

Town of Scarborough

Planning Board

June 2, 2008

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (May 12, 2008)
4. John Bliss and Stacy Brenner request site plan approval for improvements on the Broadturn Farm site at 388 Broadturn Road
5. Katahdin Analytical Services, Daphne Warren requests site plan amendment for Lot 26 in the Enterprise Business Park
6. KFC/Taco Bell, Scarborough Gallery LLC requests site plan review for restaurant and retail building on Lot 1 at Scarborough Gallery
7. Timber Sands Subdivision, Risbara Properties requests preliminary subdivision approval for 10 single family lots at 462 Old West Beech Ridge Road in the R-F Zone
8. Scarborough Retirement Community, Harvest Development LLC requests sketch plan review for 258 unit retirement home off Elmwood Avenue
9. Administrative Amendment Report
10. Town Planner's Report
11. Correspondence
12. Planning Board Comments
13. Adjournment

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

Town of Scarborough

Planning Board

June 2, 2008

MINUTES

Members Present

Staff

Mr. Chamberlain
Mr. Fellows
Ms. Littlefield
Mr. Mazer
Mr. Paul
Mr. Thomas

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. Mr. Paul authorized Mr. Thomas to vote.

3. Approval of Minutes (May 12, 2008)

Ms. Littlefield moved to approve the minutes of May 12, 2008; Mr. Fellows seconded.

Voted 3-0-2 – Messrs. Chamberlain and Paul abstained.

Mr. Paul noted that Katahdin Analytical Services had withdrawn their request.

4. John Bliss and Stacy Brenner request site plan approval for improvements on the Broadturn Farm site at 388 Broadturn Road

Mr. Bacon noted that the Board had seen this item as part of the Contract Zone process; he stated that the Council had approved the Contract Zone for the improvements and the applicants now needed site plan approval. He stated that the staff was comfortable with this farm use and had drafted a motion and conditions. Mr. Bacon stated that there was a memo from the Department of Agriculture recommending additional language regarding the easement for the Fire Department.

To a question from Mr. Mazer, Ms. Brenner replied that their portable toilets would be basic but there would be a separate washing station. Mr. Mazer asked about insurance; Ms. Brenner replied that they had insurance for the camp, the business, for the events and for their products and had Workers' Comp. To a question from Mr. Paul, Mr. Bacon replied that the staff was comfortable with the site plan, though it was not a typical commercial project; he stated that the Contract and the motion would spell out the next steps and that the Code Enforcement Officers were satisfied with the language and site plan.

Mr. Paul moved to approve the Broadturn Farm site plan with the following conditions:

1. Prior to the issuance of an occupancy permit for the seasonal cabins for the 2008 summer season the applicant shall:

- a. Locate the structures as shown on the submitted site plan (each cabin may be issued an individual occupancy permit);
 - b. Install the toilet facilities as shown on the site plan and as required by Code Enforcement;
 - c. Apply for and receive all necessary building and electrical permits;
 - d. Install all requisite life safety requirements as required by the Fire Department;
2. Prior to the occupancy of the seasonal cabins for the 2009 summer season, the applicant shall apply for local permits, install and receive an occupancy permit for the bathhouse, as shown on the site plan;
 3. Prior to the installation of the commercial kitchen the applicant shall demonstrate to Code Enforcement that the wastewater system has adequate capacity to accommodate this use and the applicant shall also apply for and receive the requisite permits for its installation;
 4. The applicant shall furnish an easement to the Town of Scarborough for the placement of an underground fire supply storage tank. The location of the storage tank easement should be located along Hanson Road between Broadturn Road and the farm's access road. The final location of the easement and tank to be determined by the Fire Department, the landowner and the Maine Department of Agriculture, Food and Rural Resources.

Ms. Littlefield seconded the motion.

Voted 5-0

5. Katahdin Analytical Services, Daphne Warren requests site plan amendment for Lot 26 in the Enterprise Business Park

This item was withdrawn by the applicant.

6. KFC/Taco Bell, Scarborough Gallery LLC requests site plan review for restaurant and retail building on Lot 1 at Scarborough Gallery

Mr. Bacon stated that since sketch plan review the applicant had adjusted the curbcut, the access and the architecture to be more consistent with the Design Standards. He stated that there was a staff report which recommended that snow storage be discussed; he stated that there were comments from Peter Tubbs and Bill Bray.

Ms. Littlefield noted that her firm did not have ownership interest in this development, but had several out-of-state ventures with a portion of the Scarborough Gallery owners. No one had a problem with Ms. Littlefield hearing this item.

Mr. Al Palmer, of Gorrill-Palmer, gave an overview for the new Board members. He showed the location and stated that this was the lot across from the new Wal-Mart site. Mr. Palmer stated that this was part of the original subdivision approval with thresholds for traffic and impervious surface; he stated that these buildings would be a little smaller than approved with the subdivision so the impervious surface would be less. He stated that the site was served by one right-in and right-out access on Gallery Boulevard. He stated that they shifted the curbcut closer to Texas Roadhouse, between the restaurant and retail building, thereby eliminating the confusion and making it easier for patrons and the Fire Department to access the site; he stated that there was access through the rear of the Texas Roadhouse site in order to use their traffic light to turn left. Mr. Gorrill stated that this lot would use the water quality unit on Lot 2. He stated that the landscaping, lighting and signage had been shown; he stated that there would be one monument sign at the entrance, which had not yet been finalized.

Mr. Palmer stated that they simplified the parking spaces near the entrance. He stated that the ordinance required 53 spaces but they showed 68 spaces; he stated that they would like the additional parking because Texas Roadhouse was very busy and people had been parking on this site. He stated that they wanted to make sure there was enough parking so no one would park on Gallery Boulevard or at WalMart and have to cross the boulevard.

Mr. Palmer displayed the updated architecture with clapboards, bricks and banding, with peaked roofs on the retail building; he stated that the restaurant building would be one color brick as requested by the Board with a faux window on the right side to balance the building. He stated that they had added a pitched roof and a parapet to screen the HVC equipment.

Mr. Palmer stated that Mr. Bray had reviewed the traffic generation, which was slightly higher than allowed by the approved subdivision, and recalculated the Payne Road Impact Fee. He stated that the majority of the SYTDesign comments were construction details and they had no issues with them. Mr. Palmer stated that the staff comments covered housekeeping items which would be addressed. He stated that the major item was parking and they felt the extra 13 spaces were necessary because of the limited parking on that side of the boulevard.

To a question from Ms. Littlefield, Mr. Palmer explained that they designed the cul de sac for a turnaround at the end of the parking lot. Mr. Paul noted that any approval for this design would require a waiver to the parking ordinance which required a second egress from a parking area. Ms. Littlefield stated that the faux window made the building better but it was still plain; she stated that her inclination was to give the applicant what they needed for parking spaces.

Mr. Chamberlain agreed that the extra parking was needed. He asked about snow storage; Mr. Palmer replied that they had designated the employee parking in the rear for snow storage but would haul off large accumulations. To a question from Mr. Chamberlain, Mr. Palmer replied that the Texas Roadhouse site was paved to the line and their parking was maxed out. Mr. Chamberlain stated that it would be reasonable to erect a sign at the parking lot indicating that there was no parking in the turnaround. To a question from Mr. Chamberlain, Mr. Palmer replied that the center island was to show that there was no left turn out of the site and he would check with the Fire Department for their opinion. Mr. Palmer stated that the island would be slightly raised with a change in color or texture that would not impede emergency apparatus. He stated that they had shown way-finding signs.

Mr. Fellows stated that he appreciated the changes and agreed that the architecture had been improved but the restaurant building needed a little more work. To a question from Mr. Fellows, Mr. Palmer replied that there would be vegetation growing up the trellises on the cooler building with groundcover below. Mr. Fellows asked that the applicant show the materials of the buildings and the trellises. Mr. Fellows asked whether there was screening at the back toward I-295; Mr. Palmer replied that there was some landscaping on the edge, a divider island between the drive-through area and the building and there were trees and shrubs along the building. To a question from Mr. Paul, Mr. Palmer replied that the power line would be across the top of the parking spaces in the rear.

Mr. Mazer agreed that the additional parking spaces were needed; he stated that during the summer there may be buses and campers and there should be a sign for no parking in the turnaround. Mr. Thomas noted that signage would be critical and moving the curbcut helped the access; he stated that he hoped the cul de sac did not become popular for parking.

Mr. Paul noted that the two towers on the restaurant had different trim; Mr. Dan Whitney, of KFC, stated that that was intentional but they could make them the same. Mr. Paul stated that he was concerned about the fans and whether they emitted heat; Mr. Whitney replied that they did emit heat and that was why they

had a flat roof. Mr. Whitney stated that he would work with the staff to screen the fans a little better. Mr. Paul stated that he would like to see a brick entrance sign like the rest of the development and the directional signage should be shown on the plan; he stated that he would also like to see the roofing material. Mr. Paul asked whether the sidewalk could go across the drive-through area and head toward Texas Roadhouse. Mr. Palmer showed the pedestrian connection to the sidewalk and to the front of the restaurant and the retail building, but they did not show a sidewalk between the two lots; he stated that the sidewalk on the Texas Roadhouse lot was eliminated when they were approved so there was no opportunity to connect. Mr. Whitney stated that he could not build that sidewalk on Lot 2 because of the existing lease and it would eliminate parking.

To a question from Mr. Palmer, Mr. Paul replied that, given the number of items in the written comments, he would prefer not to approve this project with conditions; he stated that he would like written responses on the plan or in a letter. He stated that this could be a Consent Item on the next agenda. To a question from Mr. Chace, Mr. Palmer stated that they would consider the issue of snow storage in the rear parking.

7. Timber Sands Subdivision, Risbara Properties requests preliminary subdivision approval for 10 single family lots at 462 Old West Beech Ridge Road in the R-F Zone

Mr. Bacon stated that the Board saw this project last fall and peer review had since been done; he stated that the applicant had designed the project as an Elective Conservation Subdivision and the Board needed to determine whether or not the project fit the that criteria. Mr. Bacon stated that the staff was satisfied with the request for a waiver for a narrower road. He stated that there was a staff memo, a peer review letter from Oest Associates and the Traffic Impact Fee calculation needed to be finalized. He stated that there were memos from the Conservation Commission and Mr. Wendel.

Mr. Rocco Risbara III stated that this was a 25 acre wooded site with access at 240 Holmes Road via a right of way. He stated that they proposed 10 single family lots under the Conservation Subdivision Ordinance with the road width and length reduced. He stated that the 1,000 square feet of wetlands on the site would not be impacted; he stated that they had reduced the lot sizes to between 36,000 to 40,000 square feet. Mr. Risbara stated that there would be 12 acres of open space owned and maintained by a homeowners' association. He stated that there would be language in the documents allowing the association to permit neighbors to ride horses on their trails.

Mr. Risbara stated that the lots would be served by wells and septic systems; he stated that he agreed to Mr. Wendel's comments. He stated that they could accommodate having no buffer on Lot 1 but Lot 2 needed the buffer where it is and the lot would not meet the size requirements if land were taken away. Mr. Bacon suggested adjusting the building envelopes on Lots 1 and 2. To a question from Mr. Paul, Mr. Risbara replied that the shape of the buffer could not change because of the topography but it might be possible to change the lot lines to make the lot sizes work.

Mr. Risbara stated that they proposed the two ponds for aesthetics and to obtain material to raise some grades; he stated that this met the DEP regulations. He stated that they left 20 feet at the cul de sac to connect to the trail and he felt that was adequate to work with what was existing. Mr. Paul stated that he would like to see extra space between the two buffers to widen the trail areas.

Mr. Fellows asked how the ponds would be excavated, how they would remain ponds and not just overgrown wet areas, and the feasibility of access to them; Mr. Risbara replied that he had someone working on the issue of how the ponds would remain aesthetically pleasing. He stated that there could be some beach area and benches and landscaping with paths to the ponds. Mr. Risbara stated that there would be on-going maintenance by the association. To a question from Mr. Thomas, Mr. Risbara replied that the ponds would probably be 20 to 25 feet deep.

To questions from Ms. Littlefield, Mr. Risbara replied that he would connect the existing house to the new road and they would have no access on Holmes Road; he stated that the trails would connect to his road and go out to Old Beech Ridge Road. To a question from Mr. Chamberlain, Mr. Risbara replied that there were passing test pits on all the lots. To a question from Mr. Chamberlain, Mr. Risbara replied that the common areas were for homeowners only but they could grant use to others. Mr. Chamberlain asked who designed the boundaries of the wooded buffer; Mr. Risbara replied that they had designed the boundary and had to make the grading work and treat the runoff. To a question from Mr. Chamberlain, Mr. Risbara replied that with the conventional layout for this site he would have the same number of lots but the road would be much longer.

Mr. Paul stated that he struggled with whether or not this project met the criteria for the Conservation Design Subdivision Ordinance since there were no wetlands; he read the criteria and stated that they did not apply to this site. Mr. Bacon noted that there was also the Elective Conservation Design which the applicant could choose if he met the three criteria under that section; he stated that the site did meet Criteria c. "Establish open space to be used for active and passive recreational purposes that can complement and serve the residences within a conservation subdivision." Mr. Risbara stated that with this design he would have smaller lots and less road to maintain. He stated that using the material from creating the ponds would cut down on construction traffic. Mr. Mazer stated that he agreed with the reasons for the pond but they would create a liability. Mr. Fellows stated that the issue for him was whether the ponds would be considered open space or just gravel pits.

Mr. Paul noted that the engineering items were workable. He stated that the Board needed to consider whether this met the intent of the Conservation Design. Mr. Bacon asked whether this design would be used if the geotech report did not think the ponds were viable; Mr. Risbara replied that he would continue to use this plan. To a question from Mr. Paul, Mr. Risbara replied that if the ponds were not created he would have to bring material onto the site. Ms. Littlefield stated that, given the topography, the large pond should have enough water so there may be only one pond, to which she would agree. Mr. Chamberlain stated that the developer was providing the open space.

Mr. Paul moved to approve the preliminary subdivision plan as presented; Mr. Fellows seconded.

Voted 5-0

Mr. Paul called a recess at 8:55 P. M.; the meeting resumed at 9:00 P. M.

8. Scarborough Retirement Community, Harvest Development LLC requests sketch plan review for 258 unit retirement home off Elmwood Avenue

Mr. Bacon stated that this project was proposed for a Contract Zone and had been heard at two joint meetings of the Planning Board and the Town Council. He stated that the project was now at the Planning Board stage for sketch plan review. He stated that there were several staff comments.

Mr. Owens McCullough, of Sebago Technics, explained that this was a 66.4 acre parcel with 258 proposed units in three phases; he showed the site and stated that they would provide 50% open space. He stated that there was an existing farmhouse which would remain. Mr. McCullough stated that they had eliminated the second access at Third Avenue so there would be only one access to Green Acres and Route One. He stated that the Fire Department needed fire lanes and there would be fire access lanes around the buildings.

Mr. McCullough stated that they would provide a trail link with the Nonesuch River and open space; he stated that there would be a small parking area for the general public for the trails off Third Avenue which

would also serve as access to the farmhouse. He stated that this access would not be a through-road. Mr. McCullough stated that there would be a trail on the western property line connecting to the existing trail. He stated that they understood the concerns of the Hospice House regarding the buffering and landscaping along the trail; he stated that the applicant was diligent and there would be heavy landscaping in this area. He stated that there would be a connection to the Elmwood Avenue sidewalk from the sidewalks around the buildings.

Mr. McCullough stated that they would do a full traffic study and would work with the staff and Mr. Bray. He stated that only about 25% of the residents would drive so most of the traffic would be the employees and the van and they would educate them about how to access the site; he stated that there would also be directional signage. Mr. McCullough stated that there would be a full photometrics plan which would show full cutoff lighting; he stated that the lighting needed to provide safety and security but it would also be sensitive to the residents. Mr. McCullough stated that, following public comments, they were trying to break up the building façade and roofing. He stated that that they showed a mixed building height of two and three stories, with the two story sections facing Elmwood Avenue, the Hospice House and the residential area, and the three story section of the building would be toward the interior of the site. He stated that the building would be a wood frame structure with architectural shingles. Mr. McCullough stated that the cottages would be at the rear of the site and they had tried to limit the views to the two stories to balance the views. He stated that the mixed story height helped them condense the footprint of the structure.

Mr. McCullough stated that this project would require a DEP Site Location Permit and an Army Corps of Engineers permit for wetlands alteration, as well as a Traffic Movement Permit from the DOT. He stated that they would like feedback from the Board on the two/three story approach to the building.

Mr. Paul noted that this was not a public hearing but if people would like to speak, they should limit their comments to three minutes and not repeat what someone else had said. He stated that questions to the applicant should be directed through the Board. Ms. Jeannine Uzzi, of 13 Sunset Road, stated that her concerns were with the Contract Zone and the traffic. She stated that this was a small, modest residential neighborhood and this would be a large, commercial business which she thought should be located elsewhere where it would fit in the zone. She noted that the Portland retirement home done by this developer was in a commercial area. Ms. Uzzi stated that the one access close to Green Acres was a great idea but the trailhead worried her because trailhead parking would draw traffic down First and Second Avenues where there were no sidewalks. She stated that more and more people were using the First Street egress from the Mercedes dealership; Mr. Paul suggested that Ms. Uzzi write a letter to staff and the dealership regarding those concerns.

Mr. Joseph LaVopa, of 55 Maple Avenue, stated that he would like to see a left turn only from this site in the residential neighborhood because Elmwood Avenue was very busy. Ms. Anne Marie Sylvius, of 29 Maple Avenue stated that someone suggested a senior center on this site, but that would bring even more traffic; she stated that she worked in the assisted living field and this was the only such project that was not on a major road. She stated that a good way to ameliorate traffic would be to eliminate assisted living.

Ms. Audie Harris, of 8 Second Avenue, noted that this facility was on the opposite side of the road from the sidewalk and people would have to cross Elmwood Avenue to use the trails. Ms. Harris stated that a memo noted that there would be about 100 vehicles trips per day on weekends and that is when children would be out playing. Mr. Mike Sylvius, of 29 Maple Avenue, stated that the main issue was that he felt the traffic was being underrepresented. He stated that this was a commercial venture and the traffic impact was serious in this area. He stated that the work being done on the road now was an effort to calm the traffic and this project would reverse that effort; he noted that there was much more impact from the Hospice House than was represented.

To a question from Mr. Paul, Mr. Owens explained that all three projects in Maine did require zoning amendments; he stated that Portland had a full Contract Zone and the other two had text changes to the zoning. Mr. Owens stated that the project most similar to this site was in Portland where there was commercial development on the west side of the project and a residential neighborhood to the east and there were these same conversations when that project was proposed. He stated that at the Bangor project there was commercial development on one side, low income housing on one side and single family dwellings on two sides. He stated that the Kittery site was surrounded by commercial uses.

Mr. Paul noted that it was difficult for the Board to view the entire project at once and it would be very helpful if the project could be approached in sections to deal with just traffic in one meeting and another meeting for such things as architecture, view corridors and landscaping. He stated that a special meeting could be scheduled. Mr. Cory suggested a group site walk at both this site and the Canco Woods project. Mr. Owens asked whether the meetings could be two nights in a row so Melissa Leclerc, of Curry Architecture, could combine trips from Oregon. Mr. Bacon stated that staff could work out the schedule.

Mr. Paul stated that he looked at the view corridor and the applicant had accomplished a two-story appearance from the Hospice House; he stated that it appeared there are advantages to the slope of the land for two or three stories. He stated that the three story section faced the woods and he was in favor of condensing the size of the footprint and was in favor of this rendition. Mr. Fellows stated that he agreed with the combination of the stories to reduce the footprint. Mr. Mazer and Mr. Thomas and Ms. Littlefield agreed.

Mr. Chamberlain asked for clarification on the outparcels; Mr. Owens explained that the current owner of the property did not want to sell the 3.56 acre parcel with wetlands along the Nonesuch River so retained it. Mr. Owens stated that the structure opposite the existing residence was a garage that would remain but the shed would remain. Ms. Leclerc stated that the homes driveway may be moved; she stated that a condition of the sale was that the house remain and they could sell it or incorporate it into this site.

Mr. Chamberlain stated that the Board had to be cognizant of the fact that this was not a single family dwelling but if it were a new subdivision it would generate a lot of traffic and children; he stated that this was a good direction for that reason and he supported this type of project. To a question from Mr. Paul, Mr. Owens replied that their site was 450 feet from the I-295 connector and the area was completely wooded. Mr. Paul stated that roof tops may be visible.

Ms. Littlefield asked that the buffering toward the west be expanded; she stated that she agreed there should be a left turn only out to keep traffic off Elmwood Avenue. She asked whether the applicant considered an emergency access from the trailhead with pervious pavers; Mr. Owens replied that there would be an eight foot wide graveled sidewalk with pavers and grass which would be used very infrequently. Ms. Littlefield suggested moving the trailhead parking onto the property. She asked that signage near the road be addressed. Mr. Thomas stated that traffic, working with the neighbors and outside appearance would be a big part of this. He stated that he agreed that this project would be more pleasing than a large subdivision. Mr. Mazer and Mr. Fellows agreed.

Mr. Fellows noted that architectural details would be important and this was a good start. To a question from Mr. Fellows, Ms. Leclerc replied that construction time would be about one year to 15 months for Phase 1 followed by Phases 2 and 3 which may be built at the same time.

Mr. Paul noted that the Board liked monument signs and the interior signage should be similar to campus signage. He stated that he appreciated that safety was paramount but asked whether lights could be lowered late at night. Mr. Paul noted that sidewalks should have ADA tipdowns and he liked Duratherm-type crosswalks because paint wears away. To questions from Mr. Paul, Mr. Owens replied that 41,000

square feet of wetlands would be impacted and would require mitigation. Mr. Owens stated that the cottages would be rented and there would be no personal property. Ms. Leclerc noted that there would be separate ownership of the lots for financing purposes. Mr. Owens stated that they had spent a lot of time looking at wetland alteration and the three story buildings provided the least impact. Mr. Paul asked that the applicant consider snow storage, and address construction traffic, timing and noise limits. He stated that the applicant should work with staff to schedule a site walk.

9. Administrative Amendment Report

Mr. Chace stated that a request by Scarborough Terrace to construct a 200 square foot sunroom on their large facility had been approved as an Administrative Amendment.

10. Town Planner's Report

Mr. Bacon noted that there would be a workshop on Monday, June 9, 2008, at 7:00 P. M., to discuss the Commercial Design Standards; he stated that Terrance DeWan, who created the standards, and Susan Auglis, former Board chairman, would be at the meeting. He stated that he had distributed a list of questions for the Board to consider.

11. Correspondence

There was no correspondence.

12. Planning Board Comments

Mr. Paul welcomed new members, Ronald Mazer and Jeffrey Thomas.

13. Adjournment

The meeting was adjourned at 10:30 P. M.