

Town of Scarborough

Planning Board

June 8, 2009

AGENDA

1. Call to Order (7:00 P. M.)
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes (May 18, 2009)
5. The Planning Board will hold a public hearing to receive input on a proposal for amendments to the Zoning Ordinance regarding temporary signage and banners
6. The Estate of Ruth Libby requests preliminary subdivision approval for 4 lot subdivision off Evergreen Farms Road*
7. Foundation Center, Robert Gaudreau requests sketch plan review for renovation of former Konica building at 71 U. S. Route One
8. Fishermen's Cove, Thurlow Properties, LLC requests preliminary subdivision approval for 3 lot subdivision at King Street and Avenue 7*
9. Administrative Amendment Report
10. Town Planner's Report
11. Correspondence
12. Planning Board Comments
13. 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

June 8, 2009

MINUTES

Members Present

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

Staff

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

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

The Recording Secretary called the roll; Ms. Auglis and Mr. Paul were absent. Mr. Fellows authorized Mr. Mazer to vote.

4. Approval of Minutes (May 18, 2009)

Ms. Littlefield moved to approve the minutes of May 18, 2009 as written; Mr. Thomas seconded.

Voted 5-0

5. The Planning Board will hold a public hearing to receive input on a proposal for amendments to the Zoning Ordinance regarding temporary signage and banners

Mr. Bacon explained that the Ordinance Committee and Scarborough Economic Development Corporation worked on updates to the sign ordinance for several items. He stated that the proposal would allow temporary grand opening signs and temporary going out of business signs for 30 days, as well as temporary sandwich boards within 15 feet of the business entrance on a sidewalk but not in a right of way. Mr. Bacon stated that other adjustments would allow messages on electronic message signs to change twice per hour rather than the present twice per 24 hours, which would allow tenants who shared a building to have more frequent messages. He stated that the last adjustment was to allow sale banners as well as the presently allowed open banners or flags. He stated that the Haigis Parkway Zone had separate sign regulations which would also reflect the changes. Mr. Bacon stated that there was a new definition for sandwich board signs.

Mr. Fellows opened the public hearing. Mr. David Hopkins, of Henry VIII on Cabela Boulevard, stated that he would like to be able to advertise a certain kind of sandwich on a banner or flag to bring business into the shop. He stated that he understood some limitation but this went too far. Mr. Hopkins stated that he thought charging a permit fee for a going out of business sign was unfair to someone going out of business. He stated that he thought the sandwich boards were great and keeping them 15 feet from the entrance was good. Mr. Mazer asked why a sandwich board would not work for advertising a specific sand-

wich rather than a banner; Mr. Hopkins replied that sandwich boards did a good job of attracting someone who already knew about the business, but the banner would attract someone who did not set out to come to the business; he stated that a banner changed the course of someone's action. Mr. Mazer stated that his concern was that there could be too many signs.

Mr. Peter Risano, of The Kennel Shop on Cabela Boulevard, stated that he agreed with Mr. Hopkins; he stated that their business area was allowed very limited signage. He stated that too much signage would detract from businesses; he stated that banners were good for attracting business.

Atty. Richard Shinay, who represented New England Expeditions, stated that he echoed the preceding comments. He stated that once someone knew where a business was, he did not pay attention to signs, but there were people who drove by and did not know what was in an area and made an impulse move because of signage. He stated that the extra edge of signage was critical in this economy and the public needed to know what a business was, not just that it was open or was having a sale. Regarding the grand opening and closing signs, Mr. Shinay stated that 30 days was not enough time and 45 or 60 days would be more appropriate and that 60 square feet may not be large enough for a sign where the business was away from the main driveway. Mr. Shinay stated that there was a trend for seasonal businesses that would not want a permanent sign so there should be some consideration given to allow signs for those businesses. Mr. Shinay noted that the changes to the HP Zone were important because that zone now prohibits banners. Mr. Fellows closed the public hearing.

Ms. Littlefield stated that she was pleased with this direction for amendments but felt that it was not quite enough; she stated that Scarborough businesses were competing with Portland and South Portland businesses and those cities were more lenient; she stated that she would like to have the same attitude as South Portland to attract business. She suggested limiting the number of letters on a banner or flag so there could be different wording. She stated that she hoped the town could cooperate more with businesses. Mr. Chamberlain agreed and stated that business was difficult now and he did not want to tie their hands for getting customers, especially on the open and sale banners. He stated that this was all about making themselves known to the public and a little flexibility could help a lot of people.

Mr. Thomas agreed and stated that 60 days and limited letters for banners seemed more reasonable. He stated that the town needed to be pro-business now and changes could be made later if necessary. Mr. Mazer also agreed and stated that going out of business signs should not be allowed more than 60 days; he stated that more information should be allowed on banners. Mr. Fellows stated that he concurred and had no problems with extending the times and being more flexible on the number of words as long as there was some control. He stated that the Board should make sure that a business did not have a going out of business sign all the time. He stated that there was some responsibility to be business-friendly but the ordinance should not go too far because one of the attractions for Scarborough was its aesthetics.

6. The Estate of Ruth Libby requests preliminary subdivision approval for 4 lot subdivision off Evergreen Farms Road*

Mr. Bacon stated that there were memos with staff comments referring to the traffic plan and space and bulk information as well as a memo from Mr. Wendel requesting details for utilities and GIS material. He stated that there was a memo from SYTDesign also requesting engineering details prior to final action.

Mr. Guy Gledhill stated that trenching for the utilities would be at a minimum and where they broke the pavement they would repave the whole section of about 125 feet. He stated that they had straightened the lot lines as requested. Mr. Gledhill stated that this was a four lot subdivision though they would develop only three lots because the fourth lot was the homestead lot with an existing home on it. He stated that the wet area in the rear had been broken off from the lots and would be common to the three lots.

Mr. Fellows asked for public comment and asked that comments be kept brief. Ms. Constance LaMattina, of 45 Evergreen Farms Road, asked who would maintain the property during construction; she stated that the land was not being maintained at this time and she did not trust the owners. She stated that there was high grass and dandelions scattering their snow-like seeds all over the neighborhood. Mr. Rolfe Forland, 39 Evergreen Farms Road, noted that there was an issue of accountability and the neighbors did not know who they could talk with. He asked how long it would take to dig up the road and what standards would be followed; he stated that the idea of common property was good for the wetlands. Ms. Shelagh Ramage, of 39 Evergreen Farms Road, stated that it would be nice if the applicant had a copy of the Evergreen Farms covenants so they could maintain the integrity of her neighborhood.

Mr. Gledhill stated that when they dug up the road for the utilities they would do all three lots at once and pave that section of the road. He stated that he did not yet own the property but had a purchase and sale agreement and was the developer. He stated that the home sites were labeled on the plan that he distributed to the neighbors; he stated that the houses would be sited within the required setbacks. Mr. Gledhill stated that there would be no bylaws and the common space would be addressed in the individual deeds.

To a question from Mr. Mazer, Mr. Gledhill stated that the Libby Estate currently owned the property, with Bob Libby as executor. To a question from Mr. Thomas, Mr. Gledhill replied that all of the technical issues would be addressed before his request for final approval. To a question from Mr. Thomas, Mr. Bacon replied that typically formal comment was heard at preliminary approval, but the Chairman could recognize people at final approval. Mr. Thomas stated that he liked the straight lot lines and asked about rules for maintaining the common land; Mr. Gledhill replied that the common area was for Lots 1 through 3 and could not be touched because it was wetland and would therefore not be maintained.

To a question from Mr. Chamberlain, Mr. Bacon replied that open space was typically not taxed, but the Assessor factored it into the owners' lots. Mr. Chamberlain stated that his concern was with requiring certain driveway curbcuts but the future homeowners may want a different driveway configuration. Mr. Bacon recommended that the engineers get together to determine whether specific driveways were necessary or whether they should be deferred to the Public Works street opening permit process. Mr. Chamberlain stated that he would like to see more flexibility and did not want to micromanage the project. He stated that it was to the developer's advantage to make this site fit the neighborhood.

To a question from Ms. Littlefield, Mr. Gledhill reiterated that the owners' deeds would show that the open land was owned in common as a wetland and was not to be touched. Mr. Fellows stated that he agreed with the rest of the Board and it would be nice to maintain the lot now. To a question from Mr. Chamberlain, Mr. Bacon replied that the net residential density had been put on the plan but the space and bulk information needed to be added.

Mr. Fellows moved to grant preliminary approval with the condition that the engineering details be addressed; Mr. Thomas seconded.

Voted 5-0

7. Foundation Center, Robert Gaudreau requests sketch plan review for renovation of former Konica building at 71 U. S. Route One

Mr. Bacon noted that there were staff comments regarding parking space dimensions, curbcut location including a shared curbcut with the abutters, and sidewalk connection to Route One where there was bus service.

Mr. Steve Bushey, of DeLuca-Hoffman, explained that this 60,000 square foot building was built in the mid-1970s on the six acre parcel; he stated that the building was used for photo production with 25,000

square feet of office space. He stated that there were 147 parking spaces on the site as well as a loading dock. Mr. Bushey stated that the utilities were in place and they would change the driveway access configuration; he stated that there were easements for the back lots to use their access. He stated that there was parking to the side and rear and a loading dock on the site. Mr. Bushey stated that they intended to reno-vate the building in two phases and use the existing parking for the first 30,000 square feet of the building for medical and office space and the building would be improved to look like an office building rather than a production building.

Mr. Bushey stated that the issue now was to address the traffic. He stated that the second phase would be the second half of the building which would require a total of 300 parking spaces which were shown on the rear of the plan; he stated that the rear parking spaces would require significant earthwork to make it a flatter space. Mr. Bushey stated that the loading dock would be removed and there would be a landscaped area in its place; he stated that they would add islands and landscaping in the parking area. He stated that they were working on the dimensional standards for the drive aisles as well as the stormwater management and would keep the new impervious surface below the DEP threshold. He stated that they would consider the transformer location.

Mr. Michael Charek, architect for the project, displayed the floor plan and stated that they tried to anticipate the market demand for office size and had opened up the middle of the building for a courtyard with a walkway so that each space would have access. He stated that he designed the façade to give some definition to the long expanse of the building; he stated that all the entrances would have canopies and they would add windows to the entire building. Mr. Charek stated that they proposed using EFIS surface treatment, though the Design Standards did not allow it, as well as some brick and metal siding. He stated that they also showed a possible monument sign that attempted to mirror the architecture.

Mr. Tom Gorrill, traffic engineer, stated that this site was on the south side of Route One with a 45 mile per hour speed limit and was challenging. He stated that the driveway was located close to where Route One split so there should be a left turn lane if possible with room for stacking; he stated that there was not sufficient distance to provide deceleration. Mr. Gorrill stated that the existing access did not serve it well for safety and he recommended that there be more room to develop a left turn lane by going into the island but the elevation difference would hamper that. He stated that the alternative was to relocate the driveway to the north and align it with the driveway across Route One.

Mr. Gorrill stated that the town's traffic engineer, William Bray, agreed that a driveway to the north would be appropriate but they had to explore the legal rights to shift the driveway. Mr. Gorrill stated that Phase 1 use would equal the prior use for traffic so the impact fee would be \$755.00 but that would jump considerably with Phase 2. He recommended that there eventually be right and left lanes which would not be needed until Phase 2 but should be done when the driveway was moved. Mr. Gorrill stated that they would work with the bus companies regarding bus service.

Mr. Gaudreau stated that he would like to see this site as a gateway to Scarborough and knew the challenges. He stated that the building would be ADA accessible and built to some green standards and he hoped to move some of the trees within the site. He stated that he would remove the chain link fence along the wetlands and add landscaping. Mr. Gaudreau stated that this was an opportunity to get this building off the vacancy roles.

To questions from Ms. Littlefield, Mr. Charek replied that landscaping was shown around the building; he stated that the courtyard in the middle would be open to the sky but the inner walkway would be covered. Mr. Gaudreau stated that he had to prove himself with the first phase in order to get money for the second phase. To a question from Ms. Littlefield, Mr. Gorrill replied that there would be only one driveway but they had not yet determined its configuration. Ms. Littlefield stated that she was excited to have the

building reused and to get rid of the fence. To a question from Mr. Chamberlain, Mr. Gaudreau replied that he was very confident that there would be resolution to the use of the driveway. Mr. Gorrill stated that there was a very low level of service for the left turn out. Mr. Chamberlain asked about the timing for the exterior facing; Mr. Gaudreau replied that timing would depend on the weather because EFIS could not be installed in cold weather. He stated that he would work continuously until the work was done and he expected that to be about 18 months; he stated that he needed to get tenants into the building in order to finance the second phase. Mr. Gaudreau stated that he did have potential tenants. He stated that he hoped his turning lanes were appropriate and he had no problem creating good access to buses on the street and that he would promote sidewalks.

Mr. Thomas stated that it was nice to see this property being developed; he stated that the Board was trying to be as business-friendly as possible; he stated that landscaping would be crucial and it would be nice to see the building from the roadways. He stated that he was happy to see the ugly fence and the large curbcut eliminated; he noted that the walkways should be textured and not simply painted. Mr. Thomas stated that the HVAC units should be screened; he stated that the inner green space was a great idea. Mr. Gaudreau noted that the highway corridor was 35 feet above the building so he would not be able to hide the HVAC from I-295 but he would lessen the impact and the units would not be seen from Route One.

Mr. Mazer stated that this was a gateway and it was important that the details reflected that. Mr. Bacon noted that the Commercial Design Standards did prohibit EFIS but the Board had allowed it combined with other building materials. Mr. Fellows noted that there were comments from Ms. Auglis but they had been mentioned by other members and had been addressed by the applicant. Mr. Fellows stated that he hoped the shared access would be successful and safe. He stated that the Board looked forward to seeing the building colors and materials and space for future parking.

8. Fishermen's Cove, Thurlow Properties, LLC requests preliminary subdivision approval for 3 lot subdivision at King Street and Avenue 7*

Mr. Bacon stated that there was a memo from SYTDesign regarding utility connections in the street and Mr. Tubbs and the Public Works Director recommended that the driveways for Lots 2 and 3 be accessed from Avenue 7 and not King Street. He stated that the town's traffic engineer, William Bray, confirmed that impact fees were not appropriate for this project. Mr. Bacon stated that Mr. Wendel asked for GIS and performance guarantee information and information on performance guarantees. He stated that there needed to be 100 foot water frontage per lot and the impervious surface could be no more than 20% on each lot in the Shoreland Zone.

Ms. Nancy St. Clair, of Sebago Technics, stated that the property had been in the Thurlow family for many years and Thurlow Properties, LLC had purchased the property from the family last month; she stated that the site was actually two parcels that had been merged by the Town. Ms. St. Clair stated that the parcel consisted of 1.29 acres with frontage on Avenue 7, King Street and Jones Creek Drive in the Shoreland Zone. She stated that there would be no new road or infrastructure. Ms. St. Clair stated that there was an existing duplex with a business on Lot 1, which would be renovated, a single family dwelling and another duplex would be built on Lots 2 and 3. She stated that there was a long curbcut on King Street and they would like to have the flexibility to put the driveway for Lot 2 on King Street; she stated that there were now three driveways on 147 feet of Avenue 7 and a fourth and fifth driveway would be very congested.

To a question from the Board, Ms. St. Clair replied the notch of land in Avenue 7 was a section of land deeded to the Thurlows when the end of Avenue 7 was discontinued. Mr. Thomas stated that he had no issues with the second driveway on King Street and asked whether the dirt road on Lot 1 would remain;

Ms. St. Clair replied that the area would become green space and the business would be closed and the structure would be renovated as part of the existing duplex. Ms. St. Clair noted that the DEP would not require sand dune permits but would look at what would happen with the existing building and the Code Enforcement Officer would be sure the Shoreland Zoning regulations were followed. To a question from Mr. Chamberlain, Ms. St. Clair replied that Avenue 7 was 50 feet wide and the last 35 feet had been discontinued with the land going to the abutters. Mr. Chamberlain stated that he had no problem with the driveway for Lot 2 being on King Street. Ms. St. Clair stated that there was now overhead power but they would consider underground utilities. Mr. Chamberlain asked whether the dune grass area on Lot 3 should be subtracted from the net residential density; Ms. St. Clair stated that it was a type of vegetation and not something that was protected. She stated that the DEP considered only the vegetation that was below the highest annual tide and this dune grass was above that line. Mr. Bacon stated that he would talk with the Code Enforcement Officer, but he understood that only the frontal dune would be deducted from the net residential density and not the back dune.

Ms. Littlefield noted that the land was protected by the riprap wall; she stated that she agreed with the other Board members and had no problem with the King Street driveway. Mr. Fellows read Ms. Auglis' comments: She recommended no further curbcuts on King Street and asked that the final plan show the plans for Lot 1, including what parts of the existing structure would be removed from the 75 foot setback and what would be placed back into that setback. Ms. Auglis asked that it be shown on the plan show where outdoor storage and equipment and buffering would be Lots 2 and 3. She suggested that the lawn and landscaping of Lot 1 presently in the 75 foot setback be allowed to return to its natural state. Ms. St. Clair stated that the renovation of Lot 1 would be scrutinized by the DEP and by the Code Enforcement Officer. Mr. Fellows stated that he agreed that the access from King Street was satisfactory and he looked forward to seeing screening and the back dune information for net residential density calculations.

Mr. Fellows moved to approve the preliminary plan with the condition that the comments all be addressed and the question regarding the dunes be answered; Mr. Thomas seconded.

Voted 5-0

9. Administrative Amendment Report

There was no report

10. Town Planner's Report

Mr. Bacon noted that the next agenda would have several public hearings for zoning amendments.

11. Correspondence

There was no correspondence.

12. Planning Board Comments

Mr. Thomas stated that he hoped the public realized that the Board was trying to accommodate businesses during these tough economic times.

13. Adjournment

The meeting was adjourned at 9:35 P. M.

