

Town of Scarborough

Planning Board

March 16, 2009

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (February 23, 2009)
4. Running Hill Road Self Storage, Ronnie Blanchard requests site plan approval for self storage buildings at 32 Running Hill Road
5. South Coast Community Church request subdivision amendment for Lot 8 at previously approved subdivision off Gorham Road
6. Walgreen's requests site plan amendment approval for lighting at previously approved site at Oak Hill Plaza
7. Estate of Ruth Libby requests preliminary review for 3 lot subdivision in previously approved Evergreen Farms Subdivision and Commerce Park*
8. Administrative Amendment Report
9. Town Planner's Report
10. Correspondence
11. Planning Board Comments
12. 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

March 16, 2009

MINUTES

Members Present

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

Staff

Mr. Bacon, Town Planner
Mr. Chace, Assistant 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. Mazer was absent.

3. Approval of Minutes (February 23, 2009)

Mr. Paul moved to approve the minutes of February 23, 2009; Ms. Littlefield seconded.

Voted 5-0

4. Running Hill Road Self Storage, Ronnie Blanchard requests site plan approval for self storage buildings at 32 Running Hill Road

Mr. Paul confirmed that though Mr. Chamberlain was absent from the February meeting he had viewed the video and felt confident to vote on this item.

Mr. Bacon stated that there was a memo dated March 11, 2009 from Peter Tubbs who found the storm-water design acceptable. He stated that there was a staff report highlighting the Board's comments at the last meeting; he stated that the fire tanks were acceptable to the Fire Department. Mr. Bacon stated that the applicant submitted information on lighting and a photometrics plan; he stated that the only two remaining items were the lighting at night and the buffering along the northwest property line.

At the request of Mr. Paul, Mr. Thomas Greer, of Pinkham & Greer, explained that the DEP required the wet pond to drain in 24 to 36 hours and that Mr. Bray, the town's traffic engineer, agreed that their calculations were okay and they could adjust the flow if it did not drain. Mr. Greer stated that he had brought a light fixture with a full cutoff shield which they would epoxy closed. He stated that they had met with the DEP who required them to record in the Registry of Deeds where the hazardous material would be covered. Mr. Greer stated that they had shown the grading for the septic system at the front entrance and added evergreens around the septic field. He stated that they also added trees along the front of the site behind the fence with low trees behind the buffer. Mr. Greer stated that Mr. Blanchard was very concerned about lighting and wanted to use low pressure sodium lighting and to leave it on during the night for security and marketing; he stated that the clients of the other storage business indicated that they used Mr. Blanchard's storage units because they were secure. He noted that the site would be patrolled three times nightly which would turn motion lights on and off and for that reason they wanted to leave them on.

Ms. Auglis thanked the applicant for the additional trees in the front. She stated that she understood the safety and marketing issues but the Comprehensive Plan designated this a scenic area of Running Hill Road and this project would create light pollution which was not in keeping with the scenic character. Ms. Auglis stated that the Comprehensive Plan came from the people and those in this area wanted to maintain the rural character. She stated that she had no problem with the use, but the light pollution worried her and the staff comments gave options. Ms. Auglis stated that for future planning the Board should not leave the responsibility of buffering to the abutter to the northwest.

Ms. Littlefield stated that she appreciated the full cutoff lights; she stated that because of the round-the-clock business she did not know the solution to having the lights on at all times, but because of the full cutoff lights she was less concerned about light pollution. To a question from Ms. Littlefield, Mr. Greer replied that the width of the buffering on the northwest border was 25 feet with a 10 foot drop in the land for a total of 35 feet from the pavement. Ms. Littlefield stated that she was not too concerned about that buffering but appreciated the buffering in the front; she stated that she was comfortable. Mr. Chamberlain stated that buffering was critical on Running Hill Road. He stated that there were different standards when commercial property abutted residential areas; he stated that the current abutter did not have a problem but he may sell the property and the buffering could be negotiated between any new abutter or the seller. He stated that he would feel very differently if this were in a more residential area of town; he stated that he was satisfied.

Mr. Fellows stated that he agreed with Ms. Auglis and his concern was the after-hours lighting and the buffer at the northwest line. He stated that he had sympathy with the applicant, but this was in an RF Zone which the applicant chose for his business and he was struggling with the lighting. Mr. Fellows stated that this was a rural area and every bit of lighting had an effect. He stated that the Board needed to anticipate a different owner/abutter and try to make sure that someone else did not have to deal with it.

To a question from Mr. Thomas, Mr. Greer replied that there was a difference between the two side property lines in that the southeast side abutted a property that would always remain commercial because of the hazardous waste created by that business. Mr. Thomas asked whether a slatted fence on the northwest buffer would add more screening. To a question from Mr. Bacon, Mr. Greer replied that the fencing on the northwest was below the natural buffer but behind the planted buffer. Mr. Thomas stated that he had no problem with the lighting plan.

To a question from Mr. Paul, Mr. Blanchard replied that the air conditioning units would be on the roofs of the rear climate controlled buildings. Mr. Bacon stated that they did not need to be shown on the plan because they were away from the road. Mr. Paul stated that his concern was that this is a nonconforming use and if they were in the Industrial Zone, where they were allowed, there would be a required 50 foot buffer. He stated that this was an industrial type business in a residential zone and it was the Board's duty to buffer from any residential use; he stated that some areas required a 100 foot buffer between residential and commercial zones, but this was a buffer of only about 25 to 35 feet. Mr. Greer noted that that was only where there was a zag in the tree line. Mr. Paul confirmed that there was a 25 foot buffer before the impervious surface; he stated that it was the Board's responsibility to make sure there was at least a 25 foot buffer so he was against this proposal. He stated that the buildings could be slid down in order to maintain the buffer and still retain the number of units.

Mr. Paul stated that the Board was split in terms of lighting and there were options for the overnight lighting. Ms. Auglis stated that this was a nonconforming use and the applicant needed to understand that the Board was concerned about a use in the RF Zone that was allowed only in the Industrial Zone. She asked that there be some compromise for the lighting as this much lighting would not be allowed in the Industrial Zone. Mr. Greer stated that the lighting was not non-negotiable but they did not want to change their hours of operation so they would change the intensity of lighting when no one was there. To a question

from Ms. Auglis, Mr. Bacon explained that the Hospice House had three different lighting times tailored to their use. Mr. Greer stated that they would probably shut off a percentage of lights and when someone entered the site the other lights would come on.

To a question from Mr. Chamberlain, Mr. Greer replied that the buffer, other than the shortened buffer, was 25 feet wide; he stated that they would lose some units if they shifted the buildings to create more buffer. He noted that there was significant buffer on the abutter's property. Mr. Paul stated that he would agree to low pressure sodium lights. Ms. Auglis stated that she would agree to the buffering issue being taken care of if the property were sold.

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

1. Given the residential nature of the abutting property, a 25 foot no-disturb setback shall be maintained along the entire northwesterly property boundary. The site plan shall be revised accordingly.
2. The applicant shall prepare a reduced lighting plan that reduces the site lighting between the hours of 9:00 P. M and 6:00 A. M. This lighting plan may include provisions for increases in lighting when the site is being utilized by a patron. Prior to the issuance of an electrical permit for the lighting installation, the applicant shall submit this lighting plan that complies with this condition for review and approval by the Planning Board.
3. The site plan shall be revised to include a note indicating the business sign shall maintain a 5 foot property line setback.
4. Prior to the issuance of a building permit, the applicant shall pay all peer review fees.
5. Prior to the issuance of a building permit, the applicant shall pay all traffic impact fees.

Voted 3-2 – Messrs Chamberlain and Thomas voted against the approval.

5. South Coast Community Church request subdivision amendment for Lot 8 at previously approved subdivision off Gorham Road

Mr. Bacon explained that 32 acres of open space was approved with this subdivision to buffer the Non-such River and to provide a trail for public access; he stated that a short section of the trail went onto Lot 8 and the applicant wanted to amend the subdivision plan so that the trail would be on the open space land. He stated that the staff recommended approval.

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

Voted 5-0

Mr. Chace noted that the mylar would be available for signing at the next meeting.

6. Walgreen's requests site plan amendment approval for lighting at previously approved site at Oak Hill Plaza

Mr. Bacon stated that the approved plan had shown decorative lighting fixtures which were consistent with lighting at the nearby Saco Biddeford Savings Bank, but the applicant was now proposing to use more boxlike fixtures. He stated that they also proposed changing some of the concrete curbing to bituminous curbing.

Mr. Paul Feinberg, of Greener Pastures, stated that they realized this was a gateway site to the community and had been sensitive to the design of the site. He stated that the world had changed since they were approved and the economic situation was such that Walgreen's needed to cut down on costs. He stated that the boxlike fixture they proposed was standard and the only difference between it and what was approved is the aesthetics. Mr. Feinberg stated that the standard fixture was consistent with lighting in the area including the municipal building and he took exception to the staff comments for the need to have a common lighting scheme when the approved lighting was not consistent with what exists. Mr. Steve Berg, property manager at Oak Hill Plaza, stated that he had looked at adjoining areas and the box style lights were everywhere. He stated that the boxlike fixtures offered all the same photometrics and were far less costly than the decorative fixtures.

Mr. Paul noted that this request was brought to him for an administrative approval but he did not feel comfortable approving it because of the extent of the Board's discussion on the lighting for this project; he stated that the Board had hoped to pull the area together with a master plan and make this the corner piece of the site with the building location and architecture. He stated that the Board was trying to build some commonality and there would be some consistency with lighting on the two ends of the site. Mr. Paul stated that the lighting was a very crucial first step to unify the area and he did not feel he could approve the amendment for that reason.

Mr. Paul stated that the curbing should be consistent throughout the site and he had no problem with the change to the landscape island as long as the curbing remained concrete. Mr. Thomas stated that there was no lighting consistency within the plaza so the standard should be set now. Mr. Berg stated that the concern was that they now had the shoebox style lights throughout the plaza and some of the lighting was maintained by the tenants and he could not change them. He stated that the decorative fixtures were very expensive; he stated that they were looking for good lighting not for aesthetics. Mr. Paul stated that the Board needed to start somewhere and this was a very visible site and the lights were of a class and style of what the Board was trying to accomplish on the site. Mr. Berg noted that the lighting standards did not require a certain style and asked whether the Board would be more comfortable if the entire plaza, other than the bank, be boxlike fixtures.

Mr. Fellows stated that more important than consistency was quality and the Board had tried to seize this opportunity to get something better; he stated that the standard should not be set by saying the lights were just as good as a gas station or institutional use. He stated that this was the center of town and the Board was trying to incorporate some sense of identity. Mr. Fellows stated that Walgreen's could look at other cost saving measures and he could not support the box fixtures; he stated that the concrete would be preferable for the curbing. Mr. Chamberlain agreed with Mr. Fellows; he stated that the bottom line was that the lighting was accepted by Walgreen's and he did not want to make an exception.

Ms. Littlefield and Ms. Auglis agreed with Mr. Fellows. Ms. Auglis stated that the bank was built before a master plan was submitted and their lighting was part of the goal to set the standard. She agreed that the curb should be concrete.

Mr. Paul moved to deny the site plan amendment for the lighting but to approve the change to the curbing with the condition that it be concrete and not bituminous; Ms. Littlefield seconded. Mr. Paul stated that a yes vote would deny the lighting but approve the curbing.

Voted 5-0

7. Estate of Ruth Libby requests preliminary review for 3 lot subdivision in previously approved Evergreen Farms Subdivision and Commerce Park*

Mr. Bacon noted that this site was an outparcel of the residential subdivision approved in the 1980s and was not involved in the net residential calculations. He stated that calculations needed to be added to the plan; he stated that there was a memo from Peter Tubbs, dated March 12, 2009, who wanted more information for constructability and stormwater control. Mr. Chace stated that he had a letter of authorization for the applicant's representative.

Mr. Guy Gledhill, who represented the applicant, explained that this was a parcel left out of the original subdivision for which they proposed a three lot subdivision. He stated that the lots were odd shaped in order to leave enough space for a large house and the houses would be staggered. Mr. Gledhill stated that Steve Ross had done the net residential calculations which would support a total of eight lots, but they proposed three lots in addition to the existing house lot; he stated that the calculations would be added to the final plan. He stated that they would add the wetlands and buffer, the boundary line, grading and the foundation reveal to the final plan. Mr. Gledhill stated that the Sanitary District had given its okay and they had applied to the Portland Water District. He stated that their traffic engineer would review the impact fees and they would address the stormwater control.

Mr. Paul asked for public comment. Mr. Ralph Forland, 39 Evergreen Farms Road, stated that they purchased their property a year ago after looking in Greater Portland at neighborhoods where houses were not consistent with each other. He stated that this was a subdivision within a subdivision where the lot sizes and shapes were not consistent with the existing neighborhood; he stated that they would push for two lots, rather than three, to be consistent with the neighborhood.

Mr. Brad Dupee, of 35 Evergreen Farms Road, stated that this lot was not part of the current association of 40 houses so he was worried about what would be constructed and what the owners would have to abide by; he stated that he worried about the traffic impacts as well as traffic from Eastern Village if they ever came through. He stated with housing values now this was a major concern of his. Mr. Dupee asked who owned the land.

Mr. Mark Maroon, of 41 Evergreen Farms Road, stated that he lived right across the street from this lot and his concern was the lack of communication. He stated that the existing subdivision had many covenants but this subdivision is trying to cram in three lots into one lot; he stated that in a perfect world this would become two lots. Mr. Maroon stated that the applicant had the right to have 75 foot frontages but the Evergreen lots were 90 feet; he stated that to maximize the site did not fit the intention. He stated that his other request would be for this subdivision to meet all the Evergreen standards.

Ms. Cynthia Grovo, of 37 Evergreen Farms Road, asked whether the houses would be all built at once and whether they would be spec houses or built for each buyer. She noted that there were empty foundations at Ballantyne and they were not conducive to marketing their homes.

Mr. Paul stated that this was an R4 Zone and it was conceivable to run a road down the middle lot and create eight lots; he stated that it was difficult for the Board to restrict the number of lots when the Ordinance would allow seven or eight.

Mr. Gledhill stated that each lot had 95 feet of frontage and they could shape the lots with straight lot lines but they tried to split the houses so they would not look into each other; he stated that they could straighten the lines. He stated that the houses would conform with the existing houses and would be in the \$400,000 price range; he stated that they would not start building a house until the lot was sold and the designs would conform with the existing homes, though they may have vinyl siding. Mr. Gledhill stated that the estate of Ruth Libby owns the property and would continue to own it until the site was built out. Mr. Gledhill noted that the lots would be 25,000, 27,000 and 28,000 square feet respectively. He showed the wetlands and the buffer areas.

Ms. Auglis stated that she did not think this was ready for preliminary approval because the wetland impacts and stormwater issues had not been addressed. To a question from Ms. Littlefield, Mr. Gledhill replied that there was a 1987 letter indicating that the net residential density calculations did not include this site. Ms. Littlefield stated that the lot shapes seemed contrived but it was an interesting design. She agreed that the plan was not ready for preliminary approval and that building envelopes should be included; she noted that the plan was hard to read. To a question from Mr. Chamberlain, Mr. Gledhill replied that they would remove the wetlands from the rear of the individual lots. Mr. Chamberlain stated that this seemed to be a lot of lots compared with the existing lots and the lot shapes jumped out at him; he stated that he would rather see three straight lot lines. He stated that the rear wetlands should be part of an association and it would be nice to create some restrictions similar to the existing covenants.

Mr. Fellows agreed that this should not receive preliminary approval tonight and that the lot shapes were quirky and the lot lines should be straight; he agreed with association restrictions. Mr. Thomas stated that he appreciated the large turnout of the public at the beginning of the process and appreciated that the number of lots was less than would be allowed. There was a consensus on the lot lines and Mr. Gledhill stated that they would be straightened and the wetlands would be excluded from the individual lots. Mr. Paul encouraged the applicant to communicate with the abutters or their association; he suggested that the staff comments be put on the plan.

8. Administrative Amendment Report

Mr. Chace stated that the Chairman had approved two Administrative Amendments for Sam's Club for redesign of two cart corrals and the new Wal-Mart for the addition and redesign of 27 cart corrals.

9. Town Planner's Report

Mr. Bacon noted that the Board had been given updates to the Zoning Ordinance for the TVC3 Zone and the VR2 Zone, which was renamed from the DVR Zone so that it could be used throughout town. He stated that the VR4 Zone had been adopted along Sawyer Road and the west side of Gorham Road. He stated that he had also distributed a letter to New England Expedition regarding a one year extension, which he approved; he stated that New England Expedition would be at the next meeting to discuss their plans for the future.

10. Correspondence

There was no correspondence.

11. Planning Board Comments

Mr. Thomas noted that he had attended the Maine Municipal public services training on March 12, 2009 which he thought was a great program and he recommended attendance because there had been updates during the last few years. Mr. Chace stated that he would inform the Board of dates and locations for future training sessions.

Mr. Chamberlain welcomed Ms. Auglis back to the Planning Board. Mr. Paul noted that a new list of addresses for the Board members had been distributed; he asked the Board members to send him their cell phone numbers.

12. Adjournment

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

