

Town of Scarborough

Planning Board

March 10, 2008

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (February 19, 2008)
4. Consent Item
 - a. Camp Ketcha requests site plan amendment approval for 900 square foot shed at existing site at 336 Black Point Road
5. Running Hill Self-Storage, LLC requests advisory opinion to the Zoning Board of Appeals for Miscellaneous Appeals to change the use from one nonconforming use to another nonconforming use and to expand the area of a nonconforming use at 34 Running Hill Road in the R-F Zone
6. Rock 'n Roll Diner, Mike and Jeanne Glaude request site plan amendment for awning at existing diner at 623 U. S. Route One
7. West Oaks LLC, Steve Berg requests site plan amendment for lighting changes at apartment complex off Gorham Road
8. New England Expedition requests site plan amendment approval for an alternative Building 5 at The Gateway at Scarborough
9. Darling Bedworks, David Darling requests site plan amendment for outside display to allow 2,199 square feet of outside display at 582 U. S. Route One
10. Administrative Amendment Report
11. Town Planner's Report
12. Correspondence
13. Planning Board Comments
14. Adjournment

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

Town of Scarborough

Planning Board

March 10, 2008

MINUTES

Members Present

Staff

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

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

1. Call to Order

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

2. Roll Call

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

3. Approval of Minutes (February 19, 2008)

Ms. Littlefield moved to approve the minutes of February 19, 2008; Mr. Fellows seconded.

Voted 4-0-1 – Mr. Chamberlain abstained.

Mr. Chamberlain moved to approve the minutes of February 11, 2008; Mr. Fellows seconded.

Voted 5-0

4. Consent Item

a. Camp Ketcha requests site plan amendment approval for 900 square foot shed at existing site at 336 Black Point Road

Mr. Chace stated that the staff had reviewed the application to place a shed off the driveway/ parking field where there had been a temporary building; he stated that this would be for cold storage and there would be no utilities. Mr. Chace stated that the staff had no issues.

Mr. Tom Doherty, of Camp Ketcha, stated that they had received a grant which they would like to use to build a shed for their outdoor sports equipment. The Board had no issues.

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

Voted 5-0

5. Running Hill Self-Storage, LLC requests advisory opinion to the Zoning Board of Appeals for Miscellaneous Appeals to change the use from one nonconforming use to another nonconforming use and to expand the area of a nonconforming use at 34 Running Hill Road in the R-F Zone

Mr. Chace stated that the applicant wanted to convert the existing junkyard to a self-storage

facility and to expand it on the site; he stated that there was a staff memo asking the Board to review how the impacts of the new use would compare with the impacts of the existing use. Mr. Paul noted that this project would return to the Planning Board for site plan approval if approved by the Zoning Board.

Mr. Tom Greer, of Pinkham & Greer, showed an aerial photo of the area, including nearby residential properties, the RWS landfill site, manmade ponds and Red Brook. He stated that their site was approximately 12 acres, the front of which was used for the junkyard and the rear was forested. He showed the wetlands and the entrance at Running Hill Road and stated that the site was very flat and they had been dealing with the issue of how to direct runoff. Mr. Greer stated that they would need DEP and Army Corps of Engineers permits and a USM class would do an archeological dig. He stated that stormwater would drain to a detention pond; he stated that they met with the fire department and would be meeting all their criteria. Mr. Greer stated that a traffic study had been done but there was very little traffic from a self-storage facility and they thought this was a good use for the property.

Mr. Greer stated that they provided an environmental study for the site and felt they could cap the site with the buildings and the paving so there would be no more runoff from the contaminated soil. He stated that they had talked with their neighbors and had submitted letters from them indicating that this project was acceptable; he stated that this use would support a local need.

Mr. Callahan stated that it appeared the site was too contaminated for residential use so to continue a commercial use would be the best use. Mr. Greer noted that there would be an office and bottled water would be used for drinking water. Mr. Callahan stated that he thought this was a good use and an improvement to the site. To a question from Ms. Littlefield, Mr. Greer replied that the neighbors who signed letters were Goldstein Steel and two residents across the street. Ms. Littlefield asked whether there were environmental issues that now went toward the residences; Mr. Greer replied that the site had been cleaned up but water flowed toward Red Brook which was being studied since it is an urban impaired stream. Ms. Littlefield agreed that this was a better use than residential because of the contamination.

Mr. Chamberlain asked when the junkyard was discontinued; Mr. Greer replied that it still had a license but was scaled back when another project was proposed several years ago. Mr. Greer stated that the project would be done in two phases with the pond and the gravel pad done in the first phase; he stated that the rear portion would be the expansion. To a question from Mr. Chamberlain, Mr. Greer replied that there would be a total of 470 units which would be close to maximum capacity of the site. Mr. Fellows noted that the Board liked to encourage more conformity, but, in practical terms, this was a better use than what was there in the past and other issues would be addressed at site plan review. He stated that he was in favor of this use.

Mr. Paul asked whether there were plans for wetland mitigation; Mr. Greer replied that 6,300 square feet of wetlands would be disturbed and would not require mitigation; he stated that they had tried to minimize the impacts. Mr. Paul noted that this was an R-F Zone and he agreed that this was a better nonconforming use than the junkyard, but would like the applicant to contact a botanist to verify the impact on any vegetation in the area. Mr. Paul stated that the town's traffic engineer would need to validate the applicant's study at the time of site plan review.

Mr. Paul stated that if the applicant were to propose a use in accordance with zoning, the development would likely trigger a review under conservation subdivision rules, which the R-F Zone required. He stated that the rules would also require setbacks from the wetlands. Mr. Greer stated that he could not see putting back a buffer on top of contaminated soil; he stated that the

setbacks were tight in a couple of spots. Mr. Paul stated that his biggest concern was the encroachment on the wetlands and the project could be scaled back slightly from the wetlands.

Mr. Paul confirmed that the Board had no issues with the change of use or the expansion. Mr. Chamberlain asked whether the project could work without the expansion; Mr. Greer stated that it would be close with regard to cost of the site.

Mr. Paul noted that Item No. 9 had been tabled because no information had been submitted. He stated that it was the Board's policy to require any changes to submittals to be received by staff by the Tuesday prior to the meeting; he stated that the Board was no longer accepting late information.

6. Rock 'n Roll Diner, Mike and Jeanne Glaude request site plan amendment for awning at existing diner at 623 U. S. Route One

Mr. Chace stated that the applicant wanted to install an awning with rolldown screening over an existing patio. He stated that the Board should consider whether the design and materials complement the structure in accordance with the design standards.

Mr. Jim Fisher, of Northeast Civil Solutions, stated that the diner had been a great success but there were problems with insects on the patio so the Glaudes wanted to install an awning with temporary rolldown screening. He stated that they proposed a light slate color for the awning.

Mr. Fellows asked whether there were any elevations to show how the awning would integrate with the existing building. Mr. Fisher stated that there were no drawings but it would be a three foot awning with trusses. Mr. Fellows stated that the photo looked like an industrial metal; he stated that there had been a lot of soul searching at the time of approval to reconcile the diner with the design standards and the standards indicated that awnings shall be an integral part of the design and not be made of metal or plastic. He stated that the Board could be flexible because the diner was metal. Mr. Fisher stated that a rendering would not show much; he stated that the screens would be rolled up during the day.

Mr. Chamberlain noted that there was PVC fencing at the side of the patio; Mr. Glaude stated that there was a gate in the fence for an exit but the only entrance was through the building. To a question from Mr. Chamberlain, Mr. Glaude replied that there were 48 outside seats and the patio was wired for music but they had not used the patio because of the mosquito problem. To a question from Ms. Littlefield, Mr. Fisher replied that the awning would begin just below the roof line at 11 feet and come down to about 8 feet from the ground. Mr. Glaude stated that he would not want to take away from the aesthetics of the building with an awning. Ms. Littlefield stated that she did not have a problem with the concept. Mr. Callahan stated that he had no issues.

Mr. Paul asked about lighting beneath the awning; Mr. Glaude replied that there would be lighting but it would not shine outside the patio. Mr. Paul stated that this stainless steel building was in conflict with the design standards and the Board saw it as a period piece but he was not sure this awning would have been allowed with the original approval. He stated that awnings would have been canvas in the 1950s and the proposed awning was corrugated steel and not shiny like the structure. He stated that he felt this proposal did not meet the standards of a period piece.

Mr. Fisher stated that the metal did not have a warehouse effect with large valleys and many diners had relief panels with some corrugation; he stated that the top of the awning would be seen only from a distance. He stated that canvas would not be the same style and a stick built awning

would be even more distracting; he stated that he thought the metal would blend in better than any other method. Mr. Paul stated that it was a struggle reconciling the original building and this was more difficult because it took away from the period piece. Mr. Chamberlain asked whether the corrugated metal would be on the sides of the awning; Mr. Fisher replied that there would be metal to cover the framing. Mr. Glaude stated that the sides of the awning could be made to look like the building. Mr. Chamberlain stated that he did not think it was a detriment to the period piece.

Mr. Callahan moved to approve the request with the condition that the sides of the awning look like the diner sides; Mr. Chamberlain seconded.

Voted 5-0

7. West Oaks LLC, Steve Berg requests site plan amendment for lighting changes at apartment complex off Gorham Road

Mr. Wendel noted that in 2006 the applicant started construction on the second phase of an apartment complex approved in 1985 and it was apparent that the existing lighting was completely different from what was approved so he suggested the applicant come back for review; he stated that his memo showed the scope of the difference between the approved lighting and what exists. Mr. Wendel stated that the spillover to the abutters was not significant but the Board should study the site at night to make judgments about what is proposed.

Mr. Steve Berg, of West Oaks LLC, stated that when they built the second phase they used the original site plan which showed very minimal lighting. He stated that the poles were 14 feet high with 250 watt bulbs; he stated that the locations in the parking lot were very similar to those of the first phase and were placed for safety. He stated that they felt the lighting did not shine beyond the site. Mr. Berg stated that he was before the Board to get final approval for what they were using from 1985.

To a question from Mr. Callahan, Mr. Berg replied that they were trying to be consistent with the lighting throughout the site and were before the Board to get approval of the old style lights. Ms. Littlefield asked whether the question was whether what was existing was appropriate now, Mr. Wendel replied that it would be hard to find that what was approved was appropriate; he stated that he did not think it fit in an apartment complex setting. Ms. Littlefield stated that she would hate to have less light in the second phase if what was in the first phase worked and she did not have a problem with the existing lighting plan being continued in the second phase.

To a question from Mr. Chamberlain, Mr. Berg replied that the installed bulbs were 250 watts. Mr. Chamberlain stated that he drove around the site at night and saw only ten poles in the new section and they looked identical to the old poles, other than the color; he stated that he had no issues. To a question from Mr. Fellows, Mr. Chace stated that the Code Enforcement Officers had had no complaints regarding lighting from either phase. Mr. Fellows stated that he agreed with Ms. Littlefield and Mr. Chamberlain and the onus was on the town 20 years ago to ensure that what was approved was installed. He stated that what he saw on the site seemed adequate.

Mr. Paul noted that if this were a new project, the Board would have asked for reduced light levels during off-hours. Mr. Berg stated that he did not want to put safety at risk in this isolated area. Mr. Paul stated that there was very little natural buffering in the second phase so lighting could spill over to the abutters. Mr. Berg stated that the photometrics showed that the light diminished down to close to nothing at the boundary lines. Mr. Paul stated that he did not agree

and did not see an engineer's stamp to show the lighting had been done by a professional. He stated that he would be more comfortable with additional buffer or shielding on the light fixtures.

Mr. Berg stated that the lights had been in place and there had been no complaints from abutters; he stated that he could look at shielding but the existing lights were directed down to the parking areas. He stated that the spill light came from Route 114 and Maple Avenue.

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

Voted 4-1 – Mr. Paul opposed.

8. New England Expedition requests site plan amendment approval for an alternative Building 5 at The Gateway at Scarborough

Mr. Paul noted that he was not involved with New England Expeditions, but his company had a national agreement with Cabela's and if the applicant or the Board thought he should not participate in this item he would recuse himself. Neither the applicant nor the Board had an issue.

Mr. Chace stated that the Board had received information from the applicant and staff reports. He stated that there were four proposed revisions to the plan; he stated that Building 5, formerly approved as a Cracker Barrel site, would be a 20,000 square foot restaurant, rather than the approved 10,000 square feet. Mr. Chace stated that the other changes would be to amend the construction of the stone wall monument signs, revised parking calculations based on actual tenant use, and to extend the timeline for offsite road improvements at Payne Road and Route 114. He stated that another amendment would be to the landscaping abutting Cabela's and the cart corrals at the Gateway Shoppe site. Mr. Chace stated that there was also a response to the staff comments.

Mr. Gene Beaudoin, of New England Expeditions, stated that he thought Building 5 would house a mix of restaurants and retail uses; he stated that they showed four restaurants in that building so there would be enough parking for all uses. He stated that the retail uses expected in Buildings 2 and 3 were now restaurants. Mr. Beaudoin stated that the architecture of Building 5 had changed and would be a similar to other onsite buildings with stone features and a green roof. He stated that it would be located between the two driveways to the Turnpike park and ride lot. He stated that the maximum height of Building 5 would be 12 feet so it would not block the view of the rest of the site; he noted the landscaping plan. Mr. Gary Collette, of Oest Associates, stated that they made changes to the parking calculations for restaurant use; he stated that they had also changed the calculations based on non-retail space at Cabela's.

To a question from Mr. Callahan, Mr. Beaudoin replied that the plan had consistently shown that the only entrance to the Turnpike park and ride would be from this site. Mr. Callahan asked about delivery vehicles; Mr. Beaudoin replied that there was a primary entrance road for trucks and a turnaround at Cabela's and most of the small buildings had rear doors for deliveries. To a question from Mr. Callahan, Mr. Beaudoin replied that there would be large signs on the back of the Cabela's building facing the Turnpike and they were trying to amend the Contract Zone and move those signs so they would be seen from the Turnpike sooner. Mr. Beaudoin stated that there would be a trolley to take people from store to store within the site.

To a question from Ms. Littlefield, Mr. Beaudoin replied that the dumpster enclosure shown would be for all of the dumpsters. Ms. Littlefield stated that she had no problems with the

changes and hoped there would be enough parking. Mr. Chamberlain confirmed that the roof material would be identical to the other buildings. He asked whether there could be a crosswalk from the handicap parking to the building entrance; Mr. Beaudoin replied that there would be. To a question from Mr. Chamberlain, Mr. Beaudoin replied that experience showed that three dumpsters for four units would be adequate. To a question from Mr. Chamberlain, Mr. Beaudoin replied that Building 5 would be six feet below the Turnpike and plantings on that side would not be visible. Mr. Chamberlain noted that the landscaping on the east side was stunning and he would like to see more trees on the north side. Mr. Beaudoin stated that there were plant pots on the north side because there would be no soil; he stated that there would be signs on the north side to break up the façade. Mr. Chace noted that there was landscaping along the Turnpike parking lot. Mr. Chamberlain noted that the cart corral was very plain and basic; Mr. Beaudoin stated that that was what Scarborough wanted.

Mr. Fellows stated that his concern was replacing evergreens with maples near Cabela's walkways because there would be no screening during the winter. Mr. Beaudoin stated that there was a buffer along the Turnpike so most of the landscaping at the building would not be seen except from the parking lot; he stated that they would not be allowed to trim the Turnpike's brush. Mr. Fellows stated that he thought the cart corral should be plain.

To a question from Mr. Paul, Mr. Beaudoin replied that there would be a crosswalk from Building 5 toward Cabela's and two from Building 5 to the Turnpike parking lot. To a question from Mr. Chace, Mr. Collette replied that there was a crosswalk from Pond B to the west of the Building 5 parking field. To a question from Mr. Paul, Mr. Beaudoin replied that the 30 inch wide sign band would be restricted by the project's rules. To a question from Mr. Paul, Mr. Beaudoin replied that they would apply for their building permit between May and September depending on Famous Dave's schedule. To a question from Mr. Paul, Mr. Collette replied that there would be 10 doublewide cart corrals. Mr. Paul asked whether the bottom band of the north side of Building 5 could be stone like the rest of the building's bottom bands and whether there could be a couple more fake windows on that side since the north side of the building would loom large from the Turnpike; Mr. Beaudoin agreed. Mr. Paul stated that he thought the building looked great.

Mr. Beaudoin stated that all of the Payne Road improvements would be completed by May other than the final paving; he stated that the request was for the improvements at the intersection of Route 114 and Payne Road to be completed with Phase 2. Mr. Paul stated that there should be a deadline established for those improvements. Mr. Chace suggested that the deadline be the earlier of August 31, 2008 or at the time of issuance of the Certificate of Occupancy for Building 5.

Mr. Paul moved that the Planning Board conditionally approve the application of New England Expedition under Chapter 405, Town of Scarborough Zoning Ordinance, and Chapter 405B, Town of Scarborough Site Plan Review Ordinance with the following findings and conditions.

Findings

The applicant proposes to amend previously approved activities on the Gateway Shoppes at Scarborough site. The applicant submitted materials supporting modifications to the Building 5 site plan. The site had been approved for a Cracker Barrel restaurant. The applicant seeks to amend the site to allow development of a 20,000 square foot, four tenant, restaurant building. Additionally, the applicant seeks approval to amend the landscaping plan around the Cabela's building, the design of the allowed cart corrals, the construction materials for the stone wall monument signs, modify the timing of off-site road improvements, and address the parking space requirements.

Conditions

1. Prior to the issuance of a building permit for Building 5, the applicant coordinate with staff to finalize the details with regard to final traffic impacts or mitigation improvements which may be required based on real-time traffic analysis of the site.
2. The applicant shall complete off-site road modifications at Payne Road and Route 114 by August 31, 2008 or the issuance of the Certificate of Occupancy for Building 5, which ever comes first.
3. The proposed parking field shall provide adequate parking spaces to meet the standards as set forth in Section XI(B) of the Town’s Zoning Ordinance.
4. That architectural changes to the north side of Building 5 include stone on the base of the wall corresponding to the other three sides and there be a minimum of two additional false windows.
5. That there be additional crosswalks from Cabela’s to Building 5, from Pond B to Building 5, from Building 5 to the Turnpike parking and from Building 5 to the handicap parking spaces.

Mr. Chamberlain seconded.

Voted 5-0

9. Darling Bedworks, David Darling requests site plan amendment for outside display to allow 2,199 square feet of outside display at 582 U. S. Route One

This item was tabled for lack of complete information.

10. Administrative Amendment Report

Mr. Chace stated that he and Mr. Paul had reviewed a request from Texas Roadhouse to allow a portion of their sidewalk to be crushed stone to accommodate the gas line. He stated that Mr. Paul had approved that request administratively. Mr. Chace stated that Texas Roadhouse had a CMP transformer pad that encroached on one parking space. He stated that Mr. Paul had administratively approved making the parking space 9 by 20 feet rather than 10 by 20 feet in the area of the transformer pad.

Mr. Chace stated that Mr. Paul had administratively approved an amendment to allow Super Wal-Mart to use CMU screening around the trash compactor with quick brick similar to the building.

11. Town Planner’s Report

Mr. Chace noted that the Comprehensive Plan Implementation Committee (CPIC) had been working on the rezoning of Route One in accordance with the Comprehensive Plan and the Town Council had their first reading to amend the area from Maple Avenue to Green Acres to extend the existing TVC Zone to that area. He stated that there was also the creation of a new B-3 Zone to replace the B-2 Zone on Route One from Sawyer Road to the marsh. Mr. Chace stated that these items would be on the March 31, 2008 Planning Board agenda for public hearings.

Mr. Chace stated that there was a neighborhood public outreach meeting hosted by CPIC on February 20, 2008 regarding changes to the Running Hill Road area; he stated that there was a turnout of about 26 people and another public meeting would be held within a month.

Mr. Chace noted that there had been discussion regarding the notification of the February 11, 2008 meeting; he stated that the agenda had been published on the web site and at the town office. He stated that staff would enhance the notification of special meetings to the media.

12. Correspondence

Mr. Chace noted that the Board had copies of three letters from the public regarding the Eastern Village from the residents of Old County Road, John Lewis and an anonymous writer.

13. Planning Board Comments

Mr. Callahan confirmed that there was a joint workshop with the Town Council on Thursday, March 13, 2008, at 7:00 P. M., regarding a new Contract Zone.

Mr. Paul noted that the two new alternate members of the Board had resigned for personal reasons.

Mr. Callahan noted that he would not be able to attend the March 31, 2008 meeting. Mr. Paul stated that the Board needed four members for a quorum and asked the other members to contact the Recording Secretary if they could not attend that meeting.

14. Adjournment

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