

Town of Scarborough

Planning Board

September 15, 2008

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (August 25, 2008)
4. Scarboro Signs, Eighty Nine Canal Street Realty Trust requests site plan amendment for 1,200 square foot garage addition on site at 715 U. S. Route One
5. Bayley's Campground requests site plan amendment for office building on site off Pine Point Road
6. Harvest Development requests site plan and subdivision plan review for Phase 1 of Scarborough Retirement Community on Elmwood Avenue*
7. Dragonfly Knoll Subdivision, Tim Wagner requests preliminary subdivision review for 9 single family lots off Holmes Road*
8. Wal-Mart R.E Business Trust request site plan amendment for building located in Scarborough Gallery subdivision
9. Greely Capital, LLC, Paul Rousseau, requests site plan review for a change of use of a 1,497 square foot building on site at 11 Willowdale Road*
10. New England Expedition – Scarborough, LLC requests site plan amendment for building 5 within the Gateway Shoppes development site; relocating the wall sign on the Cabela's building; and amending the campus signage for the Gateway Square development site
11. Walgreens requests sketch plan review for 13,150 square foot structure on 2 lots at Routes One and 114 in the Oak Hill Plaza
12. Administrative Amendment Report
13. Town Planner's Report
14. Correspondence
15. Planning Board Comments
16. Adjournment

*Opportunity for public comment will be offered by the Planning Board on these items.

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

Town of Scarborough

Planning Board

September 15, 2008

MINUTES

Members Present

Staff

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

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. The Pledge of Allegiance was recited.

2. Roll Call

The Recording Secretary called the roll; Mr. Thomas was absent.

3. Approval of Minutes (August 25, 2008)

There were no minutes available.

4. Scarboro Signs, Eighty Nine Canal Street Realty Trust requests site plan amendment for 1,200 square foot garage addition on site at 715 U. S. Route One

Mr. Chace stated that the Board needed to review the building elevations and adjustments to the site plan regarding the buffering for future parking, which had been addressed by the applicant. He stated that the staff had no further issues.

Mr. Ciaron Mullaney, of Eighty Nine Canal Street Realty, showed the added buffering; he stated that parking spaces 14 through 18 would be moved closer to the building to accommodate the fire lane. He stated that they had shown a crosswalk to Queens Drive in the event the parking spaces across the street were built. Mr. Chace noted that the Fire Department was satisfied with the fire lane.

Mr. Chamberlain confirmed that the buffering would not be installed until the phases of parking were constructed. Ms. Littlefield stated that she would like the buffering of spaces 10 through 13 installed at this time. To a question from Mr. Paul, Mr. Mullaney stated that the standard note was being put on the plan; Mr. Chace asked that the buffering of spaces 14 through 18 be shown as part of the approved plan.

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

1. That the revised site plan include the standard note;
2. That the landscaping along the eastern boundary parking spaces be added now;
3. That revised plan show that parking spaces 12 through 18 will be built as part of this approval.

Mr. Chamberlain seconded.

Voted 5-0

5. Bayley's Campground requests site plan amendment for office building on site off Pine Point Road

This item was tabled at the request of the applicant.

6. Harvest Development requests site plan and subdivision plan review for Phase 1 of Scarborough Retirement Community on Elmwood Avenue*

Mr. Chace explained that this request was part of the Contract Zone process. Mr. Paul read an e-mail from Bruce and Elizabeth Kenney, of 33 Elmwood Avenue, asking that their property directly in front of the project not be surrounded by the road, walking path or parking area without extensive buffering. Mr. Paul stated that there was also a letter from Scarborough Animal Hospital regarding traffic calming issues at the intersection near their site.

Mr. Owens McCullough, of Sebago Technics, gave a PowerPoint presentation showing the location and site plan with the three phases; he stated that half of the property would be open space. He stated that the site would be accessed from Green Acres Lane. Mr. McCullough stated that there would be access to the nearby FAA tower from their driveway. He stated that they had changed the plan by moving a garage in from the property line and improving the buffering. He showed the parking areas for Phase 1 and stated that only about 25% of the residents would drive and the others would use the van; he stated that the cottages would have their own one-car garages. Mr. McCullough stated that there would be fire lanes on all sides of the three-story building which would have 118 suites.

Mr. McCullough showed the trails around the site and through the open space and stated that there would be buffering around the house lot near the trail parking. He stated that much of the trail within the site would be paved with some sections stone dust and the existing trail on the town land would be upgraded and would be a stone dust surface. He stated that the trail near the Hospice had been moved a little further from the property line. Mr. McCullough stated that the wetlands within the site would be preserved; he stated that the total buildout of the site would be five to ten years. He stated that they preserved the first row of trees at the border with the Hospice and as much of the second row as possible and would infill with additional landscaping and the profile of the building would be lower on that side. Mr. McCullough showed how the trails would connect with the existing trails at the Nonesuch River.

Mr. McCullough stated that all public utilities would be under ground and the sewer would be gravity feed with a pump station in one area; he stated that there would be two detention ponds for water quality control. He showed building perspectives with roof lines and architectural treatments. Ms. Melissa LeClare distributed samples of the building materials.

Mr. McCullough stated that he met with the staff to discuss traffic and infrastructure improvements; he stated that the applicant was willing to make changes to the existing roads but the Board had mixed feelings about cutting off a public street and the Town Manager would not support closing off Elmwood Avenue or preventing access to Elmwood Avenue because the roads were public and would impact connectivity between streets. Mr. McCullough stated that the Town Manager would be supportive of traffic calming with more passive measures such as signage and curbing. He stated that they proposed to reconfigure the triangle at the I-295 access to Green Acres so that people would be encouraged to use Route One rather than going through the neighborhoods.

Mr. Paul asked that anyone from the public who wanted to speak should limit comments to three minutes. Ms. Jody Degan, of Hospice House of Southern Maine, asked about the lighting plan for the trail and whether the trail would be closed at night. Dr. Flanagan, of the Scarborough Animal Hospital, stated that the traffic calming at the intersection seemed very extreme and it was critical that his clients get in and out at the traffic light on Route One. Ms. Annemarie Silvius, of 29 Maple Avenue, asked what the staff

to patient ratio would be in the assisted living facility; she stated that the promises made by the applicant had to be written somewhere so the neighbors could refer to them and make sure they were followed.

Mr. McCullough stated that the applicant would like to have preliminary approval so they could move on to the Town Council. To a question from Mr. Callahan, Mr. Paul replied that this project needed to go back to the Town Council so the Board's preliminary approval would be for the whole site plan including all three phases. Mr. Paul stated that the site plans for Phases 2 and 3 would be reviewed by the Board as site plan amendments. To a question from Mr. Callahan, Mr. McCullough replied that the infrastructure for each phase would be built with that phase.

Ms. Littlefield stated that she appreciated the trail being pulled away from the property line and the other changes and wanted to be sure the Hospice did not get a lot of overflow lighting. Mr. McCullough stated that there would be 36 inch tall lights along the trail and there would be zero spillover at the property line. Ms. LeClare stated that the lights also gave a perception of security for those living in the cottages. Mr. McCullough stated that all the lights would have full cutoff fixtures. In response to Ms. Silvius' question, Ms. Littlefield stated that Code Enforcement Officers should be told if there were any violations to the site plan.

To a question from Mr. Chamberlain, Mr. McCullough replied that the previous owners of this property were retaining two outparcels but he did not know their reasons; he stated that those parcels were wetlands and were landlocked. Mr. Chamberlain stated that it looked as if the applicant had done as much as possible to move the trails back. Mr. McCullough stated that the garage had been moved back to meet the setback requirement and only a few trees had been removed. To a question from Mr. Chamberlain, Ms. LeClare replied that the trail was paved between the first garage and the last cottage. Mr. Chace noted that the staff was working with Community Services to determine the exact location and the material for the town's section of the trail.

Mr. Fellows asked whether the trail parking lot could be put on the other side of the road toward the FAA tower; Ms. LeClare replied that there was a wooded buffer at the tower and they did not want to eliminate that vegetation. Mr. Fellows stated that the jughandle intersection needed more work to make it functional; he stated that the building renderings looked attractive. To a question from Mr. Mazer, Dr. Flanagan replied that his concern about the jughandle intersection was that he needed both access and egress to Route One; he stated that he had no issues with changing the driveway through the DOT's triangle but what he needed was clear access. Mr. Paul noted that the current proposal would not alter existing traffic movements, but was designed to calm traffic flow.

Mr. Paul stated that he appreciated the changes. He asked that the applicant try to move the 16 parking spaces nearest the Hospice, possibly to the buffered space along the driveway parallel to Elmwood Avenue. Ms. LeClare stated that 16 spaces were a lot to move, but they may be able to eliminate two or three and try to move the others. Mr. Paul stated that the only issue he had with approving the plan was that what was received by the Board was not the same as that shown tonight. He stated that the applicant had done a good job dealing with what was asked for by the Board but he would like the staff to be able to look at the plan to be approved for the Town Council. Ms. LeClare stated that the only changes were moving seven feet of one wing to another wing, saving a lot of trees at the trail side, eliminating the trail near the McKenny's land and adding the sidewalk from Elmwood Avenue. She stated that a condition of sale of the land was that they not develop where Mr. Paul suggested parking but they may be able to get permission to do that. To a question from Mr. Callahan, Mr. Chace replied that there were some technical issues noted in the memo from Mr. Tubbs but they staff was comfortable that they would be addressed at the time of final approval.

Mr. Paul moved to approve the provisional site plan and subdivision plans with the following conditions:

1. That prior to final review the applicant shall explore all alternatives to relocate the 16 parking spaces closest to the double row of trees and abutting Hospice of Southern Maine property to an alternative location on the site and away from this buffer in order to maintain the majority of the double row of mature trees and provide for an improved trail alignment;
2. The applicant shall revise the plans for the trail system in accordance with the letter from the Town Planner dated September 11, 2008;
3. The applicant shall address the comments in the SYTDesign memo dated August 21, 2008 and the staff report with a revision date of August 8, 2008;
4. The applicant shall submit a complete and updated site plan for the town files.

Mr. Chamberlain seconded the motion.

Voted 5-0

Mr. Paul called a recess at 9:00 P. M.; the meeting resumed at 9:10 P. M.

7. Dragonfly Knoll Subdivision, Tim Wagner requests preliminary subdivision review for 9 single family lots off Holmes Road*

Mr. Paul stated that the Board needed to make decisions on two issues. He stated that the Board needed to determine whether the Board agreed with the entrance location and whether the subdivision met the intent of a Conservation Subdivision with respect to wetland impacts. He stated that the lots needed to be contiguous for three or more lots and there were four lots proposed that did not meet that requirement. Mr. Paul stated that until those issues were resolved, the Board could not go further with the subdivision.

Mr. Lee Allen, of Northeast Civil Solutions, explained that this subdivision bordered the City of Saco on the west and Holmes Road; he stated that it was a 39.9 acre parcel, 19 acres of which would be open space, with a wetland impact of 28,300 square feet. He stated that they had addressed all the DEP's concerns and their permit would be issued in about a month. Mr. Allen stated that the requirement for the use of a Conservation Subdivision was based on the amount of wetlands impact. Mr. Allen stated that they felt the building lots needed to be in clusters of 3 to 5 or in one contiguous area; he stated that they believed they had adjusted all the wetlands and only Lot 1 had any wetlands on it. He stated that they were trying to work with the land and believed the intent of the Ordinance was to avoid wetland impact, which they had done to the best of their ability.

Mr. Richard Shinay, attorney for the applicant, stated that he had responded to Christopher Vaniotis, the town's attorney. He noted that the original owners of the property, the Thompsons and Hopkins, retained the homestead lot; he explained the subdivision law. He stated that the Board needed to take into consideration that this parcel was already one lot and the former owners never offered the retained lot for sale and did not want to sell any land for an access. He stated that he had never heard of a Planning Board taking into consideration whether there was a prior out-sale, as interpreted by Mr. Vaniotis. Mr. Shinay stated that they disagreed with Mr. Vaniotis' interpretation and it was an issue of fairness because the Wagners could not put the road through the Hopkins' land. He stated that the Board should review the proposed access road on its own merits.

Mr. Paul stated that he believed that when this lot was bought from the Hopkins, the easement for access to this property was along a different boundary at the Gusev property. Mr. Allen stated that there was a house placed in the middle of the 50 foot right of way on the land and the former property owners made a

deal to swap land that created the shape of this parcel. Mr. Shinay stated that this occurred well before the Wagners purchased the property.

Ms. Littlefield stated that she did not think there could be access through the Hopkins' property. Mr. Chace stated that he did not think Mr. Vaniotis was saying that the Hopkins could be forced to accommodate the access; he stated that the Board could consider that the better access was sold off and the question was whether there was a practical alternative that both parties agreed to cut off. Mr. Shinay reiterated that they were asking the Board to consider the access as proposed and whether it met the standards or not.

Mr. Callahan stated that he thought the Board needed to consider what was proposed and not what might have been. To a question from Mr. Callahan, Mr. Allen replied that the requirement for open space and conservation was 50% but they had left 60% of the land for onsite mitigation. Mr. Callahan stated that this was not an access the Board liked but it was the only access. To questions from Mr. Chamberlain, Mr. Allen replied that they proposed a hammerhead rather than a cul de sac to further reduce the wetland impact and, with a conventional layout, they could develop nine lots with a loop road and 40,000 square feet of wetland impacts. Mr. Chamberlain stated that this project bothered him because the land was made inaccessible by the impact on the wetlands and maybe fewer lots would make the Board more comfortable.

Mr. Fellows stated that he was not comfortable with the wetland impacts on this land and thought the configuration of lots was like trying to fit a square peg in a round hole in the Conservation Subdivision. Mr. Mazer stated that he was not comfortable with this and needed more legal clarification. Mr. Chace noted that the staff did not think Lots 5, 6, 7, 8, and 9 met the requirements of the clustering provision. Mr. Paul stated that if he accepted the argument that there is only one access to the site, he was not in favor of a lot of wetland mitigation and was not in favor of the configuration of the lots, which did not meet the ordinance requirements; he stated that he was not inclined to move forward on this project for those reasons. He stated that he would also not like to see wetlands within personal property boundaries. He stated that this item should be tabled for more legal advice.

To a question from Mr. Chamberlain, Mr. Paul replied that it was the ordinance, not the Board, that did not allow the applicant to cross the wetlands for contiguous lots. Mr. Chamberlain stated that if the Board denied this configuration the applicant would be forced to go back to the standard subdivision. Mr. Chace stated that according to Section 7.A.f.1. building lots had to be designed on the accessible and contiguous upland areas in clusters to prevent fragmentation of the open space tracts and to lessen road lengths, infrastructure needs or wetlands or stream crossings so the building lots had to use only the uplands. Mr. Paul stated that the access problem was a legal issue but the lot design did not meet the requirements of the ordinance. Mr. Paul and Mr. Callahan agreed that this plan did not meet the requirements of the Conservation Subdivision. At the request of Mr. Chace, it was determined that Messrs. Callahan and Paul, and Ms. Littlefield were not in favor of requesting further legal analysis regarding access and Messrs. Fellows and Chamberlain were in favor.

Mr. Paul stated that the applicant should look at the site layout because the present layout is not approvable; he stated that he was not in a position to deny the project because of the access, but was able to deny on the layout issue.

Mr. Paul moved to table the project until a revised subdivision plan was submitted; Ms. Littlefield seconded.

Voted 5-0 to table

8. Wal-Mart R.E Business Trust request site plan amendment for building located in Scarborough Gallery subdivision

Mr. Chace stated that there was a series of proposed amendments to the new Wal-Mart building; he stated that the staff saw no inconsistencies with the design standards. Mr. Paul noted that there were too many changes for Administrative approval and he wanted to get the final plan into the record.

Mr. Ron Moore, architect, displayed the approved elevations and the proposed elevations with the changes.

Mr. Chamberlain noted that the changes were very easy to understand. Mr. Paul agreed and stated that he thought the new elevation was more attractive and less busy.

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

Voted 5-0

9. Greely Capital, LLC, Paul Rousseau, requests site plan review for a change of use of a 1,497 square foot building on site at 11 Willowdale Road*

Mr. Chace explained that this was a request to convert an existing single family dwelling to a professional medical office. He stated that the Fire Department issues had been addressed and there were a few technical issues that could be taken care of with staff. Mr. Chace stated that there were memos from the applicant's and the town's traffic engineers; he stated that Mr. Bray thought there should be two trips attributed to Dunstan Corner.

Mr. William Thompson, of BH2M, stated that this was a conversion of a single family dwelling to a business use in the new B-3 Zone. He stated that this would be a 1,497 single story office for two nurse practitioners and would be served by sewer and water from Willowdale Road. Mr. Thompson stated that there would be seven parking spaces, one of which would be handicap; he stated that there would be a 50 foot buffer to the south boundary where there were residential uses. He stated that the existing driveway would be moved out of that buffer. Mr. Thompson stated that there were existing, very mature evergreen trees that were suited for buffering. He stated that they had submitted two small changes to the plan, moving the sign back three feet to meet the setback and adding the standard note. He explained that the Fire Department accepted the 24 foot wide fire access 35 feet from the building rather than the required 30 feet. He stated that they would agree with Mr. Bray's assessment of the two trips through Dunstan. Mr. Thompson showed the proposed landscaping with arbor vitae and stated that they would maintain the existing lawn. He stated that the stormwater would be taken care of through a level spreader. He stated that there would be a five foot wide walkway with a curb stop at the parking. Mr. Thompson stated that there would be two lamp posts and two wall pack lights, all with cutoff fixtures.

Mr. Fellows stated that he did not see the building elevations or the extent of renovations. Mr. Thompson stated that all of the renovation would be within the footprint and exterior work would be residing the structure with clapboards and constructing a handicap ramp in the rear. Mr. Fellows stated that he would like to see an elevation.

To a question from Mr. Callahan, Mr. Chace replied that this property was recently rezoned to the B-3 Zone. Mr. Thompson stated that the site was the third lot in from Route One. Ms. Littlefield asked that the future parking spaces be shown on the final plan.

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

1. That the site plan be updated to address the inconsistencies identified in the Town Planner's memo of September 12, 2008;
2. That the items identified in the letter from Peter Tubbs, SYTDesign, dated September 14, 2008, be addressed and approved by staff;
3. That the Dunstan Corner impact fee in the amount of \$2,942.00 be paid prior to the issuance of a building permit;
4. That the applicant secure a sewer permit from the Sanitary District prior to the issuance of a Certificate of Occupancy;
5. That two additional parking spaces be shown on the site plan for future buildout if needed;
6. That a revised site plan and building elevation be submitted to the staff for the record;

Mr. Callahan seconded.

Voted 5-0

10. New England Expedition – Scarborough, LLC requests site plan amendment for building 5 within the Gateway Shoppes development site; relocating the wall sign on the Cabela's building; and amending the campus signage for the Gateway Square development site

This item was tabled at the request of the applicant.

11. Walgreens requests sketch plan review for 13,150 square foot structure on 2 lots at Routes One and 114 in the Oak Hill Plaza

This item was tabled to the next meeting because of the late hour.

12. Administrative Amendment Report

Mr. Chace noted the following Administrative Amendments approved by the Chairman:

- a. A change to the stone base of the Sebago Brewing structure;
- b. The installation of a small awning at the wine outlet across from the existing Wal-Mart;
- c. A slightly smaller sign than approved for Hobbs Funeral Home;
- d. A 100 and a 120 foot shed at the Maine Veterans Home for storage of wheelchair parts and patio furniture;
- e. A handicap ramp at the Southern Maine Agency on Aging which changed the parking slightly;
- f. Signs indicating where RVs and trucks should access the back entry at Scarborough Gateway Shoppes;
- g. A second access for better circulation around the parking at the KinderCare facility;
- h. Adjustment of the location of the dumpster pad at Lot 1, Scarborough Gallery and screening of the HVAC system.

13. Town Planner's Report

There was no report.

14. Correspondence

Mr. Paul noted that there was a letter from Stephanie Smith regarding the upcoming Scarborough Downs project.

15. Planning Board Comments

To a question from Mr. Chamberlain, Mr. Chace replied that the Dunstan sidewalk project should be completed before November 1, 2008.

Mr. Paul noted that the Board had received a copy of the amended Conservation Commission charter; he stated that the Commission would no longer give recommendations on Planning Board projects unless specifically requested by the Board. He asked that if Board members were concerned about environmental impacts they should bring it up at a meeting and staff could request an opinion from the Commission.

Mr. Paul stated that he had been attending some Town Council meetings and noticed that the Planning Board's public hearing results were forwarded to the Council as part of the Board's minutes. He stated that he thought the Board could do a better job in voicing their opinions by having a formal discussion and giving a specific opinion by voting on the public hearing issues.

16. Adjournment

The meeting was adjourned at 10:55 P. M.