

Town of Scarborough

Planning Board

October 27, 2008

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (October 6, 2008)
4. The Planning Board will conduct a public hearing to receive comment on amendments to the Zoning Ordinance regarding the definition of "Places of Worship" and deletion of "Places of assembly, amusement, culture or government fully enclosed within a building or buildings" within the Industrial Zone*
5. The Planning Board will conduct a public hearing to receive comment on amendments to the zoning map to establish a Contract Zone at 49 Elmwood Avenue to permit a senior housing community*
6. The Highlands Subdivision, Peter Simpson requests subdivision amendment to swap land between subdivision lots 15 and 50 at 16 Wildrose Lane and 4 Elbridge Oliver Way*
7. Bayley's Campground, Tom Bayley requests site plan amendment for improvements at the campground site on Pine Point Road*
8. Administrative Amendment Report
9. Town Planner's Report
10. Correspondence
11. Planning Board Comments
12. 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

October 27, 2008

MINUTES

Members Present

Staff

Mr. Callahan
Mr. Chamberlain
Ms. Littlefield
Mr. Mazer
Mr. Thomas

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

1. Call to Order

Ms. Littlefield called the meeting to order at 7:00 P. M.

2. Roll Call

The Recording Secretary called the roll; Messrs. Fellows and Paul were absent. Ms. Littlefield authorized Messrs. Mazer and Thomas to vote.

3. Approval of Minutes (October 6, 2008)

Mr. Mazer moved to approve the minutes of October 6, 2008; Mr. Thomas seconded.

Voted 5-0

4. The Planning Board will conduct a public hearing to receive comment on amendments to the Zoning Ordinance regarding the definition of "Places of Worship" and deletion of "Places of assembly, amusement, culture or government fully enclosed within a building or buildings" within the Industrial Zone*

Mr. Bacon explained that federal law prohibited discrimination against churches and it was discovered that the town's Industrial Zone allowed places of assembly, amusement, culture or government but did not allow churches. He stated that this amendment would bring the ordinance into conformance with the law by deleting places of assembly, etc. Mr. Bacon stated that this amendment would also correct some grammatical issues in the definition of "Places of Worship."

Ms. Littlefield opened the public hearing; no one spoke for or against the amendments; Ms. Littlefield closed the public hearing.

There were no Planning Board comments. Ms. Littlefield reiterated that this would bring the ordinance into compliance with federal law.

5. The Planning Board will conduct a public hearing to receive comment on amendments to the zoning map to establish a Contract Zone at 49 Elmwood Avenue to permit a senior housing community*

Mr. Bacon stated that this was a public hearing to review the Contract Zone agreement language. He stated that the staff had worked with the applicant to clarify the contract. He stated that there were additions regarding standards for access via Green Acres Lane and notification to visitors and vendors to use

that access, a requirement for a traffic assessment prior to approval of Phase 3, and trails and open space completion.

Mr. Owens McCullough, of Sebago Technics, stated that he would focus on the contract language. He stated that they had a public hearing and first reading with the Town Council and would go back to the Council following this public hearing and return to the Planning Board following approval of the contract by the Council. He stated that they were going through the DEP process and had applied to the DOT for their traffic movement permit.

Mr. McCullough stated that, at the request of the Town Council, there would be no physical barriers to the public roads and the facility management would promote the primary access to and from the site at Green Acres Lane; he stated that they would use a sign at the facility to instruct traffic to use Green Acres to the signalized intersection at Route One and a second sign indicating no right turn to Elmwood Avenue so that Maple Avenue would not be used. Mr. McCullough stated that there would be a traffic study done prior to Phase 3, the senior cottages, to determine whether their projections were working as designed, and, if not, they would consider alternatives to deal with the traffic.

Mr. McCullough stated that their trail and open space would abut the town's open space and there would be a new trail through the site to the Windward Heights subdivision. He stated that they would improve the trail and there would be parking near the access to the site. He stated that different sections of the trail would consist of stone dust, pavement and a hard, stabilized surface.

Mr. Bacon noted that the other changes were more technical and not substantive. Mr. McCullough stated that they did move some of the parking from near the hospice site to the front of the site and increased the buffering.

Ms. Littlefield opened the public hearing. Mr. Michael Silvius, of 29 Maple Avenue, asked about the possibility of public transit to the site. He stated that the neighborhood was opposed to bus service and wanted to minimize the traffic impact; he stated that people could walk a block to the bus stop on Route One. He stated that he was also concerned about whether the sewer and water systems were capable of handling the impact. He stated that this is a big commercial project being put into a residential neighborhood and they were against it.

Mr. Matthew Durgin, of 9 Sequoia Lane, stated that the suggestion to turn left only was good but nothing would prevent people from doing turning right and he did not think it would solve the traffic situation. He stated that Contract Zones were a deviation from the ordinances which were in place for a reason and should be respected and the quality of life should be maintained or improved with any Contract Zone; he stated that the proposed project would not decrease traffic. Mr. Durgin stated that there would be strangers walking on the trails not far from where his children play in their back yard.

Ms. Audie Harris, of 8 Second Avenue, stated that, because all the traffic would be directed to Green Acres Lane, there should be a sidewalk installed for safety reasons. She stated that she thought there was to be a separation between the residences and this commercial project with the unmowed area at the front of the site but the parking to be moved to that location would cut into that buffer.

Ms. Jeannine Uzzi, of 13 Sunset Road, stated that she was not opposed to the project, but a Contract Zone should be the exception to the rule and the neighborhood character should be maintained. She stated that she was in favor of the more radical traffic measures; she reiterated that this was a commercial business tucked into a residential neighborhood and not on the edge of a business zone. She noted that there was a suggestion to extend the curb of Sunset Road for a median type buffer which would make her feel more

comfortable; she stated that she would like to support this project but it is forcing a big building into a small space.

Ms. Annmarie Silvius, of 29 Maple Avenue, stated that she agreed with all the other speakers and felt this was being rammed down their throats; she stated that there would be 250 new units in a small neighborhood and they had not been happy about all the recent changes and the traffic. She stated that this was a very large business not on a major highway but in a residential neighborhood. She noted that people would get lost and traffic would be worse on holidays and weekends. Ms. Silvius stated that there would not be another traffic study until Phase 3 and there could be more living units than were now proposed.

Ms. Littlefield closed the public hearing.

Mr. Chamberlain asked whether there was any discussion of an anticipated date for the trail completion; Mr. Bacon replied that it would be concurrent with Phase 1 and should be completed around the time of issuance of the Certificate of Occupancy for the first building. To a question from Mr. Chamberlain, Mr. McCullough replied that the specific traffic changes were the signage mentioned above, working to educate the employees and visitors to use Green Acres Lane only, and changes to the jug handle where they would direct traffic through a loop to force it to Route One so it was not convenient to use Sunset Road and First Street. Mr. Chamberlain asked what would happen if there were more traffic problems than anticipated. Mr. McCullough stated that their traffic count at Canco Woods correlated closely to the traffic manual's numbers; he stated that they would retool the intersection if the problems were worse prior to construction of the third phase. Mr. Chamberlain noted that the concern about traffic at Piper Shores was unfounded.

Mr. Callahan asked whether there was an easement for the trail on Woodspell Road; Mr. Bacon replied that there was a right of way conveyed to the town but there may or may not be parking on that end because of the wetlands. Mr. Bacon stated that the area backed up to the town property and the Windward Heights open space which may be conveyed to the town. To a question from Mr. Mazer, Mr. McCullough replied that the applicant had discussed bus service with the bus company but their answer was no; he stated that the facility would have a van and employees could walk the 0.2 miles to the Route One bus stop. To a question from Mr. Mazer, Mr. McCullough replied that they had ability-to-serve letters from the Sanitary District and Portland Water District and had received their permit from the Sanitary District. Mr. Mazer stated that the neighbors of Piper Shores were happy with that facility.

To a question from Mr. Thomas, Mr. McCullough replied that less than ten parking spaces were moved to the front and would not be invasive; he stated that there would still be 200 feet of buffering. At the request of Mr. Thomas, Mr. McCullough stated that Phase 1 would consist of 118 congregate care suites and five duplex buildings, Phase 2 would have 90 assisted living units and Phase 3 would have 22 duplex cottages.

To a question from Ms. Littlefield, Mr. Bacon replied that there was no town process to approve public transportation. Ms. Littlefield asked that the parking in the front be screened so that headlights would not shine across Elmwood Avenue. Ms. Melissa LeClare, of Curry Architects, stated that there would be a berm and landscaping. Ms. Littlefield asked whether there was a plan for a sidewalk along Green Acres Lane; Mr. McCullough replied that their costs and impact fees were \$750,000 and had not planned for a sidewalk. Mr. Callahan asked about staff parking; Mr. McCullough replied that it was included in the entire parking count.

Ms. Littlefield stated that this public hearing was in advance of the Town Council vote on the Contract Zone and then the Planning Board would review and approve the site plan. At the request of the public,

Mr. Bacon explained that the Town Council would receive the minutes of this meeting and would have a public hearing and second reading to vote on the contract agreement in December.

6. The Highlands Subdivision, Peter Simpson requests subdivision amendment to swap land between subdivision lots 15 and 50 at 16 Wildrose Lane and 4 Elbridge Oliver Way*

This item was tabled at the request of the applicant.

7. Bayley's Campground, Tom Bayley requests site plan amendment for improvements at the campground site on Pine Point Road*

This item was withdrawn by the applicant.

8. Administrative Amendment Report

Mr. Bacon stated that Mr. Paul had approved the rooftop screening for First Look Plaza seen at the Board's last meeting. He stated that screening resembled the original plan with shingles but was longer and lower in design.

9. Town Planner's Report

There was no report.

10. Correspondence

Mr. Bacon noted a press release e-mailed to him regarding the racino voting issue.

11. Planning Board Comments

Mr. Mazer noted that at the open house for Bessey Commons he heard many positive comments about Mr. Bacon as Town Planner.

12. Adjournment

The meeting was adjourned at 7:55 P. M.