

**Town of Scarborough
Planning Board
MINUTES**

October 9, 2001

Members Present Staff

Ms. Auglis (left at 10:10 P. M.) Ms. Bristol, Recording Secretary

Mr. Dougherty Mr. Wendel, Town Engineer & Asst. Planner

Mr. Hanson Mr. Ziepniewski, Town Planner

Mr. Pendleton

Mr. Shinay

Ms. Taylor

Mr. Wood

1. Call to Order

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

2. Roll Call

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

3. Approval of Minutes

There were no minutes available.

4. Prouts Neck Country Club requests Planning Board opinion to the Zoning Board of Appeals for a Miscellaneous appeal for expansion of a nonconforming use to construct a tennis shop onto an existing storage building at 499 Black Point Road

Mr. Ziepniewski stated that the staff reviewed the proposal and the only comment was that the Shoreland Zone line should be shown on the plan for site plan approval.

Attorney Jeffrey Jones stated that there was a Shoreland Zone demarcation on the survey dated September 24, 2001. Mr. Jones stated that the R-2 Zone allowed golf courses but not tennis shops; he stated that this proposal would better serve the

members of the Prouts Neck Country Club. He stated that he had addressed the criteria in writing and asked that the document be recognized by the Board.

Mr. Shinay stated that this was a straightforward appeal and he had no problem with it. Mr. Shinay moved to send a favorable recommendation to the Zoning Board of Appeals; Mr. Hanson seconded.

Voted 5-0

5. Black Point Inn, Eric Chianchette requests Planning Board opinion to the Zoning Board of Appeals for a Miscellaneous Appeal to construct a gazebo and an addition to the garage at 510 Black Point Road

Mr. Shinay stated that his law firm represented an abutter to this site and asked Mr. Wood to chair this item; Mr. Wood authorized Mr. Hanson to vote.

Mr. Ziepniewski stated that at an earlier meeting with the applicant there were questions regarding what was existing on the site, what had been approved and not built, the location of the Shoreland Zone line, and issues with lighting. He stated that the staff reviewed the plans with the applicant's representative and there were four plans showing the site at different stages. Mr. Ziepniewski stated that the staff and the Town Attorney determined that neither the garage addition nor the gazebo was proposed in the Shoreland Zone. He stated that the Board should be concerned only with the recommendation to the Zoning Board for the proposed gazebo and garage addition at this time. He stated that any Shoreland Zoning issues would be dealt with at another time. Mr. Ziepniewski stated that the staff reviewed this straightforward request which was not in the Shoreland Zone.

Attorney David Perkins, who represented the Black Point Inn, stated that they still objected to Ms. Taylor's participation because of her family's membership in the Prout's Neck Association which opposed the inn's applications. Mr. Wood noted that that had been discussed earlier and Ms. Taylor would participate.

Ms. Charlotte Maloney, of Gawron Architects, explained that they were requesting a recommendation to the Zoning Board for expansion of a nonconforming use to place a gazebo on the property and filling in a cutout in the existing storage garage. She stated that the Board had an elevation for the garage addition which would be one story and of the same construction as the existing garage. Ms. Maloney stated that the garage addition would be 924 square feet and would allow them to store the construction materials and equipment inside. She stated that the gazebo would be 317 square feet and would be placed as a passive stop for viewing the ocean. Ms. Maloney stated that the issue of coverage in the Shoreland Zone was not before the Board because these structures would not be

in the Shoreland Zone, but they had produced a number of plans to show the lot coverage.

Mr. Hanson noted that on a previous plan the gazebo was on the other side of the walkway. Ms. Maloney stated that it would have blocked the view from some of the inn's rooms in that location so they moved it. To a question from Mr. Hanson, Ms. Maloney replied that there may be an interior light but no outside lighting of the gazebo; she stated that there would be no lights on the garage. Mr. Subilia, of the Black Point Inn, stated that they would be storing wood, bricks and staging in the garage and there would be no car repairs. To a question from Mr. Dougherty, Ms. Maloney replied that most of the traffic to the gazebo would come from the nearby walkway, but there would be no path to it; she stated that it would not be near any boundary line.

To a question from Ms. Taylor, Ms. Maloney replied that the top floor of the garage was a dormitory. Mr. Subilia stated that the ground floor consisted of all storage for maintenance items. Ms. Maloney stated that the area was now a storage area that the inn would prefer to have covered with this addition. Ms. Maloney distributed photos of the area; Mr. Hanson stated that it looked as though what was stored in this area should be inside.

Ms. Taylor stated that her issue was that this was piecemeal and not the whole site plan. Mr. Wood noted that this project met the requirements for a Special Exception and would come back to the Board for site plan approval.

Mr. Ogden Hunnewell, of the Prouts Neck Association, stated that the idea of the gazebo and expansion of the garage was not a significant matter, but there was an empty area in the garage so the Association wondered why this was happening. He stated that this proposal had to be put into context, considerable work had been done and there was new information and misinformation that they were trying to digest. Mr. Hunnewell stated that the Board should start with the 1997 master plan; he stated that they believed insufficient work had been done on that plan and work had been done for which the Association was not made aware. Mr. Dougherty stated that the Board was acting only on the garage and the gazebo tonight and he did not appreciate not sticking to the subject matter. Mr. Hunnewell stated that the background needed to be understood and there was a recent pattern of confusion. He stated that the hotel should comply with setbacks with commercial setback of 100 feet, not the 15 feet required for residences; he stated that the land coverage ratio was now too high and there were ways to make improvements without expansion.

Attorney Jeffrey Jones, who represented the Sheshonoffs of 3 Jocelyn Road, confirmed that the Board was recommending only the gazebo and garage expansion. Attorney William Plouffewho represented John Scully of 1 Whittier Street, stated that before the Board could vote on the expansion of a noncon-

forming use it should have a handle on how much the inn had been expanded in the past. He stated that this seemed to be creeping development.

Voted 5-0

Mr. Hanson moved to give a favorable recommendation for the gazebo and garage addition with the condition that this recommendation does not constitute approval of the site plan, either expressed or implied; Mr. Dougherty seconded.

Voted 5-0

6. Storage Realty, James Elowitch requests Planning Board opinion to the Zoning Board of Appeals for a Miscellaneous Appeal to change a nonconforming storage building to a nonconforming warehouse and distribution facility at 46 Saco Street

Mr. Ziepniewski read a letter from Town Attorney, Martha Gaythwaite, who indicated that this site was a grandfathered, nonconforming use and needed Zoning Board approval for conversion to another noncon-forming use. Mr. Ziepniewski stated that major concern was with increased traffic. Ms. Taylor asked about the location of the site; Mr. Ziepniewski noted that it was surrounded by residences.

Attorney Bud Danielson explained that Building D was the large, 60 by 300 foot building which was one of four buildings on the site; he distributed photos of the site. Mr. Danielson stated that this building was constructed in 1973 as a spare warehouse building, at which time Maine Tire was manufacturing tires. He stated that the site was zoned R-F and any changes to the site had to be approved by the Zoning Board because it was a nonconforming use. Mr. Danielson stated that they proposed they could make this change as a right because there would be no change to the outside of the building but Ms. Gaythwaite's letter indicated that the project must be approved by the Zoning Board. He stated that the original build-ing permit indicated that it was issued "as per the Appeals Board" with the words "no facilities" noted on that permit; he stated that the Zoning Board minutes did not indicate no facilities so that notation on the permit may have meant that no inspector needed to look at facilities and not that none were allowed.

Mr. Daniels stated that they wanted to have the same use that they had been doing for 25 years but would like to have a third party tenant use this building because no tenant would rent all four buildings. He stated that a tenant would need a bathroom, a small office and loading docks. He stated that they wanted to continue the existing, nonconforming use and felt they were lessening the use by replacing a portion of the warehouse with the bathroom and office; he noted that the two uses were defined differently in the Ordinance where this project was considered warehousing and distribution, not simply warehousing. He reiterated that they were not adding any space.

Mr. Danielson stated that they presented the criteria in writing. He stressed that no one would see any change on the site. To a question from Mr. Hanson, Mr. Elowitch replied that he had spoken with neighbors and no one was concerned because there would be no change in intensity. Mr. Ziepniewski noted that this application would not come back to the Planning Board because there would be no changes on the site. Mr. Elowitch noted that the loading dock would be on the inside of the building, away from the trees and the office hours would be normal business hours.

To a question from Mr. Shinay, Mr. Elowitch replied that the building would be used for drop off of appliances by a tractor trailer and the appliances would then be distributed to other stores; he stated that the previous tenant was Yudy's Tires which distributed tires, which had more pickups by individuals. Mr. Elowitch stated that they had never received complaints. He stated that their traffic was negligible on Saco Street.

Ms. Auglis asked about the curbcuts; Mr. Danielson explained that this was an 18 acre lot owned by Storage Realty. Mr. Elowitch indicated the location of the loading docks where trucks would pull in and back out. Mr. Danielson stated that unless there was an external change there was no concern for the Board. Mr. Elowitch reiterated that the loading dock would be in the existing building and would not be visible from the road. Ms. Auglis stated that she had no problems with the circulation after getting that information. To a question from Mr. Shinay, Mr. Elowitch replied that traffic entered either curbcut depending on the direction it was coming; Mr. Elowitch noted that Yudy's was no longer on the site. Mr. Shinay noted that it sounded as if the new use would be less intense than Yudy's. Mr. Ziepniewski reiterated that there would be no site plan review because there would be no change in parking or square footage and the loading dock would not add 100 square feet.

To a question from Mr. Shinay, Mr. Ziepniewski replied that the Board could recommend that the Zoning Board look carefully at traffic. Mr. Pendleton asked about water and septic service; Mr. Elowitch replied that there was a bathroom in the existing house, which was not in use, and he would run that service to the warehouse. Mr. Pendleton noted that the campground was nearby and the plumbing codes should be carefully considered.

Ms. Taylor stated that her concern was the number of trucks in this residential neighborhood and she did not think the Board had adequate information and would be remiss if it did not look at this land use change more carefully. Mr. Shinay stated that a traffic study would be appropriate if that was what the Board wanted. Mr. Danielson stated that this was an existing warehouse and they were not asking to increase the intensity, but only to have the use stand alone, which simply required a bathroom and an office. Mr. Shinay stated that the change of use was not a right and the Board needed more information; he stated that he would think the applicant would want a favorable recommendation and maybe the tenant should tell the Board what he intended to do. Mr. Pendleton stated that he had no problem and was comfortable with the proposal.

To a question from Mr. Ziepniewski, Mr. Elowitch stated that there would be four to six employees, as Yudy's had, there would be one tractor trailer per day and a number of pickup trucks. Mr. Ziepniewski stated that it seemed to the staff that that was an increase. Mr. Elowitch stated that when this site was one entity they used the bathrooms in the house, but there would be women working at the warehouse in question and they needed a bathroom. Mr. Dougherty stated that he felt the Board had enough information and the type of merchandise was not a consumer product and would be distributed slowly from the site.

Ms. Taylor stated that without the office space in the warehouse, this would be a change of use. Mr. Shinay stated that it was a change from one nonconforming use to another and was allowed with approval by the Zoning Board. Mr. Ziepniewski read Mr. Grysk's information for the appeal indicating the Ordinance section indicating the change from one nonconforming use to another.

Mr. Wood stated that he was comfortable with the information but was curious about the use of the words "spare warehouse;" Mr. Danielson stated that the words were used in a letter from Maine Tire in 1992, but the building was permitted as a "warehouse." He stated that the building was constructed in 1973 to get tires that were stored outside stored inside. Mr. Wood asked whether employee parking would change; Mr. Elowitch replied that they had huge acreage and employees parked along the edge of the building near the trees. Mr. Wood stated that he did not see that the proposed use would cause any greater intensity.

Mr. Shinay moved to send a favorable recommendation to the Zoning Board, with the emphasis that that Board should reach the same level of comfort for the increase in traffic and impact of use as the Planning Board; Mr. Hanson seconded.

Mr. Shinay stated that the process of recommendation was difficult for him, but the issue was for the Zoning Board; he stated that he was satisfied that the traffic and impacts were the same or a little less than those of the previous use and the Zoning Board should consider that.

Voted 5-0

7. Designs by Lucinda requests site plan approval for 5,972 square foot expansion of existing structure at Rigby Road in the Industrial Zone

Mr. Shinay noted that Lucinda was a niece of his sister-in-law but he did not feel that was a conflict; the Board agreed.

Mr. Ziepniewski stated that the staff had no issues.

Mr. Robert Metcalf, of Mitchell & Associates, stated that the applicant had manufactured jewelry for charities on this site since 1995 and had grown and needed more space in one location. He stated that there were 13 paved parking spaces and 12 gravel spaces; he stated that the Ordinance required 25 parking spaces, but they needed only 20. He stated that the applicant wanted to add 5,972 square feet in an ell on the rear of the building. Mr. Metcalf stated that they received on trailer truck load per month and one UPS truck per day. He stated that there was a fire lane in the front, they would relocate the propane tank and the HVAC. He stated that there was a lot of existing buffering and landscaping and they would do additional plantings near the new building; he stated that the disturbed area would be loamed and seeded. Mr. Metcalf stated that there would be infiltration runoff and catch basins would be dry wells to perk into the soil.

Mr. Hanson stated that he was concerned about part time employees who brought in their projects. Mr. Metcalf stated that there were 14 employees and two or three came to the site to pick up supplies or deliver their product; he stated that there would be no increase in traffic. Ms. Auglis stated that the site was well hidden and the landscaping impressed her.

Mr. Hanson moved to approve the site plan; Mr. Pendleton seconded.

Voted 5-0

8. Maine Medical Center requests site plan amendment for signage program for previously approved site on U. S. Route One

Mr. Ziepniewski stated that he met with Mr. Wendel and the Code Enforcement Officer; he stated that this was unique because the Sign Ordinance addressed single buildings and this site was a campus with a different type of development and a different set of needs. He stated that they were impressed with the work that went into the plan. He stated that, in terms of the future, there may be similar campus developments or a unifying theme to many buildings and the Town may want to amend the sign ordinance or consider allowing the Planning Board to approve an overall signage program. Mr. Ziepniewski noted that the Code Enforcement Officer indicated that some of the signs met the Ordinance requirements but some others may not. To a question from Mr. Shinay; Mr. Ziepniewski replied that the Board had no flexibility to approve signs that did not meet the Ordinance. Mr. Shinay stated that the Board could approve the signage but the Code Enforcement Officer could deal the size of the signs.

Mr. Boyd Morrison, of Gamble Design, stated that they dealt with how people navigated through complex spaces and designed a system hierarchy through the site with more signage information as one moved along. Mr. Morrison stated that this was a work session to get input from the Board and showed the sign types in succession of navigation. He stated that the main, identification was large and got its design from the main entrance of the building and was scaled to the streetscape

as viewed from vehicles. He stated that there would be a large sculpture for the street number of 96. He stated that there were now poorly designed signs on the site.

Ms. Taylor noted that the new sign did not indicate the Maine Cancer Center. Mr. Morrison stated that the system, including the Cancer Center sign, did not work because all the department names were on the on the outside and people needed to get into the correct entrance to specific directions on the inside of the building. He stated that this site was competing with major existing signs on Route One and they a clear way for people to get into the site and then give clear information to get to the major entry points. (Boy is he anal!)

Mr. Shinay asked the rationale for the signs that did not meet the requirements of the Ordinance. Mr. Morrison stated that the larger signs would give people the information needed in their field of view, information was grouped and any change of information would be first on a sign. He stated that the scale needed to be readable. Mr. Morrison stated that the entrance sign was seven feet high and open on the bottom so it could be seen through and it would be above the snow. He stated that pedestrian signs were colored so they popped out. He stated that the scale of the signs was geared toward the many people who were unfamiliar with the site; he stated that they could make the signs smaller but by only about 10%. He stated that the signs fit the landscape and roadways and sidewalks. To a question from Mr. Ziepniewski, Mr. Morrison replied that main sign was 5 feet 6 inches wide and 8 feet tall but the panel was only 25 square feet.

Ms. Taylor noted that the applicant started with the premise that everyone would enter the main entrance from south to north, but when the Board approved the site, the neighborhood across Route One did not want traffic at this access. She stated that the Board wanted the traffic split between the two accesses. Mr. Morrison stated that they were up against the very unfriendly intersection and the site needed to be visible to people exiting I-295; he stated that the first time user would never find the second access from I-295. He stated that the system was flexible enough to make changes when the I-295 access was built.

Mr. Dougherty stated that it would be helpful if the buildings were labeled A, B, C or D to match the parking lot labeling. Mr. Morrison stated that his experience showed that color-coding did not work and the parking lots would no longer be marked that way and people would park near their building entrances. To a question from Mr. Dougherty, Mr. Ziepniewski stated that Mr. Morrison had the Board's Design Standards.

Ms. Auglis stated that she liked the idea, and when the new I-295 access opened there would have to be changes, but that was not the issue tonight. She noted that signage should be considered for campus developments, but some of these signs could not be installed at this point unless the sizes of the signs were changed. Mr. Morrison noted that they considered this meeting as the beginning of a process.

Ms. Auglis noted that there were greeters at the door to direct patients. Ms. Auglis stated that the design of the main sign was too big but vines running up the proposed wires would calm the size, but the grill shown did not appeal to her. She asked whether there could be only one pillar on each side of the main sign. Mr. Shinay noted that the main sign met the code requirements.

Mr. Shinay stated that the Board was trying to micromanage. He stated that the concept made sense and these were not advertising signs. He stated that the Board should be looking at 1. Consistency in signs; 2. Whether the signs gave adequate enough information so drivers did not have to slow down; and 3. The overall size and issues with the Ordinance and maybe the Board needed to talk about a new section of the Ordinance for campus signs so the Board could have some latitude. Mr. Shinay stated that Maine Medical Center needed to work with the staff for that approach. He stated that they needed to meet the codes. He stated that he did not recall a condition on trying to avoid traffic at this entrance, but concluded that as this site developed most people would figure out that they could use the middle entrance.

Mr. Shinay stated that he was less concerned with the internal signage and more concerned about the main sign being seen from the road; he stated that the stylized logos could be removed from the internal signs to cut down on size. Ms. Taylor stated that the main sign used up a lot of sign space that would be allowed for the entire site; she stated that Ordinance changes needed to be made so they could erect their signs. Mr. Shinay asked how many of the signs would be lighted; Mr. Morrison replied that the primary sign would be internally illuminated or have ground lighting, but the other signs would be reflectors and have no lighting. He stated that the parking lot lights would illuminate the internal signs.

Mr. Shinay reiterated that the applicant could not do what they wanted to do without Ordinance amend-ments and the Board had to find a way to work with that. To a question from Mr. Morrison, Mr. Shinay replied that the Design Guidelines were not mandatory.

Mr. Shinay called a recess at 9:20 P. M. for a videotape change; the meeting resumed at 9:30 P. M.

9. M. W. Sewall requests sketch plan review for filling station with convenience store at 441 Payne Road

Mr. Shinay recused himself from this item because his law firm represented M. W. Sewall and asked Mr. Wood to chair.

Mr. Ziepniewski stated that the Board had received copies of the Ordinance amendments regarding gasoline stations passed by the Town Council; he stated that they would be applicable to this sketch plan.

Mr. Wood confirmed that the use had been approved and met the new standards. To a question from Mr. Dougherty, Mr. Ziepniewski replied that there was a lot of Planning Board review needed for this project, such as the building design, the roof over the gas pumps, traffic circulation, stormwater, impact fees and sight distance. Mr. Pendleton asked whether this site would be impacted by the modification of this inter-section as part of the nearby Grondin subdivision; Mr. Ziepniewski stated that the applicant's traffic engineer would have to consider that. Mr. Wood noted that all projects in the area would be considered. Ms. Taylor stated that the Board needed to review this as a stand-alone building. Mr. Ziepniewski stated that both this building and Bob's Discount had over 200 feet of frontage and the required lot sizes. Ms. Taylor stated that her question was whether Bob's had enough parking; she asked why there was so much parking and not more landscaping on this site.

Mr. Jon Van Hoogenstyn, of M. W. Sewall, stated that they created two lots on the site with 200 linear feet of frontage; he showed Bob's parking. Ms. Taylor stated that there could be no access driveway within 10 feet of the lot line. Mr. Van Hoogenstyn stated that their 17 parking spaces would be around the store and there were 105 spaces for Bob's around the perimeter of the lot. To a question from Mr. Wood, Mr. Van Hoogenstyn replied that they had drawn up easements for Bob's parking on their lot. Mr. Van Hoogenstyn stated that they showed landscaping on the corner, the front and near the two entrances; he stated that they would use the existing curbs. He stated that they were aware of the information regarding the widening of Gorham Road and their engineer, Gorrill-Palmer, was the engineer for the Grondin project and would meld the projects. Mr. Van Hoogenstyn stated that both the gasoline pump canopies and the building would have a pitched roof and the building would be of clapboard and have architectural details, such as windows, columns, and pedestrian walkways from the pumps to the building. He showed the floor plan and noted that there would be food vendors inside the building; he stated that they would submit the signage plan, the topographic work and the stormwater analysis.

Mr. Dougherty asked whether the vendors would be indigenous to the convenience store; Mr. Van Hoogenstyn replied that they would be standard food preparers that are in convenience stores. Mr. Wood stated that he liked the style of the building but was concerned about traffic circulation and how it might conflict with Bob's. He asked whether they had considered putting the pumps in the rear and the building in the front of the site. Mr. Van Hoogenstyn replied that if they put the pumps in the rear there would be a lot of traffic driving past the store to get to the pumps and it would be easier for traffic flow if they were in the front; he stated that they considered that and a lot of people paid at the pumps so it would be easier to not drive to the rear of the site to get to the pumps. Mr. Wood noted that all the traffic was concentrated in the front of the store but if people fueled in the rear, the traffic would be split and not have an impact on each other.

Ms. Taylor stated that one of the design standards was for nicely landscaped stores, and instead of going through all the hoops, the Board agreed to increase the lot size to allow those things to happen on the site. She stated that her problem was that the lot size was increased to 40,000 square feet to allow buffering, but that was being consumed by Bob's parking and the Board would not be dealing with extraneous parking on any other site. Mr. Van Hoogenstyn stated that this site would have the nicest landscaping at this intersection. Ms. Auglis stated that they did not have the use of the 40,000 square feet and without the use of the parking spaces on this property, Bob's did not have enough parking. Mr. Van Hoogenstyn noted that their peak morning hours were different from Bob's and the Ordinance encouraged shared parking. Ms. Taylor stated that the applicant was putting too much on this site. Mr. Wood stated that the plan met the Ordinance requirements. He noted that the site plan should show the approved trailers at Bob's. Mr. Wood noted that the Board did make sure that each use could stand on its own.

Ms. Auglis stated that the Ordinance allowed this project, but she thought going from a 30,000 to a 40,000 square foot lot requirement, when a lot of this lot was dedicated to Bob's parking, did not make sense. She stated that there would be a lot more freedom for the building and the landscaping if Bob's did not need the parking. Mr. Wood reiterated that what is presented meets the guidelines. Ms. Taylor stated that the B-2 Zone required an 80 foot setback, building coverage of 50% and a setback of any driveway of 10 feet and the Board needed to know what was proposed. Mr. Wood stated that the 80 foot setback was shown from both streets. To a question from Mr. Wood, Mr. Ziepniewski replied that Bob's Discount building did not cover more than 50% of their site. Mr. Ziepniewski noted that the parking aisles and 10 foot setbacks were tricky on this site.

Ms. Taylor asked how flexible the owners were about the placement of the lot line; Mr. Van Hoogenstyn replied that they were flexible. Mr. Pendleton asked whether there was enough maneuvering space; Mr. Van Hoogenstyn replied that they were careful to make sure there was space. Mr. Van Hoogenstyn stated that they would like to use a steel fence with vertical slats around the dumpster because wooden fences fell apart with time. Ms. Taylor stated that a steel enclosure would not fit with the building. To a question from Mr. Dougherty, Mr. Van Hoogenstyn replied that they showed some signage on the building. Mr. Van Hoogenstyn stated that the lighting plan was done and met the new standards and he would like Mr. Wendel to review it. Mr. Wood stated that his concern would be the height of the gas price sign.

Mr. Wood stated that he would like to hear more about the traffic circulation and would like to the building moved toward the front of the lot; he stated that the Board would need to see the parking easements and an agreement (???) for aisle width. Mr. Wood noted that a fence from the building could hide the dumpster; he stated that the applicant should consider green space around the building.

To a question from Mr. Dougherty, Mr. Van Hoogenstyn replied that they showed 16 parking spaces for their site; he stated that there would probably be eight fueling stations. Mr. Hanson confirmed that one could drive between the two sites; Mr. Van Hoogenstyn stated that that was part of the shared concept. Mr. Dougherty stated that that few pumps could facilitate the pumps being in the rear. Mr. Wood stated that this site would be an example for every other similar project that followed and he would like to hear why the pumps should stay in the front. Mr. Taylor stated that Bob's Discount should be buffered with trees. She noted that the State may want easements where the applicant proposed landscaping and they would then not be able to control the landscaping and would lose the benefit of that corner.

10. Tamarack Place Subdivision, Paul Hale requests preliminary subdivision approval for 15 single family lots on Holmes and Broadturn Roads

Mr. Shinay recused himself from this item; Mr. Wood chaired and authorized Mr. Hanson to vote.

Mr. Ziepniewski read a memo from Mr. Wendel and stated that Note 12 should be amended to include the words "all necessary permits are obtained." He stated that any approval should reference Mr. Wendel's comments and any comments from the site design engineers. Mr. Ziepniewski stated that, in general, the plan met some of the objectives that the Board discussed regarding layout and shared driveways.

Mr. Alan Burnell, of , stated that the plan had not changed other than small technical changes and cleaning up the notes. Regarding Mr. Wendel's memo, Mr. Burnell