

Town of Scarborough

Planning Board

December 11, 2006

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (November 30, 2006)
4. Consent Items
 - a. Dunstan Crossing, Raynan Properties requests reapproval of subdivision plan for mixed use residential neighborhood off U. S. Route One and Broadturn Road
 - b. Sam's Club requests site plan amendment for temporary Tire Management Area at site on Payne Road
 - c. Oak Hill Ace Hardware, Alpha Management Corp. requests site plan amendment for 880 square foot roof canopy over existing slab at rear of the hardware store at Oak Hill Terrace
5. Dolphin Marketplace LLC requests sketch plan review for 3 lot commercial subdivision and a new 20,400 square foot school building at the former VIP Plaza at 183 U. S. Route One
6. Scarborough Gallery, Great Island Acquisitions LLC requests revision to conditions of subdivision approval for the Scarborough Gallery project
7. Glaude's Diner, Mike and Jeanne Glaude request site plan review for 2,900 square foot diner at 623 U. S. Route One
8. Town Planner's Report
9. Correspondence
10. Planning Board Comments
11. Adjournment

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

Town of Scarborough

Planning Board

December 11, 2006

MINUTES

Members Present

Ms. Auglis
Mr. Callahan
Mr. Chamberlain
Mr. Hanson
Mr. Paul
Mr. Shanahan
Mr. Wood

Staff

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

1. Call to Order

Ms. Auglis 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 (November 20, 2006)

Mr. Hanson moved to approve the minutes of November 20, 2006; Mr. Paul seconded.

Voted 5-0

4. Consent Items

a. Dunstan Crossing, Raynan Properties requests reapproval of subdivision plan for mixed use residential neighborhood off U. S. Route One and Broadturn Road

This item was tabled to the next meeting at the applicant's request.

b. Sam's Club requests site plan amendment for temporary Tire Management Area at site on Payne Road

Mr. Ziepniewski asked whether the Fire Department would require the structure to be sprinklered and how long temporary was.

Mr. Aaron Shaw, of J. W. Sewall Co., stated that the Tire Management Area (TMA), which would be used to continue tire operations during renovations to the main building, would be in place for six to eight months. He stated that the structure would be a wooden building with four garage bays and a flat roof. He stated that the Fire Department indicated the structure should be sprinklered because of the combustible materials, but they decided to create an open area with a chain link fence with slats for screening; he stated that that would satisfy the Fire Department and they would not have to sprinkler the structure. Mr. Shaw stated that the TMA would meet fire code but the storage area would be open. Ms. Auglis confirmed that the fence through the building area designated the construction line. At Mr. Ziepniewski's request, Mr. Shaw described the different areas of stages of construction as noted on the plan.

Mr. Wood confirmed that area B would be a temporary area to access the foundation work in area A and once that area was constructed, the new TMA would be constructed and all of A, including the present tire store, would become construction area. Mr. Shaw stated that not all of the construction areas would be done at once and the overall construction time would be about 12 months. Mr. Wood noted that 12 months was a long time to look at construction from Payne Road and the Board should require further information from the applicant if the work were to take longer. To a question from Mr. Wood, Mr. Shaw replied that construction vehicles would access via Route 114; Mr. Wood stated that that should be a condition of approval. Mr. Wood stated that, if possible, the TMA should be moved toward the turnpike where access would work better.

Mr. Shanahan agreed that the whole TMA and storage area should be moved; he asked when construction would begin and whether the TMA could be moved to the Super Wal-Mart site for the duration of the construction. Mr. Shaw replied that Wal-Mart was not yet under construction and the work on this site had to begin by February 2007 in order to meet the Zoning Board time restraints. To a question from Mr. Paul, Mr. Shaw replied that area A would not be completed before work on area C began; he stated that A was the actual building part of the project and would take the entire 12 months of construction. He stated that, for access on Route 114, the fence could be removed once the walls were up. To a question from Mr. Paul, Mr. Shaw replied that there could be signage at the entrance on Route 114 so no customers would use that access.

Ms. Auglis stated that she would like to see the TMA moved near the gas station area, but that could create a circulation problem; she stated that the applicant and the staff should work out a safe area for the TMA. Mr. Shaw stated that their alternative location would be near the gas station where it would be isolated at the rear of the site. Ms. Auglis agreed that there should be signage at Route 114 for construction vehicles only. Mr. Wood asked whether it was possible to leave a 12 foot lane for customers to access the site from Route 114 by moving the fence; Mr. Shaw replied that they blocked the whole area for safety reasons.

Mr. Wood moved to approve the amended site plan for the TMA construction program with the following conditions:

1. That the plan be approved by the Fire Chief;
2. That the applicant return to the Board after 12 months if the construction has not been completed;
3. That there be signage at the Route 114 entrance to indicate that only construction vehicles were allowed;
4. That the staff and the applicant work together to move the entire TMA elsewhere on the site;

Ms. Auglis seconded.

Voted 5-0

c. Oak Hill Hardware, Alpha Management Corp. requests site plan amendment for 880 square foot roof canopy over existing slab at rear of the hardware store at Oak Hill Terrace

Mr. Steve Berg, of Alpha Management, stated that the hardware store wanted to be able to store items in the existing storage area that could not be stored in the rain or snow; he stated that there were three existing walls over which the canopy would be built. Mr. Callahan confirmed that the canopy would not extend beyond the existing concrete pad.

Mr. Wood moved to approve the amended site plan as requested; Mr. Hanson seconded. Mr. Paul asked about fire protection; Mr. Berg replied that the Fire Department would require a construction permit and he would do what was required by them. Mr. Paul moved to amend the motion to include the condition

that the Fire Department approve the construction; Ms. Auglis seconded the amendment.

Voted 5-0 on the amended motion.

5. Dolphin Marketplace LLC requests sketch plan review for 3 lot commercial subdivision and a new school building at the former VIP Plaza at 183 U. S. Route One

Mr. Ziepniewski stated that the staff had a hard time understanding the plan because of confusing lot lines; he stated that some of the existing parking had been removed and the plan needed to be amended because of a transfer of land. He stated that the Board needed to know where the lot lines were and what the parking proposal was. Mr. Ziepniewski read comments from the Conservation Commission as follows: "The rear of the lot where the school is to be built is all wetlands and we feel there is no justification for developing this area."

Mr. Steve Brier, of Dolphin Marketplace and Dolphin School, stated that they wanted to divide the property into two lots to separate the child care from the existing front building. He noted that the school building would be 11,000 square feet. Mr. Tony Panciocco, of Sebago Technics, showed the current boundaries and stated that the deed described two lots. There was discussion regarding the confusion of the current lots lines; Mr. Ziepniewski stated that there was a question of right, title and interest that must be determined. Ms. Auglis confirmed that each lot must have 200 feet of frontage on Route One. To a question from Mr. Panciocco, Mr. Ziepniewski replied that the Code Enforcement Officer indicated that day care parking can be based on school requirements or retail/office, and that retail/office was more fitting. Mr. Panciocco stated that the Ordinance indicated the Board could reduce the number of parking spaces. Mr. Ziepniewski stated that the applicant had to show where future parking could be built.

Ms. Auglis confirmed that the parking between Route One and the building would remain and was sufficient. Mr. Ziepniewski noted that the school would use a portion of the front building for the first year. Mr. Panciocco stated that there would be a total of 138 parking spaces but only 114 were needed. Mr. Ziepniewski noted that Lot A would give parking spaces to Lot B. He stated that there should be a site plan amendment to move the propane tanks; he asked whether consideration had been given to put the tanks underground.

To a question from Ms. Auglis, Mr. Brier replied that the school would be moved to the existing building until the new building was built and there would be seven retail spaces in the existing building. To a question from Ms. Auglis, Mr. Panciocco replied that there were upland wetlands and the DEP would address whether there would be a Tier 1 or Tier 2 permit.

Mr. Ziepniewski stated that the Board did not have a clear enough plan to discuss fully and the applicant should return with a revised site plan; he stated that the Board did not like to see excess parking but the applicant needed to show the ability to provide parking in the future without filling a wetland. To a question from Mr. Chamberlain, Mr. Ziepniewski replied that he did not know whether the site's road was laid out to public standards.

Ms. Auglis stated that she liked the concept and the improvements to the existing building; she asked that the new sign be shorter than the existing sign. Mr. Wood stated that he understood using 29 parking spaces from one lot by the other, but there was no way to access them; Mr. Panciocco replied that they would move the property line or there would be an easement to cross over the property line. Mr. Brier stated that the staff would park in those spaces. Mr. Wood stated that there would have to be a nice pedestrian way.

6. Scarborough Gallery, Great Island Acquisitions LLC requests revision to conditions of subdivision approval for the Scarborough Gallery project

Mr. Ziepniewski stated that there was a memo from Mr. Bray with recommendations, dated November 11, 2006, and a response from Richard Granara, of KGI Properties, owner of the property.

Ms. Nancy St. Clair, of Sebago Technics, stated that they had filed an application for modifications to the approval conditions which would affect only timing, and not the scope of improvements of the project. She stated that the revisions would be for the offsite traffic improvements at both ends of Spring Street. Ms. St. Clair explained that at Spring Street north, the DOT was to secure a right of way from an abutter, which they did in June 2006. She stated that there was a one year time frame, which ended June 2007, for the applicant to complete the traffic improvements. She stated that the work now had to go through design and review, and work on the culvert could be done only during the low flow period of the year, between July and October, for the protection of Red Brook. Ms. St. Clair stated that by the time the plans were approved, it was too late to do the work before the end of October and the work could not be started until July 2007, which was beyond the Board's deadline of June 2007. She stated that, because of the restriction, they were asking for an extension to November 1, 2007 to complete the improvements for condition No. 5 of the original approval.

Ms. St. Clair noted that the Board had received copies of the letter from Mr. Granara, of KGI Properties, indicating their commitment to the construction. To a question from Mr. Bacon, Ms. St. Clair replied that she understood the Wal-Mart construction would begin in the spring of 2007 with a 9 to 12 month construction time. Mr. Bacon confirmed that the traffic improvements would be completed prior to the opening of Wal-Mart.

Ms. St. Clair stated that conditions 4 and 6 pertained to the Spring Street south intersection, one of which was for a turn lane going south to Route 114; she stated that the second request was for the installation of the signal. She stated that there was relocation of a significant gas line at the intersection which delayed this work. She stated that Mr. Bray thought the signal was a higher priority than construction of the turning lane. Ms. St. Clair stated that the second point of Mr. Granara's letter addressed this issue; she stated that they were asking that construction of the turning lane be deferred to November 1, 2007. Ms. St. Clair stated that, other than Lowe's, no other Certificates of Occupancy would be issued for this property prior to installation of the signal. Ms. St. Clair noted that the traffic analysis traffic included the existing Wal-Mart and all new trips; she stated that when the new Wal-Mart opened, the old one would close, but the analysis indicated what would happen when the old structure reopened. She stated that the DOT was comfortable with the proposal and Mr. Bray was satisfied as long as KGI Properties followed through.

To a question from Ms. Auglis, Ms. St. Clair replied that the modification for condition No. 6 asked that the right turn lane not be constructed until the reuse of the existing Wal-Mart was approved by the Planning Board. She stated that they were asking that the time period be replicated in this amendment. Ms. St. Clair stated that condition No. 4.b. indicated that all other traffic improvements other than a proposed new right turn lane into the existing Wal-Mart must be completed prior to issuance of a Certificate of Occupancy for any building; she stated that they were asking that that condition be amended to include the words, "in addition, the main improvements at the Spring Street south intersection be completed on or before November 1, 2007," and that Lowe's only be issued a Certificate of Occupancy prior to installation of the signal. Mr. Ziepniewski suggested that the motion be in accordance with the letters of Mr. Bray and Mr. Granara.

Mr. Shanahan stated that Spring Street south was troubling because he did not know how the major gas line was missed. He stated that every project after this was predicated on the improvements and everyone behind this project was counting on the improvements. He stated that he was not convinced that Spring

Street south was an improvement that could be delayed. Ms. St. Clair stated that Mr. Bray was comfortable with the lane being delayed but the signal should be prioritized and that KGI Properties agreed. To a question from the Board, Mr. Granara replied that half the Lowe's building was built but the other half of the building area was still preloading and they did not have an opening date. To a question from Mr. Wood, Ms. St. Clair replied that the signal would be a new installation at Route 114 and Spring Street. Mr. Wood suggested that a specific date be set for installation of the signal since it was a priority.

Mr. Wood moved to approve the revisions as referenced in the November 16, 2006 letter from Richard Granara, of KGI Properties, LLC with the date of May 1, 2007 being added for installation of the traffic signal; Ms. Auglis seconded.

Voted 5-0

7. Glaude's Diner, Mike and Jeanne Glaude request site plan review for 2,900 square foot diner at 623 U. S. Route One

Ms. Auglis noted that the Board had not had time to study the huge package presented tonight and would not be ready to vote. Mr. Ziepniewski noted that the DEP permit was not yet issued and this presentation should be considered an advanced sketch plan.

Mr. Jim Fisher, of Northeast Civil Solutions, stated that this structure was a unique and fun diner of the 1950s and 1960s and did not fit with the Design Standards, but would be considered vintage. He displayed a photo of a similar diner in Waterboro which was very popular. Mr. Fisher showed the site location on a four acre parcel with full access to Broadturn Road and a right in and right out only access on Route One, where there would be a raised, paved island which would be accessible to emergency vehicles from either direction but would deter the public from making left turns. He stated that the diner would seat 95 people with sufficient parking and an additional parking area for visiting car clubs. He stated that their DEP permit was in the process of being written.

Mr. Fisher stated that the traffic study was done by Gorrill-Palmer and reviewed by Bill Bray. He stated that there would be a small red and black sign at the Broadturn Road driveway; he stated that the main sign at Route One would be four to five feet high and would be internally lighted. Mr. Fisher stated that stormwater would flow to the rear and there would be substantial landscaping to separate the abutting office building. He stated that there would be deciduous street trees and lower junipers for blocking headlights at Route One; he stated that headlights from the parking area would not face Route One.

Ms. Auglis read the comments from the Conservation Commission regarding the maintenance of storm water management systems. Mr. Lee Allen, of Northeast Civil Solutions, stated that their permit would require a five year renewable maintenance agreement with the DEP and the applicant had signed with Clean Harbors to maintain the stormwater system. To a question from Mr. Callahan, Mr. Fisher replied that the additional parking would not be asphalt, but gravel, which was also considered impervious surface. Mr. Fisher noted that there was room for expansion on this four acre site.

To a question from Mr. Paul, Mr. Fisher replied that when the traffic engineers' peak hour trip numbers differed, they worked together to come to an agreement. Mr. Paul stated that the photometric plan showed some light spillage to the Broadturn Road area properties; Mr. Fisher stated that the foot candles would be less toward the boundary and diffused light could go over the property line but the level was much less further away from the lamps. He stated that the lighting was designed so the lamp types shined straight down. Mr. Paul stated that a sidewalk should be considered along the driveway to Broadturn Road because of the future Dunstan Crossing project. He noted that on the northeast side there were 12 parking spaces which seemed to be within the setback; Mr. Bacon stated that parking could be within the

setbacks. To a question from Mr. Paul, Mr. Fisher replied that the gravel lot could be used by RVs. Mr. Paul stated that a crosswalk should be painted in the Route One access to connect the sidewalk.

To a question from Mr. Chamberlain, Mr. Glaude replied that he had considered underground propane tanks. Mr. Chamberlain asked about buffering around the building; Mr. Fisher replied that there was an uphill grade at the south near Route One with a natural berm and ledge which blocked the houses but they would buffer if necessary in that area. Mr. Chamberlain stated that he thought this was a good exception to the Design Standards because it was unique. Mr. Wood stated that the Board had to keep the standards high but agreed that this was a good idea related to a period, but thought improvement could be made to make the building look better; he stated that he did not like the lattice or the checkerboard front. Mr. Wood stated that the landscaping was nicely done and Dunstan would benefit from this investment. He asked that the dumpster and fencing be shown. He asked how one would get from the paved parking to the graveled parking; Mr. Glaude replied that he was considering paving the second parking lot. He stated that the propane company would give him an estimate for underground tanks. Mr. Wood stated that he liked the plan but would like to see the manufactured look of the diner subdued; he stated that the signs should be respectful of the Dunstan Village area. Mr. Glaude stated that the sign at Broadturn Road would be a directional sign.

Mr. Hanson stated that he liked the plan and the fact that it was a diner; he stated that Mr. Bray indicated the Route One sidewalk should be rebuilt. Mr. Bacon stated that that would be a matter of timing with other work that would be done in the road. Mr. Shanahan stated that he was caught up with the design standards and hoped the Board could cover itself against setting a precedent. Ms. Auglis stated that the architecture was an issue but diners had a vintage feel; she stated that this should look as classic as possible and did not need the checkerboard or all the flags as shown in the rendering. She stated that the sign needed to have a New England feel and not be reflective; she stated that the front reader board could have only two lines. She stated that the Board was trying to upgrade Route One and the visibility should be topnotch. To a question from Ms. Auglis, Mr. Fisher replied that the second parking lot had been included in the stormwater calculations. Mr. Auglis asked that the lighting be shown in photo form, especially at the Broadturn Road end. To a question from Mr. Chamberlain, Mr. Glaude replied that the hours would be from 9:00 A. M. to 9:00 P. M. and they would not be open 24 hours.

8. Town Planner's Report

There was no report.

9. Correspondence

There was no correspondence.

10. Planning Board Comments

Ms. Auglis noted that this was Mr. Wood's and Mr. Shanahan's last meeting; she stated that the Board would miss them both. Mr. Hanson stated that he respected both men. Mr. Paul thanked Mr. Wood and Mr. Shanahan and wished everyone happy holidays. Mr. Callahan stated that he had learned a lot from the departing Board members and wished them well. Mr. Wood thanked the Board for their sendoff and stated that he had learned from the present and previous Board members; he also thanked the staff and the applicants.

11. Adjournment

The meeting was adjourned at 9:05 P. M.

