

Town of Scarborough

Planning Board

February 2, 2009

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (October 8, 2008 and January 12, 2009)
4. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to establish a Village Residential 4 (VR4) District
5. The Planning Board will hold a public hearing to receive input regarding an amendment to the Official Zoning Map to designate the Village Residential 4 (VR4) District
6. The Planning Board will hold a public hearing to receive input regarding an amendment to the Official Zoning Map to designate the TVC3, B3 and VR2 Districts in the Eight Corners area
7. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to amend the frontage and site layout requirements of the TVC3 District
8. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to rename the Dunstan Village Residential District to the Village Residential 2 (VR2) District and adjust the space, bulk and residential density standards
9. 20 Ward Street Subdivision, Kerry Anderson requests final subdivision approval for 3 lot subdivision at 20 Ward Street
10. Prime Mercedes requests site plan amendment for signage at 137 U. S. Route One
11. Running Hill Road Self Storage, Ronnie Blanchard request site plan review for self storage buildings at 32 Running Hill Road\*
12. Administrative Amendment Report
13. Town Planner's Report
14. Correspondence
15. Planning Board Comments
16. Adjournment

\*Public comment will be allowed on this item.

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

Town of Scarborough

Planning Board

February 2, 2009

MINUTES

Members Present

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

Staff

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

1. Call to Order

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

2. Roll Call

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

3. Approval of Minutes (October 8, 2008 and January 12, 2009)

Ms. Littlefield moved to approve the minutes of October 8, 2008; Mr. Fellows seconded.

Voted 5-0

Mr. Paul moved to approve the minutes of January 12, 2009; Ms. Littlefield seconded.

Voted 5-0

4. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to establish a Village Residential 4 (VR4) District

Mr. Bacon gave a PowerPoint presentation explaining Items 4 and 5; he stated that the Comprehensive Plan Implementation Committee (CPIC) was working to implement the Plan. He stated that the proposed VR4 Zone was a medium density zone for the Gorham and Sawyer Road areas with a range of housing types and density bonuses. Mr. Bacon stated that this zone would promote traditional neighborhood patterns with sidewalks and green space. He stated that the existing zoning was a mix of residential with some commercial areas. He explained that the Committee thought this area was not in compliance with the Comprehensive Plan with its lower density, and the existing B-2 Zone did not allow residential use and was not compatible with the residential areas on Sawyer Road.

Mr. Bacon stated that the Committee had received valuable input at neighborhood meetings and issues were the amount of wetlands, traffic and speeding on Sawyer Road; he stated that people were concerned about development that could be the scale of the Oaks Apartments. He stated that CPIC attempted to address the concerns while implementing the vision of the Comprehensive Plan. He stated that the VR4 Zone would allow multiplex units and single family dwellings as well as two family dwellings on five acre lots; he stated that there could be four units per acre and a development transfer provision. Mr.

Bacon stated that the VR4 would require sidewalks, common spaces and a traditional development layout, and the wetlands would be protected. He stated that another addition to the zone was the prohibition of driveways or roads from the commercial property connecting to Sawyer Road. Mr. Bacon stated that the Committee kept much of the back land near the wetlands in the RF Zone and some of the B-2 Zone at the end of Elsie Way and lessened the size of the zone from the State property toward Gorham Road and up to the Nonesuch River; he stated that the VR4 Zone would follow the wetland boundary.

Mr. Paul stated that the Board would hold public hearings separately on each item and opened the public hearing for Item 4. No one spoke for or against the VR4 zoning; Mr. Paul closed the public hearing.

Mr. Mazer asked whether the intent was for wetlands to never be disturbed; Mr. Bacon replied that CPIC was more specific than the Comprehensive Plan and a wetland of 15,000 square feet or more could not be impacted but small, isolated wetlands could be impacted. Mr. Fellows stated that this proposed zoning seemed consistent and responsive to public input; he stated that the Planning Board would deal with traffic when specific development proposals came forward.

Mr. Chamberlain noted that his concern was with the net residential density of 25 acre developments; he stated that there were not too many sizeable developable lots, but it is a substantial increase in what could be a nine or ten fold density. Mr. Chamberlain stated that he had a problem with higher density with less open space. He stated that it would make more sense to have a VR2 Zone which would be more compatible with the existing residential use across Gorham Road; he stated that he thought the VR4 was pushing the envelope. Mr. Callahan noted that there was not much land which would allow multiplexes because of the lot sizes and this proposal would allow more village atmosphere and would not really increase the density from what was now available.

Mr. Paul stated that he understood the concerns of the density issue but this was based on the responses from the public and there was strong sentiment regarding what areas should be a village or neighborhood. Mr. Paul stated that he agreed with Mr. Callahan and the Planning Board would have the opportunity to guide the development.

Mr. Paul stated that the majority of the Board was in favor of this zone but there was a feeling that there could be over-development and there could be more thought to a VR2 Zone in this area.

5. The Planning Board will hold a public hearing to receive input regarding an amendment to the Official Zoning Map to designate the Village Residential 4 (VR4) District

Mr. Paul opened the public hearing; no one spoke for or against the proposal; Mr. Paul closed the public hearing. Mr. Paul read an e-mail from Patricia Schild, of 5 Ridgeway Road, who was concerned about the rezoning of Sawyer and Gorham Roads and Eight Corners because of the added traffic in an already dangerous area.

There were no Planning Board comments; Mr. Paul stated that the Board was in favor of the map changes.

6. The Planning Board will hold a public hearing to receive input regarding an amendment to the Official Zoning Map to designate the TVC3, B3 and VR2 Districts in the Eight Corners area

Mr. Bacon gave a PowerPoint presentation for Items 6, 7 and 8 and explained that a neighborhood meeting was held and the Town Council had held its first reading. He stated that the Comprehensive Plan called for a Neighborhood Center at Eight Corners with a transition area from box retail to small or medium scale businesses with a neighborhood character where development needed to be managed for

traffic and curbcuts. Mr. Bacon stated that the current zoning was a mix of R-2 and RF and Industrial and B-2 zoning which was not consistent with the Plan; he stated that the B-2 Zone was highway oriented and allowed large commercial development and did not permit residential use. He stated that the R-2 and RF Zones allowed single family dwellings but not multiplex residential units or small businesses. Mr. Bacon stated that CPIC recommended the TVC3 Zone on all sides of the Eight Corners intersection and Mussey Road down to the Seimen's property and to Payne Road. He stated that CPIC proposed the B-3 Zone on Mussey Road near Scarborough Gallery and the VR2 Zone for Honan Road back to the Nonesuch River, as well as the residential area on the east side of Gorham Road. Mr. Bacon stated that the TVC3 would be the heart of Eight Corners and would allow small and medium retail of up to 1,000 square feet including restaurants but did not allow drive-through windows. He stated that single family dwellings, two family homes and multiplexes would be allowed.

Mr. Bacon stated that the VR2 was actually a new name for the DVR Zone so it could be applied more widely with some amendments for density. He stated that the B-3 Zone was a general business district which allowed medium commercial uses up to 30,000 square feet, with larger buildings under Planned Development requirements. He stated that CPIC members felt this would be a good transition area from the big box businesses.

Mr. Paul opened the public hearing for Item 6. Ms. Shirley Curry, of 91 Mussey Road, stated that she wanted to put most of her property into conservation but wanted her children to know what their options were; she asked what the 10% bonus meant. Mr. Bacon explained that developers could add 10% of their total units by paying a fee toward land conservation elsewhere; he stated that a 10% density bonus would also apply to developments if 40% of the units were designated as affordable housing. Mr. Paul closed the public hearing.

Mr. Fellows stated that this moved in the right direction to create an identity for the area. Messrs. Mazer and Thomas stated that this worked toward blending the area with its surroundings. Mr. Chamberlain stated that this accomplished the goal of the Comprehensive Plan and the Planning Board would make projects compatible with the area. Ms. Littlefield stated that she liked the use of the VR2 for transition. To a question from Ms. Littlefield, Mr. Bacon replied that the 10% bonuses could be combined for a total of 20% if affordable housing and a fee were paid for conservation. To a question from Ms. Littlefield, Mr. Bacon replied that two single family dwellings presently in the R-2 Zone would be made nonconforming with this rezoning, but one of the owners had requested that his property be in the B-3 Zone.

Mr. Chamberlain asked what would happen if sewer were not supplied to these areas; Mr. Bacon replied that the unsewered areas would be limited to what was existing on the lots; he stated that the VR2 Zone was surrounded by sewer areas and had the ability to be connected.

7. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to amend the frontage and site layout requirements of the TVC3 District

Mr. Paul opened the public hearing; no one spoke for or against the proposed amendments; Mr. Paul closed the public hearing.

There were no comments from the Board; Mr. Paul confirmed that the Board was in favor of the amendments.

8. The Planning Board will hold a public hearing to receive input regarding an amendment to the Zoning Ordinance to rename the Dunstan Village Residential District to the Village Residential 2 (VR2) District and adjust the space, bulk and residential density standards

Mr. Paul opened the public hearing; no one spoke for or against the amendment; Mr. Paul closed the public hearing.

Messrs. Mazer, Fellows and Callahan thought it was a good amendment. Ms. Littlefield stated that this seemed like clarification to make the zone more consistent with other areas of Town and she was in favor of it. Mr. Chamberlain stated that the 60% lot coverage allowed in this zone seemed strange in a less dense zone than the VR4 Zone, which allowed only 40% coverage. He stated that, otherwise, this was clarification and seemed appropriate. Mr. Chamberlain stated that he was not saying that the coverage should be reduced but it did seem strange.

Mr. Bacon stated that the 60% lot coverage seemed high to the staff but was encouraged by the Dunstan Village applicant; he stated that the lots could be the same size in the VR2 and VR4 Zones but if someone took advantage of the smaller lots there would be more green space. He stated that CPIC could consider lot coverage. Mr. Mazer asked whether there were any sewer expansions planned, Mr. Bacon replied that the new Running Hill zoning required sewerage and that was an initiative the Town may take with developers, and that the Sawyer Road developer would be responsible for extending the sewer. He stated that Running Hill would be the focus in the near future.

Mr. Paul stated that the Board was in favor of the proposal with the idea that CPIC should look at the possibility of increasing the lot coverage to the VR4 Zone.

9. 20 Ward Street Subdivision, Kerry Anderson requests final subdivision approval for 3 lot subdivision at 20 Ward Street

Mr. Bacon noted that Mr. Anderson had provided documentation for the sewer easement as requested by the Board. Mr. Bacon stated that the staff was comfortable with the request and recommended approval.

To a question from Mr. Callahan; Mr. Bacon replied that there were other residences in town with sewer line easements to get to service in the street. Mr. Anderson stated that maintenance of the easement would be ensured.

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

1. Prior to the release of the mylar, the applicant shall pay the \$775.00 Oak Hill Impact Fee;
2. Prior to the release of the mylar, the applicant shall pay the peer review fees;
3. The recreational fee of \$1,000.00 shall be paid prior to issuance of a building permit;

Ms. Littlefield seconded.

Voted 5-0

10. Prime Mercedes requests site plan amendment for signage at 137 U. S. Route One

Mr. Bacon noted that this sign was more in line with the existing sign and the staff had drafted a motion with a condition regarding the landscaping and a recommended inventory of that landscaping.

Mr. Roger Flannery, of Sign Design, stated that he had provided new drawings more in keeping with the existing sign and they did understand the proposed condition.

Mr. Chamberlain stated that, with the condition, he was satisfied with the sign. Mr. Callahan and Ms. Littlefield stated that they appreciated the efforts to create a better sign. Mr. Fellows stated that this was a significant improvement but he still had a problem with the clutter of two signs on one site; he stated that

he did not like reader boards because they added to clutter and were distracting but it would not be fair to this applicant to not allow a reader board because other businesses had them. Mr. Thomas agreed. Mr. Mazer stated that the sign was better though he did not like the clutter, but businesses should not be discouraged because of a sign.

Mr. Paul suggested that a landscaping bed be planted around the new sign; Ms. Littlefield agreed provided there was landscaping around the existing sign. Mr. Bacon noted that the sign would be on the existing berm.

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

1. Prior to the issuance of a sign permit, the applicant shall provide the Planning staff with an existing conditions landscape plan for review and consideration. Included shall be a comparative analysis of the existing onsite plantings compared with the plant materials on the approved landscape plan. The property owner shall provide the Town with a soils analysis of any area where the vegetation has been unable to flourish. The purpose of this soils analysis will be to ensure that any appropriate soil amendments or replacement occur prior to replanting of failed vegetation.
2. That a landscaping bed be added to surround the new sign as approved by staff.

Ms. Littlefield seconded.

Voted 5-0

11. Running Hill Road Self Storage, Ronnie Blanchard request site plan review for self storage buildings at 32 Running Hill Road\*

Mr. Bacon noted that the Board had seen this project for an advisory opinion to the Zoning Board, which subsequently approved the change from one nonconforming use to another. He stated that the staff had provided a list of comments. Mr. Bacon stated that since this is an industrial use the staff recommended the Industrial Zone standards such as a 50 foot buffer to the surrounding RF Zone, a wetland buffer and the limitation on outdoor storage.

Mr. Tom Greer, of Pinkham and Greer, distributed an aerial photo of the area's existing conditions with the abutting steel company and concrete business. He stated that they had received their Site Location Permit from the DEP and had worked with them regarding some existing hazardous waste of lead and PCBs, which the DEP did not want to leach from the site. He stated that they would provide a stabilization area by mixing the contaminated soil into cement to be put under the buildings and the pavement. He stated that encapsulating the material would protect Red Brook. Mr. Greer stated that the tree line went around the abutter's building where they would pull two of their buildings back and plant more trees.

Mr. Greer stated that they had addressed the staff comments. He stated that they did not consider this an industrial use and it was not in the Industrial Zone so they did not feel they should need a 50 foot buffer; he stated that they agreed to place two buildings back 25 feet from the property line and plant a double row of evergreens. Mr. Greer stated that on the side lines they would erect a six foot chain link fence. He stated that they showed vehicle parking in the rear for boats and RVs and thought this was a better location than in people's yards. Mr. Greer stated that they had lighting specifications that showed hooded fixtures and they had revised the sign and reader board. He stated that they would install tanks to meet the requirements of the Fire Department. Mr. Greer stated that, at the request of the DEP, they had shown snow storage on the plan where they had avoided the wetlands; he stated that they had left buffers that they felt were reasonable.

Mr. Callahan asked whether there were any staff comments the applicant could not comply with; Mr. Greer replied that they did not think the request for a 50 foot buffer was reasonable and they did not consider the parking of RVs outside storage. Mr. Callahan noted that some of the Industrial Zone standards had been relieved by the Zoning Board of Appeals. Mr. Greer stated that the 50 foot buffer was not part of the RF Zone; he reiterated that they had pulled their buildings back from Red Brook.

Mr. Paul asked for public comment. Mr. Jason Plummer, of 26 Running Hill Road, stated that he was the abutter with the nearby garage; he stated that the existing 25 foot wide tree growth would remain, but he was concerned about lighting and traffic. He stated that he was satisfied with the existing tree growth.

Mr. Paul stated that the Zoning Ordinance defined "Outdoor Storage" as any vehicle parked more than 24 hours. Mr. Greer asked whether the Board agreed that this site was a good place for parking these vehicles. Ms. Littlefield confirmed that the hours of operation would be 24 hours. Mr. Greer stated that there would be an office in the front of the site with a sliding gate; he stated that the project would be phased. Ms. Littlefield stated that outdoor storage seemed appropriate at this kind of facility. She stated that she did not see the need for a 50 foot buffer toward the steel yard.

Mr. Chamberlain stated that he thought the rear of the facility was an excellent location for outdoor storage but that should be the only area. Mr. Paul stated that the Board needed to make sure the Board had the ability to grant that waiver. Mr. Bacon explained that it was a performance standard for storage facilities and he would discuss the process with the Code Enforcement Officer. Mr. Chamberlain stated that he was concerned that the site would be manned only during the day but with cameras and chain link fencing the site should be safe. To a question from Mr. Chamberlain, Mr. Greer replied that there would be a small, filled area near the wetlands.

Mr. Fellows stated that he thought this was a reasonable place for outside storage; he stated that lighting was important and he agreed that a 50 foot buffer was not necessary toward the steel yard. Mr. Thomas noted that there was a discrepancy in the impact fee. To a question from Mr. Thomas, Mr. Greer replied that they would hook up to the public sewer when it became available; he stated that the well they would be drilling would be for the toilets but the well water would not be potable and they would provide bottled water for their employees. Mr. Thomas stated that he liked the black-out fencing and thought this was a good place for RV storage. Mr. Mazer stated that he had a concern with the snow storage but the DEP was satisfied.

To a question from Mr. Paul, Mr. Greer replied that there was six to eight feet of slope in addition to the tree buffer toward Mr. Plummer's property, for nearly 35 feet from the boundary line to the edge of their pavement. Mr. Greer stated that the Fire Department required a driveway all the way around the applicant's buildings. To a question from Mr. Bacon, Mr. Greer replied that the length of the two buildings near the abutter would be less than the others in order to avoid the wetlands. Mr. Paul stated that the wetlands issue concerned him and they needed to be protected. Mr. Greer stated that the areas adjacent to the wetlands were curbed so the runoff was treated before it went into the wetlands. He stated that this facility would not use salt or sand in the winter, and the snow would be very clean and the impact would be from a small amount of oils and hydrocarbons so the minimum amount of buffering was reasonable.

Mr. Paul asked whether there was consideration given to reducing the lighting at night; Mr. Blanchard replied that lighting was reduced to a point to beyond 12 to 18 feet of the doors; he stated that he did not want people encountering dark spots. Mr. Blanchard stated that he had gone from 150 to 70 watt bulbs; he stated that there were 350 trees in the front of the site. Mr. Paul asked that a photometrics plan and building elevations be submitted. Mr. Chamberlain confirmed that the curbing for runoff would be bituminous; he stated that he hoped it would not be ruined by a snowplow. Mr. Greer stated that they may use a snowblower rather than a plow.

12. Administrative Amendment Report

Mr. Chace stated that the Chairman had approved a new paint color above the new WalMart entrance.

13. Town Planner's Report

Mr. Bacon noted that on Wednesday, February 4, 2009, the Town Council would hold its first reading on the Commercial Design Standards amendments.

14. Correspondence

There was no correspondence.

15. Planning Board Comments

Mr. Mazer stated that he was disappointed that the Fairchild and Harvest Development projects would not be coming to Scarborough; he stated that townspeople should consider the business climate when voting for such projects as that of the racino. He stated that it was the Board's responsibility to stay within its mandates to encourage business in town.

Mr. Callahan stated that this would probably be his last meeting; he stated that he had enjoyed his six years on the Board and appreciated working with the Town Council and the Planning Board chairmen who did not let the meetings get out of hand. He stated that he also appreciated the degree of professionalism of the Board members and the staff; he stated that the staff reports were especially helpful. Mr. Callahan stated that it had been a rewarding experience and the public should consider serving on a town board.

The Board thanked Mr. Callahan for his service.

16. Adjournment

The meeting was adjourned at 9:15 P. M.