

Town of Scarborough

Planning Board

December 10, 2007

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (November 19, 2007)
4. Ballantyne Place Condominium Association requests site plan amendment for placement of sign on site off Commerce Drive
5. Gershman Brown & Associates requests sketch plan review for demolition of existing Burger King restaurant and construction of a 12,000 square foot pharmacy/retail store at the Route One/Gorham Road intersection
6. 75 Postal Way LLC and Portland Air Freight request site plan amendment for Lot 3 at Walter C. Nielsen Business Park
7. David Parker requests preliminary subdivision approval for 3 lot commercial subdivision at 560 U. S. Route One
8. Scarborough Donuts LLC requests site plan review for 5,000 square foot building, to include Dunkin' Donuts, at 560 U. S. Route One
9. Town Planner's Report
10. Correspondence
11. Planning Board Comments
12. Adjournment

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

Town of Scarborough

Planning Board

December 10, 2007

MINUTES

Members Present

Staff

Ms. Auglis
Mr. Callahan
Mr. Chamberlain
Mr. Fellows
Mr. Hanson
Ms. Littlefield
Mr. Paul

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

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 19, 2007)

Ms. Littlefield noted that on Page 3, the last sentence of Item 6 should read "...since there were no impacted wetlands."

With that amendment Mr. Paul moved to approve the minutes of November 19, 2007; Mr. Hanson seconded.

Voted 5-0

4 Ballantyne Place Condominium Association requests site plan amendment for placement of sign on site off Commerce Drive

Mr. Bacon stated that the staff had concerns with putting this sign on Ballantyne Drive rather than at Audubon Way, which is a private road. He stated that the staff recommended that the sign not be placed on Ballantyne Drive which would serve a much larger neighborhood.

Ms. Stephanie Smith, President of the Condominium Association, stated that of their 15 units, one of them was on Ballantyne Drive before the intersection of Audubon Way and would not be included if the sign were on Audubon Way. She stated that there was a guardrail at the turn and they would place the sign beyond the rail between the trees at Ballantyne Drive. She stated that the Eastern Village entrance would be further down Ballantyne Drive and she thought it would make more sense for the developer, Kerry Anderson, to put his sign down further.

Ms. Auglis noted that this would be a major entrance to Eastern Village from Route One; she asked whether the applicant had discussed collocating the two signs. Ms. Smith stated that Mr. Anderson did not want the sign at the corner of Commerce Drive and Ballantyne Drive and suggested the location they requested. Mr. Bacon stated that Mr. Anderson would like his sign to be at the corner of Ballantyne and Commerce Drives. Mr. Chamberlain noted that two signs could be confusing and a joint sign would work

on the corner of Ballantyne and Commerce Drives. Mr. Callahan confirmed that the objective for the sign was to limit traffic on Audubon Way and identify the project. Mr. Bacon noted that locating the sign on a public street was not appropriate and Audubon Way was private. Mr. Hanson noted that a sign would block Unit 1; Ms. Smith stated that the sign was very small.

Mr. Fellows stated that he did not feel too strongly either way but leaned toward the collocation of the signs to avoid confusion. Mr. Paul noted that the proposed sign did not have the required setback, but it could meet the requirements at Commerce and Ballantyne or at Audubon Way. Ms. Auglis stated that she was sorry for Unit 1, but not sorry enough for a sign that was not in compliance. Mr. Bacon noted that Eastern Village would be on the next Planning Board agenda for final approval and the applicant could work with Mr. Anderson for installation of a sign in the spring along with his own sign. He stated that Mr. Anderson could handle this sign with his subdivision or the sign could be placed on Audubon Way with the proper setbacks. Ms. Auglis stated that the sign itself was great.

Ms. Auglis moved to approve the sign with the choice of the two locations of Audubon Way or a combined sign at Commerce and Ballantyne Drives; Mr. Chamberlain seconded.

Voted 5-0

5. Gershman Brown & Associates requests sketch plan review for demolition of existing Burger King restaurant and construction of a 12,000 square foot pharmacy/retail store at the Route One/Gorham Road intersection

Ms. Auglis stated that she wanted to remind everyone that on September 17, 2007, the Board approved a site plan for JDR Trust at Oak Hill Plaza with the condition that the applicant provide updated traffic circulation data and campus signage prior to any additional changes or approvals at Oak Hill Plaza. She stated that there should be an implementation plan and date provided for the changes.

Mr. Bacon stated that there were comments from Mr. Chace dated December 3, 2007 with recommendations for things to consider for this site. He stated that this was the first project under the new TVC Zone for setbacks, location of parking, height, an attractive building on all sides and pedestrian connection. He stated that the Board had been given updated plans with sidewalks and an esplanade on Route One.

Mr. Bryant Anderson, of Vannesse Hangen Brustlin, showed the site of the combined Saco Biddeford Savings Bank and Burger King lots. He stated that the two buildings would be demolished and they would construct a 12,000 square foot CVS Pharmacy close to the Route One/Gorham Road intersection. He stated that this seemed to work best with the drive-through window, the shared circulation through the plaza and around the building, and there would be no conflict with the window and the circulation. He stated that the main entrance at Gorham Road would be relocated and would be directly across from the high school driveway. Mr. Anderson stated that the access on Route One would be right out only and truck circulation would be from Gorham Road to the loading platform at the rear of the building and right out only onto Route One. Mr. Anderson stated that they addressed the Fire Department comments for turning movement by expanding the paved area at the drive-through for emergency vehicles. He stated that there would be two pads for a dumpster and a compactor in a screened area.

Mr. Anderson stated that they realized pedestrian access was important; he stated that there were grade issues so they would relocate the sidewalk and include a grass panel with a seasonal stairway to allow access to the front. He stated that they provided a sidewalk connection from the front door into the plaza.

To a question from Ms. Littlefield, Mr. Anderson replied that they were in the process of doing the traffic study that would determine the queuing space for the left turn into the Route One entrance, but vehicles

could use the plaza entrance further up Route One. Ms. Littlefield stated that the study should include the capacity of shared parking. Mr. Anderson noted that 67 spaces were required within their area and they could provide 58 spaces and would do a count to determine whether there was the capacity for sharing. Ms. Littlefield stated that she would want a lot more screening for the dumpster. Mr. Callahan stated that it would be helpful to show the whole corner of the plaza with all the accesses. Mr. Anderson stated that they would show this overlay on the plaza's master plan. Mr. Callahan stated that the applicant should think about putting the drive-through away from Route One. Mr. Anderson stated that the building needed to be near the road and any other location for the drive-through would conflict with the circulation and the loading entrance; he stated that they had to accommodate all the needs.

Mr. Hanson stated that he was confused by the internal circulation and could foresee a lot of traffic hazards; he stated that he did not like the view of the drive-through from Route One because of the distraction to drivers. Mr. Anderson stated that there would be directional signs to the drive-through and this window would not see nearly the queuing for prescriptions as a Dunkin' Donuts. Mr. Fellows stated that he would like to see an attempt to reorient the building to acknowledge the prominent location on Route One. He stated that a lot was said about the drive-through and he would hate to see the site driven by the desire for a drive-through window. Mr. Anderson stated that the window was just one of several things that drove the location of the building, such as convenience from the parking lots, the setback and the change in topography. Mr. Fellows stated that he would like to see some comparisons.

Ms. Auglis noted that the queuing discussed was that from the turn into Black Point Road which would block this entrance; she stated that she thought the Route One access should be right in and right out only, and that the overall circulation for the whole plaza should be discussed before this lot was considered. She stated that she did not like entering through the existing parking lot. Ms. Auglis stated that the proposed pedestrian access along Route One was great for the TVC Zone but this building on Route One could not be more diametrically opposed to what the Town wanted on Route One. She stated that there should also be a sidewalk along Gorham Road. Mr. Anderson stated that they considered the sidewalk, but there was one on the other side of Gorham Road and putting a sidewalk on their side of Gorham Road would encourage people to walk across the road. Ms. Auglis suggested talking with staff regarding the sidewalk.

Mr. Paul confirmed that the northeast entrance was right out only for truck use. Mr. Paul agreed that the entrance should be right in and out only because turning left would be very dangerous; he stated that he could not make any decisions about the traffic flow at this location until the master plan of the plaza was presented; he stated that it was made very clear that the Board expected to see the master plan for auto and pedestrian traffic flow prior to development of any lot. He stated that the intersection was blind and putting a jog in it made no sense. Mr. Paul noted that the Design Standards indicated that drive-through windows shall not face the street and shall be located at the side or the rear. He stated that the Town did not want to see them facing the street and it was not appropriate along Route One at this prime piece of property. He stated that this was a crucial piece of land and it was important to hold to the Standards.

To a question from Mr. Chamberlain, Mr. Anderson replied that they would address the grade change on Gorham Road and save the trees or relocate them. Mr. Chamberlain confirmed that the Route One sidewalk would have ADA access as well as the stairs; he stated that he would like to see the stairway accessible year round. Mr. Anderson stated that stairs were a liability and safety issue in the winter. To a question from Mr. Chamberlain, Mr. Anderson replied that there would be one or two deliveries per week by trailer trucks and three to four deliveries per day by smaller trucks. To a question from Mr. Chamberlain, Mr. Anderson replied that the pharmacy and the drive-through would be open from 7:00 A. M. to 11:00 P. M. daily. Mr. Chamberlain stated that, because of this crucial location, the rear of the building should look like the front of the building. Mr. Paul noted that the Design Standards indicated that a building on a corner lot facing two public streets shall be located as close to the intersection as possible by code. Mr. Bacon noted that the TVC Zone allowed one or two rows of parking along the road.

Mr. Kevin Paton, of BKA Architects, stated that they had designed a colonial style building with a pitched roof entrance at the corner and a gabled front entry. He stated that there would be an asphalt gabled roof at the loading area to the rear with storage and the HVAC equipment beneath the roof, which would have dormers; he stated that the base of the building would be brick and the remainder of the building would be white clapboards. Mr. Paton stated that there would be a pitched canopy on the columns for the drive-through.

Ms. Auglis reiterated that this was an important piece of property and most important was the new TVC Zone, which was driven by the desire to have a town center and this corner should have a two or three story structure with usable space on the upper stories; she stated that there should be more design features such as those at the new building at 383 Route One. Ms. Auglis stated that she had nothing against CVS but the proposed building did not fit on this corner. Mr. Chamberlain stated that he would like the pitched roof facing Route One rather than the way it is now positioned. Mr. Hanson stated that he would like to see something spectacular on this site and this was a good chance to be innovative. To a question from Mr. Hanson, Mr. Paton replied that the typical CVS building would be stucco with a flat roof. Mr. Fellows agreed that the building should have two floors of usable space; he stated that the building was nice but not on this lot.

Mr. Paul read from the Design Standards that all buildings on corner lots shall be two or three stories and shall have a second story with a usable floor area equal to at least 40% of the building footprint; he also noted that unadorned facades facing streets on corner buildings are prohibited and that the main entrance shall be located on the corner and visible from both streets. Mr. Paul stated that the applicant should consider the Design Standards and work with the staff to come up with a different layout. He stated that this design misses the boat on what needs to be at this location.

Mr. Callahan agreed that the back of the building should look like the front. Mr. Paton stated that he could change the corner of the building and asked whether the Board would consider a single tenant building. Mr. Bacon asked whether it was possible for CVS to use a second story themselves. Ms. Auglis stated that there needed to be some height definition. Ms. Auglis stated that this would be a fine building on Payne Road but was wrong for this site.

Ms. Auglis called a recess at 8:25 P. M. The meeting resumed at 8:30 P. M.

6. 75 Postal Way LLC and Portland Air Freight request site plan amendment for Lot 3 at Walter C. Nielsen Business Park

Mr. Bacon stated that the applicant wanted to formalize an area for trailer parking and address drainage and signage and there were no staff concerns. He stated that there was a memo from Mr. Tubbs dated December 3, 2007 and there had been adjustments to the plan accordingly.

Mr. Jamie Lowery, of Sebago Technics, noted that this amendment would clean up the plan. He stated that they had compacted the gravel and removed the concrete pads from the plan; he stated that the landscaped area was bad for the maneuvering of trucks so it was now paved and there was an area with crushed stone. He stated that they had relocated the sign to the other side of the site and the dumpster had been moved out of the way. Mr. Lowery stated that they removed the propane tanks because the natural gas line would be used. He showed the gravel area and stated that they would like to expand it by 50% for flexibility of parking trailers on a long term basis which was important for snow removal. Mr. Lowery stated that they would provide a buffer of pines and maples with plants around the sign. He stated that no additional lighting was proposed and they had maintained their threshold for stormwater.

Ms. Littlefield confirmed that the crushed stone at the west side was for emergency access. To a question from Ms. Auglis, Mr. Chace replied that he was satisfied that Mr. Tubbs' concerns had been met.

Mr. Paul moved to approve the amended site plan as presented; Mr. Chamberlain seconded.

Voted 5-0

7. David Parker requests preliminary subdivision approval for 3 lot commercial subdivision at 560 U. S. Route One

8. Scarborough Donuts LLC requests site plan review for 5,000 square foot building, to include Dunkin' Donuts, at 560 U. S. Route One

Ms. Auglis stated that there were staff comments dated December 5, 2007; she stated that she had no problems with the preliminary subdivision plan and the Conservation Commission's requests could be taken care of between preliminary and final subdivision approval. She stated that the Board may as well take up traffic with Item 7 rather than with Item 8 because the Board needed to decide whether a high traffic use was or was not a problem and that would directly affect the Dunkin' Donuts site plan.

Mr. Jim Fisher, of Northeast Civil Solutions, stated that they had received preliminary approval for the three lot subdivision earlier, but that approval had expired. He stated that there were two lots on either side of the existing building and there was no proposal for the third lot at this time. He stated that they showed a temporary gravel driveway through the third lot to service the pump station. Mr. Fisher stated that they would eliminate the two entrances and have access to the whole site at one area with a right in and right out only driveway. He stated that they had received their traffic permit from the DOT.

To a question from Mr. Paul, Mr. Fisher replied that the plan had been reviewed by the Fire Department and they had designed 20 foot driveways in and out, with tipdown granite, but the Board had requested narrow lanes so they were caught in the middle and he did not know how much of an issue it was. Ms. Auglis stated she and Mr. Paul had met with Mr. Fisher and suggested different ways of designing the access that would be worth bringing the project back to the Board. Mr. Fisher explained that there was a separate access to the north for delivery trucks only that would have a crash gate usable by the Fire Department. He stated that there was an access from the DOT road but they did not want it used by the public though it could be used for emergencies.

Mr. Chamberlain confirmed that the gravel road would be eliminated when Lot 3 was developed. Mr. Bacon asked whether the applicant could make improvements to the access from the DOT road; Mr. Fisher replied that they were amenable but the DOT had to give its approval. To a question from Mr. Bacon, Mr. Fisher replied that both emergency accesses would be plowed in the winter. Mr. Bacon stated that the biggest concern was the connection between the DOT road and the Dunkin' Donuts site; Mr. Fisher stated that they would take care of that.

Mr. Fellows asked whether the sudden lane changes had been factored into the traffic when vehicles accelerated toward the marsh which may be exacerbated by high traffic from this site. Mr. Fisher stated that they were on the slow side of the lane but the 200 foot slip lane would help; he stated that there was about 400 feet from the slip lane to their drive-through window. Mr. Hanson stated that he was also concerned about the acceleration lanes. To a question from Mr. Hanson, Mr. Fisher replied that the curb would be a six inch high vertical granite which would deter people from turning left and the lanes were designed to send traffic one way.

Mr. Paul noted that a little more of the island coming out for a sharper turn would emphasize that there was no left turn. To a question from Mr. Paul, Mr. Bacon replied that the plowing of the slip lane was problematic and should be worked out with the Public Works Department. Mr. Paul stated that there should be some signage indicating that the slip lane was a right turn only lane. He stated that the number of trip ends bothered him; he stated that the engineers said this met the requirements, but no one followed the speed limit so the sight distance was not correct. He stated that the proposed right turns only would force people to make a U-turn to get into the site and out again; he stated that he thought there would be a tremendous amount of turning. Mr. Paul stated that he was not opposed to the subdivision but was opposed to the high trip generation. Mr. Fisher stated that this was the correct side of the road for Dunkin' Donuts because traffic would be heading north at peak time; he stated that people would learn the limitations of the access on their first visit. Ms. Auglis stated that the Board could not give an approval based on the use of one lot because that use could change and some other user could have a different traffic pattern.

Ms. Auglis stated that she had no problem with the subdivision but the uses needed to have low trip generation. Ms. Auglis stated that she liked the single access for three lots but the right in and right out only turns were not efficient to get in or out of the site and the Public Works and Fire Departments did not like it. She stated that she wanted every department to be satisfied before the preliminary subdivision plan was approved. She stated that she thought that after more than two years, when it came down to the final analysis the applicant was trying to put a square peg in a round hole. Ms. Auglis stated that she could not give approval unless there was a condition that the uses on all lots be limited to low trip generators with the specific range of uses to be determined prior to final approval.

Mr. Chamberlain stated that he agreed with Ms. Auglis and there were people who would want to turn around; he stated that there should be one exit off a major throughway. He stated that the staff had given the Board three options; he stated that he saw problems with the left turning traffic. Ms. Littlefield stated that her problem was that she did not know how to define low trip generators. She stated that she was comfortable with this use with the right in and right out turns but had to consider the future development of the third lot. Mr. Callahan noted that part of the building on Lot 2 would be retail and people may want to enter from the north so this proposal was skewed toward this one business when the whole site should be considered.

Mr. Fisher stated that they had received three different DOT permits so they had done everything possible to eliminate queuing and safety issues. Ms. Auglis stated that she was looking at the best solution for the overall subdivision; she stated that this access may take care of one tenant but there would be other uses on the site. She stated that the right in and right out only could create a bigger problem because of employees who could turn only one way. Ms. Auglis stated that this was not good planning. She stated that if the Board was uncomfortable making a decision, Mr. Bacon had provided three options, which she read. To a question from Mr. Fisher, Mr. Bacon replied that between now and final approval, the staff could work with a traffic engineer to decide on a cap for what the site could bear during peak hours to determine a definition for a low trip generator. Ms. Auglis stated that the Board could table this item or put the options out for a vote.

After discussion regarding the choice of three options, Ms. Auglis moved to disapprove the preliminary subdivision plan with the finding that the proposed subdivision will cause unreasonable highway congestion and unsafe conditions with respect to use of the highway. Mr. Hanson seconded.

Mr. Paul stated that if this motion passed, it would mean that the applicant would need to return with a different design or use for the site plan.

Voted 3-2 – Messrs. Chamberlain and Callahan opposed.

The preliminary subdivision plan was denied; therefore the request for site plan review discussion was table and not heard.

9. Town Planner's Report

There was no report.

10. Correspondence

There was no correspondence.

11. Planning Board Comments

Mr. Paul thanked Ms. Auglis and Mr. Hanson for their nine years of service on the Board; he stated that they were leaving because of term limits. He stated that their impact on the Town was remarkable and they should be commended. Mr. Paul stated that he hoped the remaining members could keep their vision. Ms. Auglis stated that she had mixed feelings about leaving the Board and wanted to encourage people in Town to get involved.

Mr. Hanson moved to appoint Ms. Littlefield as Secretary to the Board and stated that her first duty would be to nominate a chairman and vice chairman for the year 2008; Ms. Auglis seconded.

Voted 5-0

12. Adjournment

The meeting was adjourned at 10:00 P. M.