemptions

.1 Activities related to public and private construction or maintenance work, agriculture, emergency warning devices, and other similar short term or temporary uses may be administratively exempted from the requirements of this Section if, in the opinion of the Code Enforcement Officer or his/her agent, sufficient reason exists to do so.

.2 In these special circumstances, the Code Enforcement Officer may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.

The Board finds the standards have been met with conditions of approval.

SITE PLANNING AND DESIGN

1.1 Master Planning

There are few parcels within the district that are large enough to have multiple structures on them, however for those that are, developers are required to develop a conceptual master plan to show the Planning Board the general location of future buildings, parking lots, circulation patterns,

open space, utilities, provisions for stormwater management, and other components of site development.

On sites with multiple buildings, the outdoor space defined by the structures should be designed as a focal point for the development, with provisions for seating and other outdoor use. Landscaping, bollards, and other site features should maintain a safe separation between vehicles and pedestrians.

The site plan drawing #C-101 depicts the two (2) structures planned for this site.

1.2 Professional Design

Developers are required to have their site plans designed and sealed by licensed professionals, including, but not limited to, civil engineers, architects or landscape architects as required by state and local regulations to address the health, safety, welfare and visual pleasure of the general public, during all hours of operation and all seasons of the year.

The Applicant has utilized a variety of professionals in preparing the plans.

1.3 Vehicular Access

All development within the Town Center District should promote safe, user-friendly, and efficient vehicular movement while reducing both the number of trips on the roadway and the number of curb cuts wherever possible. The vehicular movements discussed in this chapter, both on-site and off-site, shall be designed by a professional engineer.

1.3.1 Curb Cuts

To promote vehicular, bicycle and pedestrian safety, the number of curb cuts needs to be kept to a minimum. Adjacent uses are encouraged to use shared driveways wherever possible, thereby reducing the number of turning motions onto and off of Main Street. This practice will increase motorist, bicycle, and pedestrian safety, and has the added environmental benefit of helping to reduce impervious (paved) area.

Driveways and their associated turning movements should be carefully designed and spaced to reduce interruptions in Main Street's level of service and to promote safe and easily understandable vehicular movements. Where curb cuts will interrupt sidewalks, ADA requires that the cross slope not exceed 2% in order to maintain accessibility. New driveways and existing driveways for which the use has changed or expanded require a Maine Department of Transportation "Driveway Entrance Permit." The Planning Board will not grant project approval until the Town has been provided a copy of the permit, or alternately, until the applicant provides the Town a letter from the DOT stating that such a permit is not required. The MDOT may also require a Traffic Movement Permit if the number of vehicle trips exceeds the threshold established by the MDOT.

The project will have only one (1) entrance/exit utilizing an existing curb cut. The entrance drive will be reconstructed, widened, and paved.

See Section 12 of this application for correspondence relative to a Maine Department of Transportation Entrance Permit.

A traffic movement permit will not be required. Review of MDOT requirements and ITE references indicate the traffic generated from the Restaurant and Condos will generate about 44 vte (vehicle trip ends in the peak hour. Commercial space under the Condos will generate 6 vte. Including this commercial space, the VTE/PCE's are still under the 100 vte threshold for a Traffic Movement Permit.

A traffic study was reviewed and approved by the Town Engineer.

1.3.2 Site Circulation

Internal vehicular movement on each site should be designed to achieve the following goals: to ensure the safety of motorists, delivery vehicles, pedestrians and cyclists by providing clear cues to the motorist as to where to drive or park, etc., once they enter the site. Landscaping, to reduce impervious areas, is encouraged as much possible. Every effort should be made to restrict paved surfaces to a maximum of two sides of the building. The site should not feature a building surrounded by drive lanes and parking.

The entrance drive extends to the rear of the site with perpendicular parking. The drive is widened to 24' to accommodate 2 vehicles.

1.4 Building Placement

Objective: Buildings should be placed on their sites in a way that is sensitive to existing site conditions and respectful of adjacent uses.

1.4.1 Location of Building on the Site

In placing the building on the site, the developer of all commercial properties shall carefully consider the building's relationship to existing site features such as the size of the site, existing vegetation and topography, drainage, etc., as well as the abutting land uses. Many of the lots within the Town Center District are narrow and deep. This should be taken into account when determining how to orient the building on the site.

The restaurant/grocery building will utilize the existing residential structure so its placement is established.

The location of the fitness center/apartments is appropriate.

1.4.2 Building Entrances

The building's main entrance should be a dominant architectural feature of the building, clearly demarcated by the site design and landscaping. Main entrances should front onto the most convenient parking area.

At building entrance areas and drop-off areas, site furnishings such as benches, sitting walls and, if appropriate, bicycle racks should be encouraged. Additional plantings may be desirable at these points to clearly identify the building entrance and to invite pedestrians into it.

Where building entrances do not face Main Street, the Main Street façade should still be made interesting and attractive to pedestrians and drivers on Main Street.

The restaurant/grocery building entrance will be on the side of the building facing Osgood Drive. This entrance will be near parking and will have a handicap ramp. The emergency entrance faces Main Street. The area between the Main Street R-O-W and the building deck will be landscaped.

Universal Accessibility

Development of all commercial properties, buildings, parking lots, crosswalks, walkways and other site features must comply with the applicable standards and guidelines of the Americans with Disabilities Act (ADA).

All features of this project comply with the Americans with Disabilities Act (ADA).

1.4.3 Lot Standards

The following lot standards shall apply within the Town Center District to all non-residential and duplex and multiplex residential developments.

1. 10,000 sq. ft. minimum lot size, if sewerred; 20,000 sq. ft if not sewerred.
2. In the case of duplex or multiplex developments, the minimum lot area per dwelling unit shall be no less than 5,000 sq. ft.
3. There shall be no less than 80 feet of lot frontage. This provision shall not apply to Map U13 Lot 109.
4. The front setback shall be no less than 15 feet and no greater than 45 feet from the property line.
5. The rear setback shall be no less than 15 feet.
6. The side setbacks shall be no less than 10 feet.
7. The driveway and parking area setback shall be no less than 8 feet from side and rear property lines.

The project meets the lot standard requirement outlined herein. See Site Plan drawing #C-101 in Section 14 for lot size calculations.

1.5 Parking

Objective: The development shall provide safe, convenient, and attractive parking. Parking lots will be designed to complement adjacent buildings and should not be the dominant visual element. Every effort should be made to break up the scale of parking lots by reducing the amount of pavement visible from the road. Careful attention should be given to circulation, landscaping, lighting, and walkways. Given that most lots in the district are narrow and deep, parking will be located to the side or rear of the buildings unless waived by the Planning Board due to site constraints. No multi-story parking facilities are permitted.

Parking is located to the rear of the site, and with the restaurant/grocery building near the front of the lot, much of the parking will not be visible from Main Street.

1.5.1 Landscaping

The developer shall provide adequate landscaping to insure that views from Main Street and abutting properties are attractive, and to buffer the presence of the parking and buildings.

Parking should be separated from the building by a landscaped strip a minimum of five to ten feet wide. See example below.

Existing mature trees should be retained whenever possible, but if they must be removed, trees of a similar size should replace them. The buffer area should be landscaped either with trees, or with flowering shrubs, fencing, or such architectural elements as stone walls.

Provision of street trees will define the street edge, provide shade, and contribute to the village setting.

When plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

The landscape plans comply with these provisions.

1.5.2 Snow Storage

Provision should be made for snow storage in the design of all parking areas, and these areas should be indicated on the site plan. The area used for snow storage should not conflict with proposed landscaping or circulation patterns. These areas should be sited to avoid problems with visibility, drainage, or icing during winter months.

Snow storage location is shown on site plan drawing # C-101 Rev. D

1.5.3 Impervious Surfaces

The amount of paved surface required for parking, driveways and service areas should be limited as much as possible in order to provide green space, reduce run-off and preserve site character. This will have the added benefit of reducing construction and maintenance costs.

The application shows only the access drive and service and abutting parking area as paved, the remainder of the site is reclaim material. The applicant has agreed with the Town Engineer's recommendation for Phase 2 parking and on-site truck turning be paved.

1.6 Service Areas

Service areas include exterior dumpsters, recycling facilities, mechanical units, loading docks and other similar uses. Service areas associated with uses along Main Street must be designed to meet the needs of the facility with a minimum of visual, odor or noise problems. They shall be the smallest size needed to fit the specific requirements of the building and its intended operation, and must be fully screened from view by either plantings or architectural elements such as attractive fences.

1.6.1 Service Area Location

Service areas should be located so that they are not visible from Main Street or from the building entrance. Locations that face abutting residential properties should also be avoided.

Dumpsters, recycling facilities and other outdoor service facilities should be consolidated into a single site location, in accordance with appropriate life safety requirements.

The location of the dumpster and mechanical equipment is shown on the plan. The dumpster location is addressed as a condition of approval.

1.6.2 Service Area Design

Service areas should be designed to accommodate the turning movements of anticipated vehicles, and should be separated from other vehicle movements, parking areas and pedestrian routes.

Gates on enclosures should be designed to prevent sagging or binding. The fence material shall be wood or a composite material resembling wood.

1.6.3 Service Area Buffering and Screening

Service areas must be screened to minimize visibility from sensitive viewpoints such as nearby residential dwellings, public open space, pedestrian pathways, and building entrances. Landscape screening may consist of evergreen trees, shrubs, and/or planted earth berms. Architectural screening may consist of walls, fences or shed structures, and should complement the design of the main structure through repetition of materials, detailing, scale, and color.

Where plantings do not survive, or where they grow to a point where they no longer serve as effective screens, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

The location of the dumpster and mechanical equipment is shown on the plan. The dumpster location is addressed as a condition of approval.

1.7 Open Space

Objective: In order to provide an attractive, hospitable and usable environment, future development along Main Street should have areas of open space and attractive site details for such elements as curbing, seating areas, landscaping, planters, walls, signage, lighting, bollards, waste receptacles and other elements in the landscape.

1.7.1 Internal Walkways

Internal walkways should invite pedestrians onto the property and make them feel welcome.

Walkways extending the full length of a commercial building are encouraged along any façade that features a customer entrance and an abutting parking area. Such walkways should be located five to ten feet from the face of the building to allow for planting beds. Such walkways should be shown on the project's landscaping plan.

Wherever feasible, interconnections between adjacent properties should be developed to encourage pedestrian movement and reduce vehicle trips.

At a minimum bituminous concrete should be used as the primary material for internal walkways, except that for entrance areas and other special features the use of brick or special paving shall be encouraged. Walkways should be separated from parking areas and travel lanes by raised curbing. Granite is strongly preferred for its durability, appearance, and low maintenance requirements.

Driveway crosswalks should be marked by a change in pavement texture, pattern, or color to maximize pedestrian safety in parking and other potentially hazardous areas.

1.7.2 Landscaping

Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced or enhanced to meet the intent of the approved plan.

1.7.3 Usable Open Space

Developers should submit site plans that provide inviting open spaces where people can sit relax and socialize. Open spaces should be thought of as outdoor rooms, with consideration to ground surfaces, landscaping, lighting and other physical elements. Examples of such spaces include a forecourt outside a building entrance, or a peaceful place outdoors where employees can sit down and eat lunch or have breaks.

These amenities are depicted on the design drawings in Section 14. Driveway crosswalk should be marked with a change in texture for pedestrians on Main Street.

1.8 Buffering of Adjacent Uses

Buffering or screening may be necessary to effectively separate quite different land uses such as housing and office or commercial buildings. Plantings, earth berms, stone walls, grade changes, fences, distance, and other means can be used to create the necessary visual and psychological separation.

1.8.1 Appropriateness

The selection of the proper type of buffer should result from considering existing site conditions, distances to property lines, the intensity (size, number of users) of the proposed land use, and the degree of concern expressed by the Planning Department, Planning Board, and abutting landowners. Discussions regarding the need for buffers, and appropriate sizes and types, should begin at the sketch plan stage of review.

1.8.2 Design

Buffers and screens should be considered an integral part of the site and landscaping plans. Stone walls, plantings, fencing, landforms, berms, and other materials used for buffers should be similar in form, texture, scale, and appearance to other landscape elements. Structural measures, such as screening walls, should likewise be related to the architecture in terms of scale, materials, forms, and surface treatment.

The landscape and buffering plan meets these standards.

1.8.3 Maintenance

Where plantings do not survive, or where they grow to a point where they no longer serve as effective buffers, they shall be replaced or supplemented to meet the intent of the plan as approved by the Planning Board.

A performance guarantee will include a line item for landscaping and an amount will be retained to ensure new plantings survive the first year after planting.

1.9 Erosion, Sedimentation, and Stormwater Management

Objective: Protecting the natural environment in Cumberland is as much a priority in these design guidelines as protecting the visual environment. A developer shall take every measure possible in the construction and operation of a project to ensure that little or no adverse impact to the natural environment occurs. These measures should be as visually attractive as possible.

1.9.1 Erosion and Sedimentation

Before any site work, construction or the disturbance of any soil occurs on a property, methods, techniques, designs, practices and other means to control erosion and sedimentation, as approved or required by the Maine Department of Environmental Protection, shall be in place. For guidance developers should refer to “Maine Erosion and Sedimentation Control Handbook for Construction – Best Management Practices,” produced by the Cumberland County Soil and Water Conservation District and the Maine DEP.

Erosion and sedimentation control is detailed on Drawing C-300 in Section 14 of this application. The plan has been reviewed and approved by the Town Engineer.

1.9.2 Stormwater Management

All stormwater management systems should be designed to create the least visual impact on the site. Open ditches are not permitted. Drainage should be confined to a closed system of pipes. All such measures should fit unobtrusively into the landscape.

Stormwater management is detailed in Section 11 of this application. The plan has been reviewed and approved by the Town Engineer.

1.10 Utilities

It is important to make efficient use of the utility infrastructure that exists along Main Street, and to ensure that utility connections to individual development lots are as inconspicuous as possible. Underground utilities are required.

1.10.1 Water and Sewer

All proposed development in the Main Street must connect to the municipal water supply and the municipal sewer, wherever such connections are available. Proposed connections are subject to review by the Town and/or its peer reviewers.

Water and sewer service will be connected to municipal and sewer stubs in Main Street.

1.10.2 Electric, Telephone and Cable

Electric, telephone, cable and other wired connections from existing utilities within the Main Street District should be made to individual development lots via underground conduit wherever possible. This prevents the accumulation of unsightly overhead wires, and preserves the natural character of the corridor.

All utilities to the site will be underground.

The Board determined that the Site Planning and Design Standards have been met.

ARCHITECTURAL DESIGN

2.1 Building Style

The purpose of these standards is to encourage architectural styles within the Main Street District that draw their inspiration from traditional New England examples. "Vernacular" refers to the architecture that develops in a particular geographic area. Traditional New England buildings look like they do because of the climate, the materials, and technologies available for building and the styles of the 19th century. These standards encourage the use of materials and forms that are characteristic of the construction of ordinary houses and commercial buildings of 19th century in northern New England, and particularly in Maine. Modern interpretations and versions of these materials and forms are permitted when appropriate.

2.1.1 Roofs

Because of the need to shed snow, New England roofs have generally been pitched rather than flat. Federal roofs are sometimes gambrel-shaped. In the Greek Revival style they are often gabled or have dormers, and have decorative "returns" at the bottom edge of the gable or dormers, suggesting the pediment of a Greek temple. Victorian houses typically have more steeply sloped roofs. Flat roofs are not permitted.

Although the interior of the existing building will undergo renovations, the shell will remain. The roof line of the existing building will remain a pitched roof.

The Phase 2 building meets these standards.

2.1.2 Windows

Windows are typically vertical rectangles, often with two or more panes of glass. They may have shutters. If shutters are used, each should be wide enough to actually cover half of the window. Horizontal and vertical "lights" are rows of small panes that were

commonly placed over and next to doors. Window frames often have a decorative wood or stone pediment over them.

2.1.3 Detailing

Each historical period also has its characteristic embellishments. Federal buildings may have a decorative fanlight over the entrance door. Greek Revival buildings have corner-boards in the form of pilasters or even rows of actual columns across 100 façade, below a pediment. Victorian buildings use a wealth of turned columns and decorative scrollwork and shingle-work. Too many embellishments can look “busy”, and mixing the details of several periods or styles can also spoil the desired effect. Modern interpretations of older styles often used simplified forms to suggest the details that were more elaborately defined in earlier periods.

Windows will be double hung with lattice work.

2.1.4 Building Materials

Traditional siding materials common to Northern New England are brick, painted clapboard and either painted or unpainted shingles. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cementitious clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding is not permitted.

Common traditional roofing materials are shingles – cedar originally or asphalt now, as well as standing seam metal. Where visible, the roofing color should be selected to complement the color and texture of the building’s façade. Roofing colors are usually darker than the color of the façade.

Colors commonly found in historic New England houses vary by period. In the Federal and Greek Revival periods, white was the most common color, often with green or black shutters. But houses were not infrequently painted “sober” colors such as dull mustard or gray. In the Victorian period, much brighter colors were often used, with trim in complementary colors.

The siding material of the two buildings will be vinyl clapboards; the front building color is to be white and the rear building will be Mountain Cedar (brown).

2.2 Larger Structures

While it is not anticipated that larger structures will be built in the Town Center District, in general, larger structures (greater than 10, 000 square feet with a 5,000 sq. ft. footprint) have the ability to greatly enhance or detract from the character of the area. It is critical that larger structures, when permitted, are responsive to their site and compatible with adjacent development.

2.2.1 Building Entrances

Large structures should have clearly defined and highly visible entrances emphasized through such devices as significant variations in rooflines or cornice lines, changes in

materials, porticos, landscape treatments, distinctive lighting or other architectural treatments.

2.2.2 Roofs

Variations in rooflines, detailing, cornice lines, and building heights should be incorporated into the design to break up the scale of linear residential or commercial buildings. Roof colors should be muted earth tones or a color that is darker than the façade. Garish roof colors are prohibited. The roofing materials should be selected to complement the color and texture of the building's façade. Flat roof and A-frame roofs are not allowed.

The Phase 2 building will be 3,744 sf with a 72' length extending along the north property line. The roof design meets these standards.

2.3 Smaller Freestanding Commercial Buildings

Objective: Smaller freestanding commercial buildings can easily make use of traditional New England building forms and should be designed to be attractive pieces of architecture, expressive of their use and compatible with surrounding buildings.

2.3.1 Single Use Buildings

Buildings that are constructed for use by a single business are generally smaller in scale than multi-tenant buildings. Single use buildings should be designed to be attractive and architecturally cohesive. To the greatest extent possible, the same materials, window types, and roof types should be used throughout.

The existing building will undergo renovations, but the building shell will remain. Elevation drawings have been provided; the plans meet these standards.

2.3.2 Franchise Design

While the vision for businesses on Main Street does not include franchises, they cannot be prevented. Therefore, the elements contained in these standards are of particular importance. Traditional franchise architecture often features highly contrasting color schemes, non-traditional forms, reflective siding, and roof materials are not related to any traditional New England style. They are buildings that are stylized to the point where the structure is a form of advertising (think Golden Arches). However, franchises have been willing to use existing "vernacular" buildings, and sometimes have designs that somewhat reflect local styles.

This development is not a franchise.

2.3.3. Mixed Use Buildings

Buildings containing mixed uses, e.g., offices on the first floor with residences located above, are encouraged. The architecture of a mixed-use building can reflect the different uses on the upper floors by a difference in façade treatment, as long as the building has a unified design theme.

Both buildings planned for this site are mixed use. The building at the front of the site will be a café/grocery and the building to the rear of the site will have two (2) rental residential units on the second floor and a fitness center on the ground floor.

2.4 Residential Structures

Objective: New residential development on Main Street should be well designed and constructed, and is encouraged to adhere to the traditional styles of New England residential architecture. The large mass of multiplex dwellings, can be broken up by façade articulation and architectural detailing in order to reduce their apparent size.

Building form and massing can conform to traditional New England residences by using gable or gambrel roofs with generous overhangs. Traditional vertically hung windows are encouraged. Garages should not constitute a major element of the front of the house that faces the street, but should be located to the side or rear wherever possible.

Dwellings with ells and additions, and ones with multiple roof planes harken back to traditional New England farm and seaside homes. Box-like, ranch or split-level “contractor modern” type dwellings do not particularly reflect Maine styles.

Similarly, traditional New England building materials such as wooden shingles, brick, and clapboards are required, though modern low-maintenance materials such as cementitious shingles and clapboards may be substituted.

There will be two (2) one (1) bedroom rental units in the rear building. That building meets the design standards.

2.5 Residential Care Facilities

Objective: Ensure that the future needs of Cumberland’s aging population are met in healthy and well-designed facilities, and that the architecture and site design of such facilities fit into the Cumberland context.

The design of residential care facilities can also draw on the local vernacular architecture of gable roofs, multiple building forms, and traditional materials. Landscaping, site design and resident amenities will also be of concern to the Planning Board. The site should offer outdoor amenities such as decks, terraces, gardens, gazebos, lawns or similar features. Residential Care Facilities should be buffered from roadways and adjacent uses as much as possible.

Not applicable

SIGNAGE

Signs play a central role in providing much-needed information and setting the tone for the Main Street corridor. They inform motorists and pedestrians, and have a direct effect on the overall appearance of the town center. Signage should not create visual clutter along the roadway, yet must provide basic, legible information about commercial goods and services. Signs should be compatible with the architecture and the context of the development.

A sign is planned to be mounted on the front and right side of the building. Section 31 depicts this sign. A detached sign displaying the number 319 will be installed in the landscaped area between the building and the sidewalk. Landscape Drawing L-101 shows the design and dimensions of this sign. Both signs satisfy the requirements of this section.

Both signs will need to meet the requirements of the Town's sign ordinance and the approval of the Code Enforcement Officer and Town Planner for style, content, location, color, etc. See Section 32 for sign detail.

3.1 Sign Design

Commercial uses along Main Street in Cumberland should be identified by attractive, legible signs that serve the need of the individual business, while complementing the site and the architecture. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland.

3.1.1 Signage Plan

For development proposals requiring one or more signs, the applicant shall provide a detailed signage plan as part of Site Plan or Subdivision review. The signage plan should show the location of all signs on a site plan drawing and on building elevations, as well as sign construction details, dimensions, elevations, etc., and accurate graphic representations of the proposed wording.

3.1.2 Sign Location

Signs should be placed in locations that do not interfere with the safe and logical usage of the site. They should not block motorists' lines of sight or create hazards for pedestrians or bicyclists. Roof mounted signs are not encouraged.

3.1.3 Sign Colors

Signs should be limited to two or three contrasting colors that are clearly complimentary to the colors of the associated building.

3.1.4 Sign Content

To ensure a clear and easily readable message, a single sign with a minimum of informational content should be used. As a general rule no more than about 30 letters should be used on any sign.

Lettering on any sign intended to be read by passing motorists needs to be legible at the posted speed limit. In general a minimum letter height of 6 inches is appropriate. Smaller letters can require motorists to slow down thereby creating traffic and safety hazards. Upper and lower case lettering is preferred to all upper case, as it is easier to read.

The use of variable message "reader boards", sponsor logos, slogans or other messages that promote products or services other than the tenants' are not permitted.

Signage for any proposed development should prominently feature its assigned street address to facilitate general way-finding and e-911 emergency response.

3.2 Sign Type

Objective: To ensure that any sign type complements the architecture of the associated building, and to ensure that they are attractively designed and functional while clearly delivering the intended information.

3.2.1 Building Mounted Signs

Building or façade mounted signs should be designed as an integral element of the architecture, and should not obscure any of the architectural details of the building. Signage should be mounted on vertical surfaces and should not project past or interfere with any fascia trim. Signs should be located a minimum of 18” from the edge of a vertical wall, however the overall proportions of both the wall and sign should be taken into consideration in the placement of the sign.

Flush mounted (flat) signage should be mounted with concealed hardware. Perpendicularly mounted hanging signs should be mounted with hardware designed to complement the building’s architecture. All metal hardware should be corrosion and rust resistant to prevent staining or discoloration of the building.

3.2.2 Sign Design

The shape and materials and finish of all proposed signage should complement the architectural features of the associated building. Simple geometric forms are preferable for all signs. All signage shall comply with the requirements of the Zoning Ordinance of the Town of Cumberland. Note how this concept is reflected below in the photos of a local business.

3.2.3 Freestanding Signs

An alternative to a façade-mounted sign is a freestanding “pylon” sign. These signs are typically located between the building and the roadway right-of-way, adjacent to the site’s vehicular entry point.

As with façade-mounted signage, design and content standards shall apply. Because freestanding signs amount to architecture themselves, it is important that they be carefully designed to complement the associated building. This will entail similar forms, materials, colors, and finishes. Landscaping surrounding the base of such signs shall be consistent with the landscaping of the entire site.

3.2.4 Wayfinding Signs

To prevent visual clutter and motorist confusion, additional smaller signs indicating site circulation are generally discouraged. However, they are sometimes needed to clarify complex circulation patterns. Wayfinding signage is also sometimes required to indicate different areas of site usage, such as secondary building entries, loading, or service areas. The Planning Board shall exercise its discretion in the requirement or prohibition of such signs.

Where required, wayfinding signage should be unobtrusive, no taller than absolutely necessary, and shall complement the overall architecture and signage plan in terms of materials, color, form, and finishes.

3.3 Sign Illumination

Only externally lit signs are permitted in the Main Street District because, compared with internally lit signs, the direction and intensity of the light can be more easily controlled. Externally illuminated signs are made of an opaque material and have a dedicated light fixture or fixtures mounted in close proximity, aimed directly at the sign face. The illumination level on the vertical surface of the sign should create a noticeable contrast with the surrounding building or landscape without causing undue reflection or glare.

Lighting fixtures should be located, aimed, and shielded such that light is only directed onto the surface of the sign. Wherever possible, fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky. Sign lighting should be shut off after business hours.

The free standing sign will have two goose neck downward facing light fixtures.

LIGHTING

Outdoor lighting is used to identify businesses and illuminate roadways, parking lots, yards, sidewalks, and buildings. When well designed and properly installed it can be very useful in providing us with better visibility, safety, and a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well designed or is improperly installed it can be a costly and inefficient nuisance. The main issues are glare (hampering the safety of motorists and pedestrians rather than enhancing it), light trespass (shining onto neighboring properties and into residential windows), energy waste (lighting too brightly or lighting areas other than intended or necessary), and sky glow (lighting shining outward and upward washing out views of the nighttime sky).

4.1 Good Lighting

Objective: Good lighting does only the job it is intended to do, and with minimum adverse impact on the environment. Common sense and respect for neighbors goes a long way toward attaining this goal.

Appropriate Levels of Illumination

The applicant should provide sufficient lighting for the job without over-illuminating.

Fixtures should be fully shielded, giving off no light above the horizontal plane. They should also direct the light onto the intended areas. Fully shielded produce very little glare, which can dazzle the eyes of motorists and pedestrians.

The height and positioning of fixtures is also important, since even well shielded fixtures placed on tall poles can create light trespass. Fixtures should be positioned to uniformly illuminate the subject area. Hot spots created by too-bright or too-low fixtures make the in between areas seem dark, which can create safety problems.

High efficiency lamps may be a little more expensive initially, but they quickly pay for themselves by saving energy and lasting longer. Shielded lights can be lower in wattage, and will actually light an area better than unshielded high-output lights because they do not waste light by casting it outward and upward.

4.2 The Lighting Plan

Objective: As part of Site Plan or Subdivision review the Planning Board may, at its discretion, require that a lighting plan be provided. It should be prepared by a professional with expertise in lighting design. The intent of the lighting plan is to show how the least amount of light possible will be provided to achieve the lighting requirements.

4.2.1 Elements of the Lighting Plan

In addition to meeting the requirements of the Zoning Ordinance, the Lighting Plan should contain a narrative that describes the hierarchy of site lighting, describes how lighting will be used to provide safety and security, and describes how it will achieve aesthetic goals. The Lighting Plan should include specifications and illustrations of all proposed fixtures, including mounting heights, photometric data, and other descriptive information. It should also include a maintenance and replacement schedule for the fixtures and bulbs.

If the Planning Board requires a photometric diagram, it should show illumination levels from all externally and internally visible light sources, including signage.

The location and design of lighting systems should complement adjacent buildings, pedestrian routes, and site plan features. Pole fixtures should be proportionate to the buildings and spaces they are designed to illuminate.

Buffers, screen walls, fencing and other landscape elements should be coordinated with the lighting plan to avoid dark spots and potential hiding places.

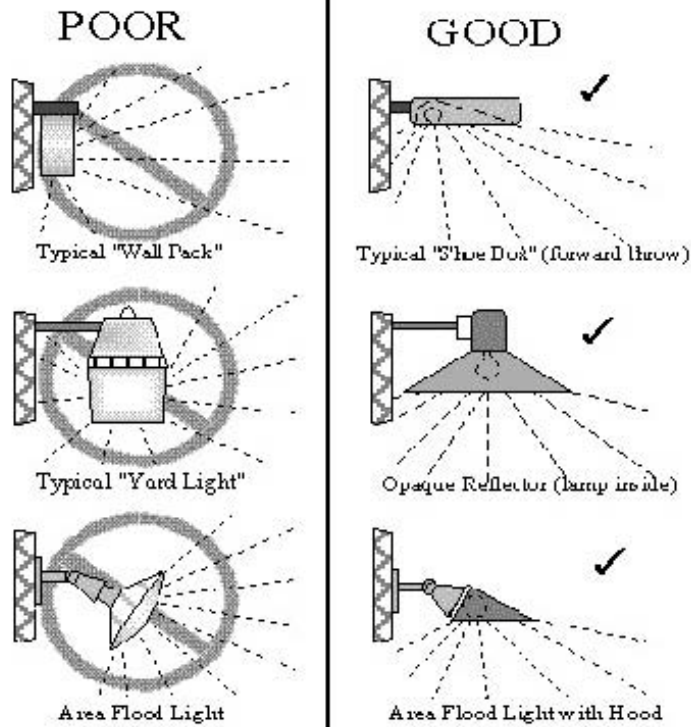
Where proposed lighting abuts residential areas, parking lot lighting, and other use-related site lighting shall be set at the minimum level necessary to provide for public safety within one hour of the business closing.

The free standing sign will have two goose neck downward facing light fixtures.

4.3 Types of Lighting

4.3.1 Façade and Landscaping Lighting

Lighting on the front of a building can highlight architectural features or details of a building and add depth and interest to landscaping. This style of lighting should not be used to wash an entire façade in light or light the entire yard. Rather should be used to emphasize particular aspects of the project. All fixtures should be located, aimed, and shielded so that they only illuminate the façade or particular plantings and do not illuminate nearby roadways, sidewalks, or adjacent properties. For lighting a façade, the fixtures should be designed to illuminate the portion of the face of the building from above, aimed downward, to eliminate skyglow.

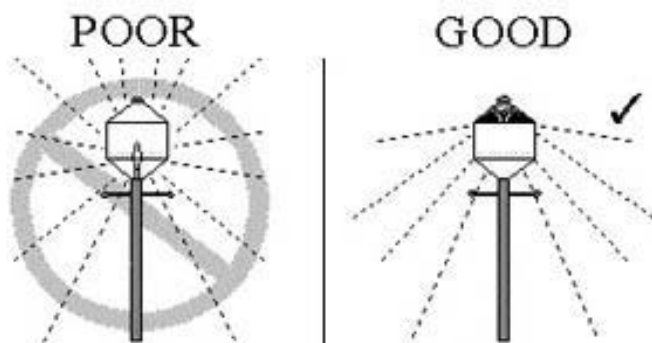


The building-mounted fixtures comply with the ordinance.

4.3.2 Parking Lot and Driveway Lighting

Parking lot and driveway lighting should be designed to provide the minimum lighting necessary for safety and visibility. Poles and fixtures should be in proportion to the roadways and areas they are intended to illuminate.

All fixtures should be fully shielded or "cut-off" style, such that no light is cast above the horizontal plane. Decorative fixtures are strongly encouraged as long as they meet the cut-off criteria, and their design and color complements the architecture and landscaping of the project.



4.3.3 Pedestrian Lighting

Places where people walk, such as sidewalks, stairs, sitting areas, curbs and landscaping should be adequately but not excessively illuminated.

Mounting heights for pedestrian lighting should be appropriate in design and scale for the project and its setting. Bollard fixtures of 3' to 4' in height and ornamental fixtures of up to 12' in height are encouraged. Fixtures should be a maximum of 100 watts and should not create glare or light trespass onto abutting properties.

The lighting plan meets these standards.

F. Administrative Matters: None

G. Adjournment: Mr. Neagle adjourned the meeting at 10:25 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Board Clerk