

Town of Scarborough

Planning Board

April 6, 2009

AGENDA

1. Call to Order (7:00 P. M.)
2. Pledge of Allegiance
3. Approval of Minutes (March 16, 2009)
4. Philip and Deborah Parker, dba Higgins Beach Market, 92 Spurwink Road, request an advisory opinion to the Zoning Board of Appeals to allow expansion of an existing nonconforming use and offsite parking
5. New England Expedition LLC will make an informational presentation to update the Board on the status of the Scarborough Gateway Square project
6. New England Expedition LLC requests site plan amendment approval for relocation of an existing Cabela's wall sign at the Gateway Shoppes site
7. Joss Hill Subdivision, Peter Monaghan requests amended subdivision approval for lot line changes to Lots 11A, 11B and 11C at previously approved site off Broadturn Road
8. Optimal Performance Physical Therapy, LLC, Karen Bailey requests site plan approval for 2,486 square foot medical building at 5 Millbrook Road*
9. Maine Health requests site plan review for former Orion Center on U. S. Route One*
10. Administrative Amendment Report
11. Town Planner's Report
12. Correspondence
13. Planning Board Comments
14. Adjournment

*Public comment will be allowed on these items.

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

Town of Scarborough

Planning Board

April 6, 2009

MINUTES

Members Present

Staff

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

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. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

The Recording Secretary called the roll; Mr. Fellows was absent. Mr. Paul authorized Mr. Mazer to vote.

4. Approval of Minutes (March 16, 2009)

Mr. Paul moved to approve the minutes of March 16, 2009; Ms. Littlefield seconded.

Voted 5-0

5. Philip and Deborah Parker, dba Higgins Beach Market, 92 Spurwink Road, request an advisory opinion to the Zoning Board of Appeals to allow expansion of an existing nonconforming use and offsite parking

Mr. Bacon noted that the provisions at this business had expanded over the past few years and the appellant was requesting approval for that expansion and for off-site parking. He stated that this was a request for a recommendation to the Zoning Board for those items and if the Zoning Board granted the appeal, the issue would return to this Board for site plan approval. Mr. Bacon stated that the DOT was not in favor of the barrels as obstructions to the parking aisle. He stated that the Ordinance did not allow 9 by 18 foot parking spaces for retail use and the appellant may want to seek a variance or make the required size of 10 by 20 feet.

Mr. Jim Fisher, of Northeast Civil Solutions, noted that this use had been grandfathered for 50 years but needed to get approval for expansion of the small, seasonal market. He stated that they proposed parking in the same location and had permission from the abutters, the Kaceres, for an easement to use some of their land for parking; he stated that there was enough room to make the spaces larger. Mr. Fisher stated that they did not like the barrels either, but the Zoning Board asked for something to delineate the parking from the road but there was no room for them. He stated that, because the business was seasonal, the Public Works Director had no issues with the barrels. He stated that they wanted to deepen the parking

spaces, remove the barrels and keep the wide aisle. He stated that the Police Chief indicated that there was no crash data for this location.

Ms. Auglis confirmed that there would be no changes to what is existing other than the parking. Mr. Fisher noted that there was an existing storage area in the rear and they would add a dumpster on a pad; he stated that the storage area would be painted to match the main building. To a question from Ms. Auglis, Mr. Fisher replied that blasting for the expanded parking was possible but they hoped to excavate only with a frontend loader; he stated that the Kaceres would accept some blasting. Ms. Auglis asked that the site plan show a way to deal with people parking on the side of the road.

Ms. Littlefield asked that the site plan show that people could back out without backing into the right of way. Mr. Fisher stated that that could not be done and that was still the issue; he stated that they were trying to meet the space regulations. To a question from Mr. Chamberlain, Mr. Fisher replied that the slope in front of the new parking would be stabilized and the spaces would be left unmarked; he stated that the Kaceres may not want paving on their land. To a question from Mr. Thomas, Mr. Fisher replied that they could designate the spaces with bollards. Mr. Thomas stated that the spaces should be 10 by 20 feet and should be marked and some parking should be provided on the road. Mr. Fisher stated that the Town did allow parking on the shoulders.

Mr. Mazer stated that it was good that the business grew but not good that it was boxed into the small lot. To a question from Mr. Mazer, Mr. Fisher replied that the Police Chief had no opinion for the future of the traffic in the area but there had been no accidents. Mr. Mazer suggested screening and protecting the gas tanks in the rear.

Mr. Paul stated that when the appellant came back for site plan review there should be a written easement. Mr. Bacon stated that the easement should be a condition of approval. Mr. Paul stated that the hours of operation and parking in the shoulders should be shown on the site plan; he suggested that there be concrete curb stops to line up the parking spaces. He stated that it should also be shown how parking in the road would be prevented.

Mr. Paul moved to send a favorable recommendation to the Zoning Board of Appeals to allow expansion of the previous approval and off-site parking; Ms. Littlefield seconded.

Voted 5-0

6. New England Expedition LLC will make an informational presentation to update the Board on the status of the Scarborough Gateway Square project

Mr. Bacon noted that the Contract Zone for this project required construction to be substantially finished within two years but that has not happened. Mr. Bacon stated that, given the economic climate, he administratively extended that requirement for one year, but asked the developer to update the Board with future plans.

Mr. Gene Beaudoin, of New England Expedition, stated that the Scarborough Cabela's continued to be one of the top stores in the chain; he stated that the Maine retailers were doing well on this site but there were no national tenants looking for space. He stated that there was room for more restaurants as indicated by the heavy business at the existing restaurants. Mr. Gary Collette, of OEST Associates, stated that they would build a 10,000 square foot restaurant, a 6,000 square foot restaurant and a bank in place of Cracker Barrel.

Mr. Beaudoin stated that National Semiconductor had withdrawn their project because the computer chip business had felt the effects of the economy and the day care company had pulled out. He stated that the hotel was under contract and construction would begin soon. Mr. Beaudoin stated that the infrastructure was all in the ground and the main driveway was paved. He stated that they would fit up smaller-scale office buildings and finance them individually. He stated that they would be back to the Board to clean up the Contract Zone issues for banners and parking ratios.

To a question from Mr. Mazer, Mr. Beaudoin replied that the hotel would be built first but no other buildings would be built until there were tenants; he stated that the hotel developers wanted to be open by Thanksgiving.

7. New England Expedition LLC requests site plan amendment approval for relocation of an existing Cabela's wall sign at the Gateway Shoppes site

Mr. Paul noted that this request came to him for an Administrative Approval but, because a previously approved sign had not been moved as requested, he felt the request should be heard by the full Board. Mr. Bacon stated that the Board should consider landscaping the area to break up the length of the wall where the sign would be removed.

Mr. Gene Beaudoin, of New England Expedition, noted that some of the existing signage did not work because of the landscaping; he stated that they would match the trees in the front of the building to shield the area where the sign would be removed from the wall. He displayed the landscaping plan showing the trees along the Turnpike.

Messrs. Mazer and Thomas stated that they had no issues because the area would be landscaped. Ms. Auglis stated that the trees should match and that should be written into the amendment. Mr. Paul noted that the Contract Zone allowed a certain number of signs; he stated that one of his concerns about relocating the sign was the long blank wall. He asked whether there had been any thought to leaving the existing sign and putting the sign that was not used on the front in the proposed new space. The Board members did not object.

Mr. Paul moved to approve the request for relocation of an existing sign provided the landscaping covered the area where the sign was removed OR that there be the option to add a sign on the east wall in place of the sign that was not erected on the south wall; Mr. Thomas seconded.

Voted 5-0

8. Joss Hill Subdivision, Peter Monaghan requests amended subdivision approval for lot line changes to Lots 11A, 11B and 11C at previously approved site off Broadturn Road

Mr. Bacon noted that there was a memo indicating items that needed to be added to the plan, some of which had been done.

Mr. Owens McCullough, of Sebago Technics, distributed the plan with the updated notes. He explained that Mr. Monaghan developed the subdivision and lived on Lot 11A. He stated that they wanted to change some lot lines and there would be no new lots or construction. Mr. McCullough explained that the applicant may want to sell his lot but keep the farm pond and recreation area on the restricted area in his family. He stated that Mr. Monaghan's mother owned Lot 11C and they proposed expanding the restricted area and the right of way a little over an existing gravel area that is used by the Fire Department to reach the pond. Mr. McCullough stated that an easement would be added for backing up of fire trucks and Mr.

Monaghan was willing to grant a 100 foot easement to the Scarborough Land Trust across the back of the site as a buffer to the Town land.

Mr. McCullough noted that there was open land abutting Lot 11B which would be sold to the abutter. He stated that they had put notes on the plan that there would be no further extension of Labrador Lane, and that the restricted area be defined for no building or construction. Mr. McCullough stated that they would like to be able to replace the gazebo that had been removed. He stated that the easement was shown on the plan and the restriction had been removed from the Land Trust land. Mr. McCullough stated that the abutter, Shawn Swaney, had asked about a sliver of the right of way on his property; Mr. McCullough stated that the deed indicated that the right of way included the right to access Lot 11 across Lot 10. Mr. McCullough noted that Mr. Swaney also asked whether it was legal to change lot lines in a finalized subdivision and whether the land transferred to Lot 11B could be built upon; Mr. McCullough stated that they were before the Board to change the lot lines and Lot 11B could have only one dwelling unit but someone could return to the Board to divide the lot.

To a question from Mr. Chamberlain, Mr. Monaghan replied that Joss Hill Road was 2,000 feet long to the beginning of the circle, which was the maximum road length allowed. Mr. Bacon stated that the proposed private extension was intended to be an adjustment for frontage for Lot 11A and not for another lot; he stated that a new private way would need to comply with the 2,000 foot road limit but it was not a requirement when this subdivision was approved. Mr. Bacon stated that the point of not extending Labrador Lane was so that no more houses could be built on that road; he stated that the extension for road frontage was needed because the restricted area was moved.

Mr. Chace noted that the restricted area did not match on the two plans; Mr. McCullough stated he would clarify the restricted area before the Board signed the amended plan. Mr. Paul asked that the notes on the new plan match the earlier plan.

Mr. Paul moved to approve the amended subdivision plan with the condition that all plan notations documented by staff be corrected on the plan prior to signing; Mr. Thomas seconded.

Voted 5-0

9. Optimal Performance Physical Therapy, LLC, Karen Bailey requests site plan approval for 2,486 square foot medical building at 5 Millbrook Road*

Mr. Bacon stated that there was a memo from SYTDesign; he stated that the issues were with the condition of Millbrook Road which needed improvements for this type of use. He stated that handicap access to the building needed clarification. Mr. Bacon stated that the Town's traffic engineer, Bill Bray, had calculated the traffic impact fees, the Sanitary District needed a manhole and electrical service should be underground.

Ms. Bailey explained that she wanted to renovate the existing structure but it was filled with mold and she was advised to demolish the building and rebuild; she stated that she had to be sensitive to any additional costs to this project. She stated that she had chosen to place the driveway on the north side because of the drainage patterns and create some separation to cPort Credit Union for safety reasons. Ms. Bailey stated that the abutter at 7 Millbrook Road was concerned only that the driveway on that side not go to the property line. She stated that another concern was the parking spaces and she would like to have a reduction in size to maximize the green space and stormwater area. Ms. Bailey stated that underground electric would create much expense and the electric service was existing above-ground to the present building. She stated that the condition of the road was barely serviceable for the residents and the cost of upgrading the road could be a possible project terminator. Ms. Bailey stated that, based on the current staffing she

had three clients at peak hour so that was less than eight vehicle trips; she stated that she would not be open on weekends so that would decrease traffic and she hoped to use their actual volume for a basis for traffic. She stated that she had to be out of her present space by the end of July so was seeking site plan approval as soon as possible.

Mr. Paul stated that the Board would hear public comment and asked that people hold their comments to three to five minutes. Mr. Mike DiClementa, of 8 Millbrook Road, stated that Ms. Bailey had approached him and he had asked whether the traffic impact would be addressed. He stated that a lot of people turned around in his driveway and he did not see how putting in a half dozen more cars would impact the already horrible road. Mr. DiClementa stated that the road condition needed to be addressed but not just for a small business; he stated that there was commercial business at the end of Millbrook Road now. He stated that his concern was the road but hoped it would not be a determining factor for this project.

Ms. Auglis agreed that the road was bad but she did not feel that up to 10 clients a day would impact the road; she asked whether there could be an impact fee imposed. She stated that the Town needed to take care of the road and Ms. Bailey should not have to pay the total cost. Ms. Auglis stated that the difference between the required and proposed driveway separation concerned her because there could be a different kind of business in the building next to a residential area in the future; she stated that she had no issue with the eight foot separation on the other side. She stated that the plan should show where the extra two parking spaces could be built. Mr. Bruce MacLeod, of MacLeod Structural Engineers, stated that this was a tight site but they had shown the area for future parking and for snow storage. He stated that the main entrance with the nearby handicap space met ADA requirements. He stated that they did not feel it necessary to provide signage for the employee parking because they would park in the front near their own entrance; he stated that there would be no dumpster. Ms. Auglis asked that the applicant collaborate with MaineHealth for landscaping on that side.

Ms. Littlefield stated that she agreed that the road improvements should not be the applicant's burden; she stated that she was in favor of the separation waiver with approval from the neighbor. To a question from Ms. Littlefield, Ms. Bailey replied that her sign would be in the mulch between the trees near the entrance. Mr. Chamberlain asked whether there had been consideration to change the location of the building to face cPort to allow separation of the driveway; Ms. Bailey replied that they tried to use the footprint of the existing building. Mr. Chamberlain agreed that the road improvements should not be Ms. Bailey's responsibility. To a question from Mr. Chamberlain, Mr. MacLeod replied that the building would be only a little bigger than what is there and they tried to create space by making smaller parking spaces. Mr. Mazer noted that cPort had made road improvements.

To a question from Mr. Mazer, Ms. Bailey replied that she could renovate the existing building but the issues included mold and the maintenance costs of sump pumps and dehumidifiers. Mr. Mazer stated that the onus was on the Town to fix the road. To a question from Mr. Mazer, Mr. Bacon replied that the applicant should talk with the Sanitary District to determine whether parking spaces could be created on their easement. Mr. MacLeod stated that the easement indicated that no primary structures could be built on it but parking should be allowed. Mr. Mazer stated that he had no problem with the lighting as long as it did not impact the neighbors. To a question from Mr. Thomas, Ms. Bailey replied that most of the lights would be on timers and would be out at night but the lantern style lights at the doorways would be on sensors. Mr. Thomas stated that the Board needed to be sensitive to small businesses and he would like to see this business and hoped the issues could be addressed. He stated that he would like to see a dumpster.

Mr. Paul stated that there was no Board member who did not want this project but his obligation was to the ordinances; he stated that he had to look at the use of the building and consider what the next use might be. He stated that if the extra parking spaces had to be built, stormwater management would be compromised and there would be no turnaround. He stated that there should be a letter from the Sanitary

District indicating that the parking spaces were acceptable on their easement. Mr. Paul noted three waivers, the two driveway waivers concerned him because of safety reasons and he would like to hear why it was safe to locate the driveway only 8 feet away from the abutting driveway. He stated that the third waiver was to reduce the parking spaces from the required 18 by 20 feet to 9 by 18 feet. Mr. Paul stated that he was torn on the road issue; he stated that there were a number of staff issues that needed to be addressed and he would like to see efforts with MaineHealth for the landscaping. To a question from Mr. Chamberlain, Mr. Bacon replied that the applicant would probably be expected to bring the road up to Town standards to her driveway but that was a question for the Public Works Director.

Mr. Paul stated that he was not comfortable with a conditional approval with so many open ends.

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

10. MaineHealth requests site plan review for former Orion Center on U. S. Route One*

Ms. Littlefield and Mr. Thomas recused themselves from this item because of business conflicts.

Mr. Bacon stated that this project needed DOT and DEP approval; he stated that there was a memo from Bill Bray, the Town's traffic engineer, who agreed with the traffic impact totals and who recommended that two existing curbcuts be closed with granite to prevent drivers from turning in. Mr. Bacon stated that there was a memo from SYTDesign encouraging the applicant to improve the stormwater treatment and to explain the need for the right turn only exit from Route One. He stated that there was a staff memo indicating issues with the curbcuts on Route One and encouraging more pedestrian provisions along Building 1. Mr. Bacon stated that there were questions on lighting spillover and reduced night lighting. He stated that the staff recommended updating the subdivision plan, providing additional screening and addressing Fire Department issues.

Mr. Mark Johnson, of SMRT, stated that there were three existing buildings and displayed a phased plan; he stated that they would like approval for the first phase for renovation of the two large buildings along with renovation of the parking and new parking in the northeast corner. He stated that the lighting would be updated; he stated that the landscape buffer would be augmented along the north and west sides. Mr. Johnson noted that there was a large berm behind part of the rear of the site near the Juneberry Subdivision where they would add plantings. He stated that the existing parking would be largely maintained but restriped for 9 by 18 foot spaces to conserve new parking and site disturbance. He stated that plantings would be added along the buildings and parking areas and they were willing to add sidewalks in the front of Building 1.

Mr. Johnson stated that the lighting would be updated with cutoff fixtures and the existing light poles would have new fixtures with high pressure sodium lights. He stated that they studied the metal halide lights and found that they did not perform to the efficiency of the high pressure sodium and they would have had to install more poles; he stated that the existing poles were 30 feet high but they would install 25 foot poles in the new area. Mr. Johnson stated that the building lights would be metal halide fixtures.

Mr. Paul Levandowski, of SMRT, displayed two building plans, one with the two buildings connected and the other with no connection and stated that the colors would be neutral tones of gray and buff. He stated that they would use cultured stone and brick with copper shingles to break up the length of the buildings.

Mr. Johnson stated that they were working on an application for subdivision amendment for their five existing lots. He stated that the intent of the phasing is to be able to have flexibility with planning decisions; he stated that their tenant, Nordx, would refurbish part of Building 1 and the immediate area

would be finished, which would allow the option for renovating into Phase 1C or Building 2 with the new parking at that time.

Ms. Auglis stated that she liked the materials and hoped that the pattern of the stones would be a visible texture from the road. She stated that she liked the connected building with the canopy and screening. Ms. Auglis stated that she was concerned about what flexibility in phasing meant. To a question from Ms. Auglis, Mr. Johnson replied that the creation of the entrance to Sawyer Road would be part of Phase 1B. Mr. Johnson noted that Nordx was just a lab and there would be no customer traffic so the existing parking would be enough for employees. He stated that they would prefer not to build the parking for Phase 1C before they had a tenant. Ms. Auglis stated that she was concerned about the Sawyer Road access. Mr. Bacon stated that the staff could work with the applicant on the phasing and would recommend that there be no building permits issued before the architecture for all the buildings was finalized. Ms. Auglis stated that she understood the financial constraints, but the pedestrian access for Phase 1C should be equal to Phase 1B. Ms. Auglis asked why the applicant wanted to keep the right turn only access when there was a traffic light at the main entrance.

Mr. Johnson stated that they studied trying to introduce more buffers in the parking but that would require total reconfiguration of the existing plantings and the light poles and they would lose parking spaces which would have to be replaced elsewhere. He stated that the existing right turn would allow flexibility for better diffusion of traffic and would not clog the main entrance. Ms. Auglis stated that the curbcuts at Route One should be closed.

Mr. Chace noted that, rather than linear buffer islands with sidewalks throughout the parking in front of Building 1, the staff recommended small islands.

Mr. Chamberlain agreed that the building materials were good and he liked the connection between the buildings. To a question from Mr. Chamberlain, Mr. Johnson replied that there would be two entrances near the middle of Building 1. To a question from Mr. Chamberlain, Mr. Levandowski replied that all of Building 1 would be finished on the outside with Phase 1A. Mr. Chamberlain stated that he would like to see islands within the parking to break up the mass of asphalt. To a question from Mr. Chamberlain, Mr. Johnson replied that the sidewalk in front of Buildings 1 and 2 could be connected. Mr. Paul stated that it was crucial for safety to extend a sidewalk to the end of Building 1 for access to the entryway; the Board agreed.

Mr. Chamberlain stated that the curbcuts near Building 3 should be removed and the area made level; he stated that he did not object to the secondary access. To a question from Mr. Mazer, Mr. Johnson replied that there was nothing that would prevent someone from using the curbcuts. To a question from Ms. Auglis, Mr. Bacon replied that the Design Standards indicated that metal halide lamps were required but the Board had the ability to waive those standards. Mr. Johnson stated that, since Nordx was a 24 hour operation, they would need a certain level of lighting for safety; he stated that the existing front lighting was on four different circuits which could be controlled separately and they could shut off the lighting in the west side at night. He stated that the wall-mounted lighting would be full cutoff fixtures. Mr. Chace stated that there was spillover lighting at the north boundary which should be eliminated.

To a question from Ms. Auglis, Mr. Levandowski replied that the rear of the building would be painted with one of the colors as noted for the front of the building. Ms. Auglis thanked the applicant for retaining the existing landscaping. Mr. Johnson noted that most of the rear of the building would not be visible because of the proposed berm and shrubs. Ms. Auglis suggested pedestrian access to Memorial Park.

Mr. Paul stated that the Route One curbcuts needed to be closed off and the sidewalk leveled. To a question from Mr. Paul, Mr. Tom Gorrill, of Gorrill-Palmer, replied that if the right turn only exit were elimin-

ated, vehicles would be backed a little further into the driveway; he stated that the other component was that the right turn only would pull right turns away from the crosswalk when people turned right on red; he stated that the Town's traffic engineer had no issues. Mr. Paul stated that all the crosswalks should be textured and not just painted and he hoped the applicant would cooperate with the owner of the proposed physical therapy building on Millbrook Road for landscaping on that side. To a question from Mr. Paul, Mr. Johnson replied that there was ample snow storage area toward Route One. Mr. Levandowski stated that the building would be a LEED certified design. To a question from Ms. Auglis, Mr. Levandowski replied that the HVAC equipment would be set back on the roof of Building 2; Mr. Paul stated that the equipment could be shielded.

11. Administrative Amendment Report

There were no Administrative Amendments.

12. Town Planner's Report

There was no report.

13. Correspondence

There was no correspondence.

14. Planning Board Comments

There were no comments.

15. Adjournment

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