

Town of Scarborough

Planning Board

March 31, 2008

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (March 10, 2008)
4. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to establish a Local Business District (B-3)
5. The Planning Board will hold a public hearing to receive input regarding amendments to the zoning map along Route One between Scarborough Marsh and Sawyer Road
6. The Planning Board will hold a public hearing to receive input regarding amendments to the zoning map along Route One between Maple Avenue and Hillcrest Avenue
7. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to establish a new performance standard section for High Technology Facilities
8. The Planning Board will hold a public hearing to receive input regarding an amendment to the Contract Zoning agreement with New England Expedition – Scarborough, LLC (The Gateway at Scarborough)
9. Sea Ridge at Blue Point, SBK Associates, LLC requests subdivision amendment approval for previously approved subdivision off Jasper Street
10. Oak Hill Plaza, JDR Trust II requests review/approval of Access and Signage Master Plan for site off Gorham Road
11. Grondin Aggregates, LLC requests site plan amendment approval for site off Gorham Road and Beech Ridge Road
12. Southborough, Peter Anastos requests final approval for restaurant development on Lot 200 on site off Payne Road
13. Administrative Amendment Report
14. Town Planner's Report
15. Correspondence
16. Planning Board Comments
17. Adjournment

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

MINUTES

Members Present

Staff

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; Mr. Callahan was absent.

3. Approval of Minutes (March 10, 2008)

Mr. Fellows moved to approve the minutes of March 10, 2008; Mr. Chamberlain seconded.

Voted 4-0

4. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to establish a Local Business District (B-3)

Mr. Paul noted that Mr. Bacon would give a presentation on Items 4 through 7, but the public hearings and discussion would be held separately.

Mr. Bacon noted that these were the last pieces of Route One to be rezoned as part of the Comprehensive Plan; he stated that the areas would be primarily business with residential units as mixed uses. Mr. Bacon gave a PowerPoint presentation.

Mr. Paul opened the public hearing and asked that speakers limit their comments to five minutes; he stated that anyone who wanted to speak a second time would be limited to three minutes. Mr. Paul read a letter from Hannaford Bros. Co. indicating that they were not in favor of the B-3 Zone because it was too restrictive with its green standards.

Mr. Kevin Freeman, of 2 Sterlingwood Drive, a member of the Scarborough Community Chamber, stated that Mr. Bacon had explained the zoning changes to them. He read the Chamber's letter in opposition to the B-3 Zone because of its restrictiveness. He stated that the green standards should be defined in advance of approving this proposal. Mr. Freeman stated that the Chamber appreciated the efforts of the Town Council and the various boards for the Town of Scarborough and were in support of environmentally-friendly policies.

Mr. David Merrill, of 29 Jameco Mill Road, a member of the Comprehensive Plan Implementation Committee, stated that he worked for TFH Architects, who tried to work and live and provide clients with better and friendlier environmental design. He stated that there were four levels of the LEEDS certification, with costs going up with the various levels. He stated that the costs were starting to level off and

were only about one to two percent of the total building cost in the first level and usually recouped within the first five to ten years. He stated that building green was a good business decision for long term business owners. Mr. Merrill stated that the Comprehensive Plan set the goal and the Town had to start somewhere and the B-3 Zone was the appropriate place to start with green design; he noted that many towns were using green standards.

Mr. Bud Hanson, of Stoney Creek Drive, stated that he would be very concerned if gas stations were on Route One near the marsh; he asked that the Town consider what the business owners thought and listen to the Scarborough Community Chamber. Mr. Paul closed the public hearing.

Mr. Paul noted that this was not an approval but an advisory opinion to the Town Council.

Mr. Fellows stated that the Board should focus on what would trigger the green design; he stated that this was not across the board but for large scale buildings. He stated that a lot of details needed to be worked out. To a question from Mr. Fellows regarding timing of the zone change, Mr. Bacon replied that the Comprehensive Plan Implementation Committee (CPIC) was working on the B-3 Zone and the Ordinance Committee was working on the performance standards for green buildings. He stated that the thought was to get the standards worked out and then present them to the Planning Board and the Town Council; he stated that the standards were now in draft form and would be considered by the Council in late April or early May along with the input from this public hearing. Mr. Fellows stated that he agreed that it was important to work out the green standards and they should not be overly restrictive.

Ms. Littlefield stated that she agreed with Mr. Freeman that the standards were too restrictive and she would not like to have anything approved without knowing about the green standards. She stated that the Comprehensive Plan called for green standards but she felt it was being done backwards and seemed too restrictive to development; she stated that she would like to wait to see the standards. Mr. Chamberlain agreed and noted that the wording of the zone was not clear; he stated that the unknown made him nervous. He stated that the option to do three out of four of the LEEDS standards could be very costly. He stated that there was a good momentum of development on Route One and he would hate to see that momentum change as a result of cost impediment.

Mr. Paul stated that having the green standards was not the issue, but it made a lot of sense in this zone and he would like to see it in other zones and he would suggest a smaller, 20,000 square foot, requirement for green buildings. He stated that he appreciated the concern regarding the unknown standards and the extent to which the standards would be taken. Mr. Paul stated that there were other ways to approach green buildings and the Town would adopt green standards as they were developed. He noted that the actual standards would not be put into the zone but would be under Performance Standards in the Zoning Ordinance. Mr. Paul stated that his issue was whether the green standards should be in the Ordinance, not what the standards should be. He stated that the Board needed to take a lead in terms of efforts to show that the Town cared about the environment. Mr. Paul noted that there were relaxed LEEDS standards for existing buildings, which would benefit the Hannaford site.

Mr. Bacon stated that the minutes of the meeting would reflect the views of the Board members for the Town Council.

5. The Planning Board will hold a public hearing to receive input regarding amendments to the zoning map along Route One between Scarborough Marsh and Sawyer Road

Mr. Paul opened the public hearing. Attorney Helen Edmonds, reiterated the comments of Hannaford Bros. Co. from the previous item. Mr. Freeman reiterated his comments from the previous item. Mr. Paul closed the public hearing.

Ms. Littlefield stated that this proposal seemed too close to some residential areas, but with a Planned Development that could be avoided; she stated that it seemed too restrictive to go from the B-2 Zone to the B-3 Zone which would discourage some activity. She stated that she was happy with the proposal other than the size of the buildings allowed without green design. Mr. Chamberlain stated that if some of the issues in the B-3 Zone were clarified, he would be satisfied with the changes to the zoning map. He noted that the B-2 Zone was too loose with no height restrictions.

Mr. Fellows stated that he agreed with Mr. Chamberlain; he stated that the recent development on Route One embodied some of what the new zone would encourage and he was supportive of the map changes, though some issues needed to be worked out with the zone itself. Mr. Paul stated that he did not believe any of the development on Route One since he became a member of the Board would have been impacted by the B-3 Zone and thought it would have occurred under this zone. He stated that the change would give more clarity to the Planning Board whether there was a need for further review. He stated that a building of up to 80,000 square feet could be built so he did not feel that it was restrictive, but simply required some good design standards for developers.

To a question from Mr. Chamberlain, Mr. Bacon replied that the Contract Zone process could be used if the needs of the developer were not met under the B-3 Zone. Mr. Paul asked whether there were any lots on Route One that would be in two zones if the changes were instituted; Mr. Bacon replied that the zone followed lot lines so no lots would be split. To a question from Mr. Chamberlain, Mr. Bacon replied that the lots in the Enterprise Business Park that fronted Route One would be in the B-3 Zone and the second lots in would be in the Haigis Parkway Zone. Mr. Bacon noted that, in terms of Contract Zoning, the Planned Development process was intended to be flexible so there would not be the need for Contract Zones; he stated that Planned Developments could also be done in the TVC Zone.

6. The Planning Board will hold a public hearing to receive input regarding amendments to the zoning map along Route One between Maple Avenue and Hillcrest Avenue

Mr. Paul opened the public hearing; there were no comments; Mr. Paul closed the public hearing.

The entire Board agreed that there were no issues and were supportive of the map amendments.

7. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to establish a new performance standard section for High Technology Facilities

Mr. Bacon explained that this was a housekeeping amendment regarding high technology facilities which were allowed in a variety of the business zones and proposed to be in the B-3 Zone. He stated that each zone dealt with them similarly and this amendment would try to clean up the Ordinance by providing one performance standard for all the zones. He stated that each zone would refer to the performance standards.

Mr. Paul opened the public hearing; there were no comments; Mr. Paul closed the public hearing.

Mr. Fellows stated that this was straightforward and he had no comments. Ms. Littlefield stated that this seemed reasonable. Mr. Chamberlain noted that Performance Standard No. M. 3. for High Technology Facilities did not allow the use of hazardous waste material, but these types of businesses may use some type of hazardous material and he felt this standard was a contradiction. He stated that the definition of hazardous waste was complex and he thought there would be a conflict with certain types of businesses. Ms. Littlefield stated High Technology Research Facilities had been eliminated in some districts and No. 4 addressed public health which would cover the use of hazardous materials. Mr. Paul stated that this was a housekeeping amendment and made sense.

8. The Planning Board will hold a public hearing to receive input regarding an amendment to the Contract Zoning agreement with New England Expedition – Scarborough, LLC (The Gateway at Scarborough)

Mr. Paul stated that his company did work for Cabela's but he did not feel he had a conflict; the Board and applicant agreed.

Mr. Bacon noted that a Town Councilor asked that the applicant consider a monument sign rather than a pylon sign along the Turnpike. He stated that one of the requests was to allow banners; he stated that the staff and Scarborough Economic Development Corp. may look into allowing seasonal holiday banners on lamp posts. He stated that the staff's concern would be advertising on flags or pennants; he stated that staff was supportive of seasonal banners that were not advertising in nature.

Mr. Gene Beaudoin, of New England Expedition, explained that one of the amendments was to add a parcel that would allow a sign further to the south; he stated that it was Cabela's belief that the Turnpike land could be cleared of its vegetation for visibility but that was not allowed and they needed to place their sign further south so it could be seen before the exit ramp. Mr. Beaudoin stated that the second request was for the size of the sign; he stated that they did not need to have a 25 foot high sign in the proposed location and could have a ground sign, but the land fell off in that area and he would like to offer that the bottom of the sign be no higher than 10 feet above the grade of the site. To a question from Mr. Paul, Mr. Beaudoin replied that the bottom of the sign would be no higher than 10 feet above the Turnpike and it would be less than 25 feet to the top. Mr. Beaudoin stated that the sign would be 20 feet by 7 feet tall and the proposed new total height would be 17 feet 6 inches.

Mr. Beaudoin stated that there were two different issues with the banners. He stated that the seasonal banners would be on the parking lot light poles that New England Expedition would control. He stated that the advertising banners would be on the light poles leading to the stores. To make the banners more palatable, he suggested that during the first year banners be allowed for only 90 days for the grand opening and then be allowed four times per year for 30 days for sales. He stated that after the first year, he would return to the Board for reapproval of banners.

Mr. Paul opened the public hearing; there were no comments; Mr. Paul closed the public hearing.

To a question from Mr. Chamberlain, Mr. Beaudoin replied that there would be a total of 15 light poles with banners in the center aisle and in front of the store. To a question from Mr. Chamberlain, Mr. Beaudoin replied that the pylon sign could go only in the far rectangle of the outparcel because of the wetlands in the area and there was a State limit of 1,000 feet from the structure. Mr. Chamberlain stated that, with the time stipulations and the sunset clause, he supported the banners. He stated that the pylon sign was a concession and he did not see it as much of an infringement. Ms. Littlefield stated that she was comfortable with the sign change on the outparcel but had concerns with the banners because they would set a precedent. She stated that she was in favor of the banners with the sunset provision.

Mr. Fellows stated that he was not wild about the pylon sign and it was a stretch to say it was an onsite sign. He stated that he was disappointed there would not be a monument sign, but, with the lower height, he would reluctantly support it as long as it was not a backdoor way to have a billboard. To a question from Mr. Fellows, Mr. Beaudoin replied that the store hours would be from 9:00 A. M. to 9:00 P. M. and the pylon sign would be solar powered and would be turned off at 10:00 or 11:00 P. M. Mr. Fellows confirmed that only the Cabela's name and logo would be on the sign. Mr. Fellows confirmed that, given the grade of the Turnpike and the trees, the pylon sign and the building would not be seen at the same time. Mr. Fellows stated that his support was not enthusiastic, but, given the constraints and history, he would support it. He stated that he had concerns about setting a precedent with the banners and

appreciated the sunset provision.

Mr. Paul noted that this Contract Zone was in the Haigis Parkway Zone but the sign would be in the R-2 Zone; he stated that his concern was that the R-2 Zone allowed a maximum sign of 32 square feet and a height of eight feet so this was stretching the limits dramatically and he would feel better if the sign were not pylon. Mr. Paul asked whether there was a way to build up the area so a monument sign could be more like the stone entry signs; he stated that there was nothing else like this sign in the corridor and he did not want a sign that did not fit in. Mr. Paul stated that he appreciated the limits on banners but was concerned about setting a precedent; he stated that the Board had tried to avoid that type of advertising but he did like the seasonal banners.

To a question from Ms. Littlefield, Mr. Beaudoin replied that the lot where the sign would be placed was about 3,000 square feet. Ms. Littlefield stated that she liked the idea of building up the land for a monument sign. Mr. Beaudoin stated that he would work on that prior to going to the Town Council. Mr. Fellows reiterated that he would strongly prefer a monument sign.

Mr. Paul moved to grant preliminary approval for the additional land being added with the intent for some type of sign as depicted in the drawings; Mr. Chamberlain seconded.

Voted 4-0

9. Sea Ridge at Blue Point, SBK Associates, LLC requests subdivision amendment approval for previously approved subdivision off Jasper Street

Mr. Bacon stated that the applicant could not be present. He stated that this was a minor subdivision amendment to combine lots because a buyer wanted a one acre lot rather than the approved half acre lots. He stated that there would be a total of 55 lots rather than 56 lots with one more lot in Phase 1. He stated that there were no other changes. To a question from Mr. Fellows, Mr. Bacon replied that the lots had been renumbered on the subdivision plan.

Mr. Paul moved to approve the amendment as presented; Mr. Fellows seconded.

Voted 4-0

10. Oak Hill Plaza, JDR Trust II requests review/approval of Access and Signage Master Plan for site off Gorham Road

Mr. Bacon stated that there had been a workshop on this project, which was a response to a condition imposed on an office building approved by the Board last fall. He stated that the master plan was to address vehicle and pedestrian access and circulation, as well as signage to direct people to the stores. He stated that there were staff comments regarding directional signs toward Hannaford Bros. and plantings to define the curbs and driveways. Mr. Bacon stated that consideration should be given to long range planning for new sidewalks and master signage for any new development.

Mr. Steve Berg, of JDR Trust, showed the existing and new sidewalks and the proposed development on the corner. Mr. Matt Phillips, of Terry DeWan Assoc., stated that Gorrill-Palmer did a traffic analysis on the entrances and exits; he stated that future accesses were premature because they did not yet know the users. Mr. Phillips stated that Gorrill-Palmer recommended that the northern access on Route 114 should remain a two-way road, but the accesses at Arlberg Ski and the former Burger King should be right in and right out only. He stated that the Route 114 access points should remain full accesses.

Mr. Jordan stated that the stop or yield signs should be closer to the intersections and the alley behind the Dollar Store should be for service vehicles only. He stated that to help the traffic flow more freely at Plaza Drive some additional pavement should be curbed and it was recommended that at the end of the Dollar Store building there be a stop sign. He stated that campus directory signs and new building signs were to be installed. Mr. Jordan stated that there were concerns about pedestrian access and they analyzed the existing sidewalks and crosswalks from Route One to Hannaford Drive and Route 114 through the courtyard shops proposed with limited vehicle conflicts. He stated that the campus directional signs seemed small so they increased the size within the Ordinance and the letters would be 3.75 inches tall.

Ms. Littlefield asked about adding crosswalks across Route 114 at driveway No. 5 and at Hannaford Drive because the town sidewalks were on the other side of the street. She stated that she would like to extend the crosswalk out to Route One and to see signage at the Plaza Drive/Hannaford Drive intersection. She stated that she was disappointed about the existing signs not being replaced until new ones were needed, but she appreciated the new signage.

At the request of Mr. Chamberlain, Mr. Berg showed an undeveloped parcel across Plaza Drive from the bank and stated that the residence called Greystone may be available for them to purchase. Mr. Berg stated that they would create additional crosswalks if those two lots were developed. To a question from Mr. Chamberlain, Mr. Berg replied that the only sidewalk approved but not yet built was along Hannaford Drive; he stated that driveway No. 5 was not a good place to cross the road because of the heavy traffic. He stated that they would have to check the sight distance before erecting a sign at the Plaza/Hannaford intersection to not block visibility. Mr. Chamberlain stated that it would make more sense to have a sidewalk at Adams Way. To a question from Mr. Chamberlain, Mr. Berg replied that they would paint the striping of travel lane No. 4 and create an island when the corner lot was being developed and they would close the two curbcuts on Route One at that time. To a question from Mr. Chamberlain, Mr. Berg replied that the area near the Post Office would be repaved.

Mr. Paul stated that he appreciated the effort put into this plan; he stated that it was important to design the curbcuts and sidewalks for safety, but there should be more in terms of potential vehicle traffic flow and he would like to see what might be done if there were the opportunity to redo some of the structures on the site. Mr. Paul stated that the area should be more pedestrian friendly and include some green space and traffic patterns should be laid out for any future development. Mr. Berg stated that the crosswalks would be grooved paving; he stated that the crosswalks at driveways 1, 2 and 3 were on town property. He stated that there would be a side-walk to Oak Hill Beverage. Mr. Paul suggested making Adams Way one-way because of the lack of visibility around the building; Mr. Berg stated that Gorrill Palmer felt there was enough room on Adams Way and they would bring the island out so it would be more of a four-way intersection.

To a question from Mr. Paul, Mr. Berg replied that there was no sidewalk to the Bank of America because the front was town land and there was no room behind the building. Mr. Paul stated that this plan was a good first phase but he hoped it was not the final phase of the master plan. Mr. Fellows suggested striping the parking lot so people would follow the rules of the road; he stated that he appreciated the way-finding signs but thought they all should be installed at once rather than waiting until the existing signs deteriorated. He asked that future plans show the boundary lines of the property. Mr. Berg noted that the sidewalk at the corner and the new sign at Arlberg Ski Shop would be done with the pharmacy. Mr. Berg replied that he expected occupancy of the office building during the late fall of 2008.

Mr. Paul moved to approve the Master Plan with the following conditions:

1. That the sidewalk improvements be completed before issuance of the Certificate of Occupancy for the recently approved office building;

2. That the sign changes be completed before issuance of the Certificate of Occupancy for the proposed pharmacy;
3. That there be an additional campus directional sign at the intersection of Hannaford and Plaza Drives;
4. That the three existing directory signs be part of the signage improvements prior to issuance of the Certificate of Occupancy for the proposed pharmacy;

Ms. Littlefield seconded.

Voted 4-0

Mr. Paul called a recess at 9:30 P. M.; the meeting reconvened at 9:35 P. M.

11. Grondin Aggregates, LLC requests site plan amendment approval for site off Gorham Road and Beech Ridge Road

Mr. Bacon stated that this was the final step in the Contract Zone process; he stated that the staff had no comments but the Fire Department wanted to be able to access the site for emergency purposes.

Mr. Rich Jordan, of Boyle Associates, explained that the Town Council had given their approval with the stipulation of the location of the crusher and its timing and a sunset provision of six months for another public hearing to hear any major concerns. He noted that abutters were concerned about buffering. Mr. Jordan stated that there would be a 100 foot setback on the Department of Fish and Game area and any work would be vernal pool creation in the flood plain; he stated that the buffers would remain forested. He stated that the blasting, which would be done by a blasting company, had been approved and there would be a pre-call list. Mr. Jordan stated that the existing crusher was 25 feet below grade in the quarry and noise could not be heard from it; he stated that the upper crusher would be used only between 9:00 A. M. and 3:00 P. M. weekdays and would be 1,000 feet from homes.

In response to staff comments, Mr. Jordan stated that the Quonset hut, which was used for storage, could be removed before or right after completion of the work on the site. He stated that they would work with the Fire Department for emergency access. Mr. Jordan noted that they had put a fixed area on the plan for stored material. He noted that there may be an opportunity for a site walk during the weekend of April 19, 2008.

Ms. Littlefield noted that the line delineating the storage area should be completed and she would like a date-certain for the hut removal. To a question from Ms. Littlefield, Mr. Bacon replied that the informational sign had been sent in the package; he stated that the 4 by 6 foot sign explained the process and had been installed. There was discussion regarding removal of the Quonset hut. The Board agreed that they appreciated the applicant's efforts to communicate with the abutters at the last meeting. Mr. Paul noted that he had learned a lot about wetland mitigation and was now a believer.

Mr. Paul moved to approve the amendment with the following conditions:

1. That there be an emergency access approved by the Fire Department;
2. That the Quonset hut be removed within 30 days of completion of work on the site, with a note to that effect on the plan;
3. That the line on the plan be completed to delineate the storage area;

Mr. Chamberlain seconded.

Voted 4-0

12. Southborough, Peter Anastos requests final approval for restaurant development on Lot 200 on site off Payne Road

This item was tabled at the request of the applicant.

13. Administrative Amendment Report

There were no Administrative Amendments.

14. Town Planner's Report

Mr. Bacon stated that there would be a joint meeting between the Planning Board and the Town Council at 7:00 P. M. on Thursday, April 10, 2008 to discuss the Scarborough Retirement Community and a new Contract Zone for the Broadturn Farm.

Mr. Chace noted that there were two mylars to be signed.

15. Correspondence

There was no correspondence.

16. Planning Board Comments

Mr. Paul noted that the Appointments Committee had been working on getting two alternate members for the Board. He stated that he could not attend the April 22, 2008 meeting and asked that all Board members notify the Recording Secretary if they could not attend.

17. Adjournment

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