

Town of Scarborough

Planning Board

September 21, 2009

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (August 31, 2009)
4. The Planning Board will review a proposal for a new pier and dock at Pine Point under the Shoreland Zoning Ordinance*
5. Saco Street Realty LLC requests advisory opinion to the Zoning Board of Appeals for a Miscellaneous Appeal for expansion of a nonconforming use at 96 Saco Street in the R-F Zone*
6. Marden's, Scarborough Investments LLC requests amended site plan approval for former WalMart site on Payne Road
7. Caddisfly Knoll (formerly Dragonfly Knoll), Tim Wagner requests preliminary approval for 9 lot subdivision off Holmes Road*
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

September 21, 2009

MINUTES

Members Present

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

Staff

Mr. Bacon, Town Planner
Ms. Logan, Recoding 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 (August 31, 2009)

Mr. Paul moved to approve the minutes of August 31, 2009; Mr. Thomas seconded.

Voted 5-0

4. The Planning Board will review a proposal for a new pier and dock at Pine Point under the Shoreland Zoning Ordinance*

Mr. Bacon stated that this was a review which the DEP requested prior to their approval so they would understand how the Town felt about the project. Mr. Paul noted that this could be treated as a Consent Item at a future meeting.

Mr. David Corbeau, Marine Resource Officer, explained that the design process had taken three years and there had been meetings with the DEP, the Department of Inland Fish and Wildlife and the Army Corps of Engineers. He stated that there had also been a meeting with 30 fishermen and 35 clam diggers. He noted that low tide was the only time the water could be accessed from the existing pier which was unsafe and inadequate. Mr. Corbeau stated that there were three buildouts shown for different pier sizes for the bid process. He explained that there were budgeted funds of \$400,000.00 from the Town of Scarborough which had to be matched before that amount could be used; he stated that they had gotten several grants and the final grant would be from the DEP for the final buildout.

Mr. Corbeau stated that the public as well as the fishermen would have 24 hour access to the water; he stated that the pier would be out of the anchorage which was more acceptable to the Army Corps. He stated that the lighting would be more low level and horizontal so there would be no glare from the water. He noted that there would be a meeting for the residents at the Pine Point Fire Station.

To a question from Mr. Thomas, Mr. Corbeau replied that the 46 foot pier would not be adequate and the DEP had several concerns about the 20 foot width and requested 14 feet. He stated that the hammerhead

at the end would be 15 feet. The smaller pier would limit the number of people who could use it at once; he stated that the pier was designed for emergency boat access. Mr. Thomas stated that this was a great project and he would like to see the larger pier to benefit the fishermen and he liked the low lighting to benefit the neighbors. To a question from Mr. Fellows, Mr. Corbeau replied that the existing pier is intact and they would attach the new pier to it; he stated that they would place benches and possibly picnic tables on the old pier, which would be ADA accessible, but there would be no ramps from it. Mr. Fellows stated that it was nice to incorporate the old pier for the use of everyone.

To a question from Mr. Chamberlain, Mr. Corbeau replied that because the tides in Pine Point were nine feet, fishermen or lobstermen put their gear in at low tide only and would have to go down a 30 foot gang plank at high tide; he stated that the new pier would save a lot of hard work. Mr. Chamberlain asked whether there were safety issues with the existing pier and the channel; Mr. Corbeau replied that commercial fishermen would no longer be allowed to leave their punts at the end of the floats. He stated that the new pier would be 25 feet wide and he saw no safety issues. To a question from Mr. Chamberlain, Mr. Corbeau replied that he would like to see construction begin in November and continue through winter.

To a question from Ms. Littlefield, Mr. Corbeau replied that both the old and the new piers would be free-standing. Ms. Littlefield stated that all the issues seemed to be covered. Mr. Corbeau noted that the lighting was a work in progress and they would also address the lighting in the parking lot. Mr. Paul confirmed that the pier could be extended to 72 feet and the floats would be moved up; he stated that he was satisfied and would recommend a very positive opinion to the DEP. Mr. Paul suggested that the Board consider this a Consent Item once the permit was approved; the Board agreed. To a question from Mr. Corbeau, Mr. Bacon replied that a Consent Item approval would give Shoreland Zoning approval.

5. Saco Street Realty LLC requests advisory opinion to the Zoning Board of Appeals for a Miscellaneous Appeal for expansion of a nonconforming use at 96 Saco Street in the R-F Zone*

Mr. Bacon noted that this property spanned the Gorham town line and suggested that appropriate approvals be obtained prior to Zoning Board approval.

Mr. Michael Tadema-Wielandt, of DeLuca Hoffman, stated that this was a 16 acre parcel on Saco Street bisected by the town line; he stated that 5.5 acres of the site was in Scarborough. He stated that the site was mostly wooded with a 1.5 acre gravel yard split between the two towns and was accessed by a gated driveway in Scarborough. He stated that there was a berm with evergreens along Saco Street. Mr. Tadema-Wielandt stated that the property was purchased in 1989 and approved by the Zoning Board for parking of up to eight trucks with access to the site between 8:00 A. M. and 4:30 P. M. He stated that the site was also used to store empty containers and dumpsters but that also needed to be approved by the Zoning Board for expansion of the use. He stated that there would be about six to ten vehicle trips per day and they felt the impacts would not be substantially different from the approved use of truck parking.

Ms. Auglis stated that she had no problems with the increased use and further impacts would be minimal. To a question from Ms. Auglis, Mr. Tadema-Wielandt replied that the closest residence was 600 feet away. To a question from Ms. Littlefield, Mr. Adam Bruns, of R. W. Herrick, replied that there was no cleaning of the vehicles onsite. To a question from Mr. Chamberlain, Mr. Tadema-Wielandt replied that there were six to ten trips to the site per day and being able to start at 6:00 A. M. would allow more flexibility. Mr. Chamberlain stated that 6:00 A. M. seemed early for noisy equipment and 7:00 A. M. would be more acceptable; Messrs. Fellows and Thomas agreed.

Mr. Paul stated that much of this property is in Gorham and the Zoning Board should take into consideration whether approval was needed in that town. Mr. Paul noted that the operation was well shielded from view.

6. Marden's, Scarborough Investments LLC requests amended site plan approval for former WalMart site on Payne Road

Mr. Bacon stated that the staff had worked closely with the applicant on the issues of the right turn lane and the Spring Street entrance. He stated that the staff was comfortable with the design of the Spring Street entrance and a draft motion with conditions had been presented to the Board.

Ms. Nancy St. Clair, of Sebago Technics, stated that they had addressed the right turn issue and proposed a traffic study to be done in 2010 once the store was open and the interconnected traffic light system was functional. She stated that the Town's traffic engineer, Bill Bray, was supportive but recommended that the traffic counts be done during the summer peak traffic, but the scope of the traffic study would be established now. Ms. St. Clair stated that they had revised the Spring Street entrance three times and eliminated the four-way intersection near it and saved the trees and allowed the crosswalk and sidewalks. She stated that the second revision eliminated parking near that access and the third revision modified the traffic pattern so no one could enter this area; she stated that they showed proposed directional signage.

Ms. St. Clair stated that they proposed three new islands for trees near the Spring Street and Payne Road access to replicate the existing street trees. She stated that there would be no freestanding sign at this time but they showed a location for a possible future sign, which was the location of the WalMart sign; she stated that any new sign would have to be approved by the Planning Board.

Ms. St. Clair stated that when WalMart occupied the site there were areas for outdoor display provided they were behind the painted stripe on the pavement for clear walking space and Marden's would like to reuse that storage space. She stated that there was container storage behind the building and they would also like to be able to use that space as well as outdoor display in the garden center. Ms. St. Clair stated that the detail sheet showed the areas to the east marked "Areas 2A and 2B" which would take 12 parking spaces parallel to the building to be used for the display of bulky items, such as boats, that could not be taken inside. She stated that Marden's never knew what their product would be and needed space for outdoor items; she stated that there was a containment plan showing concrete planters for barricades; she noted that 71 spaces would be altered for storage when necessary.

Mr. Andy Highland, of Port City Architecture, stated that they showed renovations to the building which would tie in with the Scarborough Gallery project; he stated that they used some curves in the architecture and focused on the front entrance and around to the Payne Road side. He stated that they added height to the entrance and designed for the sign above the door; he stated that there would be a canopy and a metal roof to give the entrance some height and depth. Mr. Highland stated that there would be cornice work around the top of the front and side and on the rear corners and they had changed the colors of the building to earth tones with quick brick and synthetic stucco at the entrance and on the pilasters. He stated that there would be planters with year round plantings at the pilasters. Mr. Highland stated that the existing light fixtures would illuminate the planters at night and there would be lights under the canopy

Ms. Auglis stated that the warm colors would make the building look classier; she stated that she liked the signage and the planters which were a good way to break up the walls, and she would like to know what would be planted in them. Ms. St. Clair stated that there would be upright yews to form the structure of the plantings for year round green and perennials such as astilbes for a different texture and color and possibly some colorful annuals in the spring with consistency in all the planters. Ms. Auglis stated that she liked the concept but would like to see work done around the Spring Street façade. Ms. St. Clair stated that there was a lot of landscaping in the Spring Street area as well as the fenced area so there was not much visibility of that side of the building; she stated that the garden center would not change.

To questions from Ms. Littlefield, Mr. Highland replied that the planters were ten feet wide and there was

plenty of space for them on the sidewalk and the lighting would coincide with the Gallery. Ms. Littlefield confirmed that the garden center door would be used. Ms. Littlefield stated that she had no concerns about the store being open during construction and looked forward to seeing the real colors. To a question from Ms. St. Clair, Mr. Paul replied that he did not want to hold up the approval so that the Board could see samples of the building materials and colors and would be amenable to the staff; the Board agreed.

Mr. Chamberlain stated that this was a wonderful design and he did not think façade changes at the Spring Street side were necessary because of the existing fence. To a question from Mr. Chamberlain, Mr. High-land replied that the metal roof over the entrance would be a bronze color and was small and for decoration. Mr. Fellows stated that this was a great improvement and he appreciated all the work; he agreed that renovations to the Spring Street façade were not necessary. Mr. Thomas stated that this was a great improvement and he saw no need for changes on the Spring Street side other than painting. Ms. Auglis agreed that nothing was necessary on that side of the building other than paint. To a question from Mr. Paul, Mr. Highland replied that the material would change at the existing band around the building but the band would be the same color as the upper wall. Mr. Paul stated that the changes were wonderful.

Mr. Fellows stated that he had no issues with the circulation plan but thought the outside storage should be kept off the walkway and placed in the areas near the garden center or in portions of the lot to head off pedestrian conflicts. To a question from Mr. Fellows, Ms. St. Clair replied that there would be no changes to the existing dumpster area in the rear. To a question from Mr. Thomas, Ms. St. Clair replied that they would like to use the existing storage area in front of the building which was up to 20 feet deep; she stated that the five foot wide walkway would remain. Mr. Thomas stated that as long as the walkway was maintained, he had no problem with the storage or with areas A and B for storage. He stated that the traffic flow was much better and the redesign was great.

Mr. Chamberlain asked about the Spring Street entrance; Ms. St. Clair explained that vehicles could only exit, but not enter, the parking bay near the display area; she stated that the circulation within the parking bay was two-way. To a question from Mr. Chamberlain, Ms. St. Clair replied that the frequency of storage in areas A and B was very random but the business needed to be responsive to their suppliers. Mr. Ham Marden stated that the use of those areas would be occasional to rare but they needed the option. Ms. St. Clair stated that those storage areas would be blocked off with planters; she stated that they would like to extend the time allowed to use the areas to 10 days. Ms. Littlefield stated that she had no problems with the 10 day limit or the sidewalk storage.

Mr. Paul thanked the applicant for being responsive and felt that this had been a good collaborative effort to make the project better; he thanked the applicant for the pedestrian connectivity and stated that he liked the parking lot plantings and had no issues with the 10 day limit. To a question from Mr. Paul, Ms. St. Clair replied that they planned to use the existing cart corrals. Mr. Paul asked that the applicant consider more than the five foot wide sidewalk at the storage area. He confirmed that there was no plan for the use of Lot 2A.

Ms. St. Clair stated that they would add pedestrian crossing signs and directional signs and would submit the building materials and colors to staff. She stated that they understood that any new retailer would have to address additional parking and they showed an area for future parking when necessary. Mr. Paul asked that a note be added to the plan indicating that when the property sold the outdoor storage area would have to be addressed by the Planning Board. Ms. St. Clair stated that they would like to have flexibility on the paving and landscaping at Spring Street because of the pavers' schedule; she stated that they would block the access if necessary. She stated that they would work with Mr. Bray on the traffic study. Mr. Bacon stated that the performance guarantee would cover whatever the traffic study showed for necessary improvements, including the right turn lane, coordination of traffic signals or a middle ground improvement; he stated that the study was intended to determine what needed to be done.

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

1. Prior to the issuance of a building permit, the Planning Department shall receive a complete, revised plan set with the following amendments:
 - a. Pedestrian crossing signs shall be installed along Spring Street on both approaches to the proposed Spring Street crosswalk.
 - b. Directional signs shall be installed along the internal loop road to assist patrons in identifying how to access Spring Street and Payne Road
 - c. The outdoor display areas identified as “2A” and “2B” on the “new outdoor display area & containment plan” shall not be utilized for more than 10 consecutive days. The area identified as “2A” shall be maximized prior to utilization of “2B” for outdoor display. The plan notes shall be revised to reflect this condition.
2. Prior to issuance of a building permit, details of the architectural features, including colors and materials, shall be reviewed and approved by the Town Planner in accordance with the conceptual elevations plan provided.
3. Prior to the issuance of a building permit, the applicant shall pay the peer review fees.
4. Given the precise nature of the parking analysis provided to the Town, which is based on parking demands specific to Marden’s retail operation and merchandise, the outdoor display areas shall only be permitted for this proposed tenant. Any future tenants or users of the site shall be required to obtain Planning Board approval prior to establishing or reusing any outdoor display areas.
5. Prior to the issuance of a building permit, the applicant shall provide the Town Planner and Code Enforcement Officer with a specific six month phasing plan for the completion of the building updates and façade improvements. The building updates and façade improvements shall be completed by April 1, 2010.
6. Prior to the issuance of an occupancy permit, the Spring Street entrance improvements and island and parking reconfiguration shall be complete or the entrance at the interior parking bay entrance will be blocked off and there shall be signage or striping for traffic control until improvements are made. These improvements shall be completed by June 15, 2010.
7. Prior to the issuance of a building permit, the applicant shall submit to the Town Planner, for review and approval, a scope of work for the proposed traffic study.
8. Prior to the issuance of a building permit, the applicant shall establish a performance guarantee for the right turn lane on Payne Road as approved by the Planning Board in 2005. The performance guarantee is to be held by the Town until the traffic study is complete. At the conclusion of the traffic study, the applicant shall appear before the Planning Board to discuss the findings and determine the appropriate course of action. Should the outcome of this process result in a different traffic solution than that which was approved in 2005, the performance guarantee shall be amended to reflect the revised plan approval.
9. The installation of any freestanding signage shall be reviewed and approved by the Planning Board.

Mr. Corey seconded. Ms. Littlefield noted that the number of available parking spaces in the Findings should be 71.

Voted 5-0

7. Caddisfly Knoll (formerly Dragonfly Knoll), Tim Wagner requests preliminary approval for 9 lot subdivision off Holmes Road*

Mr. Bacon stated that the project had been redesigned for a conservation subdivision with smaller lots with no wetlands on them. He stated that there were memos from Mr. Tubbs and Mr. Wendel regarding engineering details. Mr. Bacon stated that the lots needed to show nitrate plume analyses and the location of wells and leach fields. He stated that the Board should treat this as a discussion with no vote.

Mr. Lee Allen, of Northeast Civil Solutions, stated that there was DEP approval for the previous layout and they would resubmit to the DEP with reduction in wetland impacts. He stated that this parcel was between Holmes Road, Ash Swamp Road and the Saco town line with nine lots adjacent to each other and the road to the high part of the land. He stated that each lot was served by wells and septic systems and they would do the nitrate analysis; he stated that the stormwater would be addressed with wet ponds and the Fire Department approved two fire tanks. He stated that there would be 22 acres of open space which was 73% of the site.

To questions from Mr. Chamberlain, Mr. Allen replied that a large part of the open space would be deed restricted by the DEP and that the fencing of the detention ponds did not appear to be necessary because the ponds were very shallow. He stated that they chose the hammerhead rather than a cul de sac to reduce the wetland impact. Mr. Chamberlain asked about the right of way at Holmes Road; Mr. Allen replied that this lot had a right of way from the town line but a house was built in the middle of it so the right of way was moved further away from the town line. Mr. Allen stated that the abutter on the other side was concerned only that there would be flooding of his backyard; he stated that they showed a retention pond and there would be a decrease in the flow. To questions from Ms. Littlefield, Mr. Allen replied that he knew of no trails on the site and that there was a nearby cemetery on the abutting property and the easement was only for anyone who wanted to visit it. Ms. Littlefield stated that this was a much better plan.

Mr. Thomas agreed that the fence was not necessary. To a question from Mr. Thomas, Mr. Allen replied that three to four feet of fill would be needed at the entrance to the road. Mr. Fellows stated that this was a significant improvement and he supported removal of the fence. To a question from Mr. Paul, Mr. Allen replied that they showed 25 foot setbacks to the wetlands.

8. Administrative Amendment Report

Mr. Bacon stated that the Planning Board Chairman had administratively approved an update to the lighting at Oak Hill Plaza from the box style to the decorative style of Walgreen's so the entire plaza would have the same fixtures.

9. Town Planner's Report

There was no report.

10. Correspondence

There was no correspondence.

11. Planning Board Comments

Mr. Fellows noted that he had heard some comments about the Walgreen's structure being a mass of building facing the intersection. He stated that this was a reminder that people cared about how things looked and that the design standards did matter.

Mr. Fellows asked about a comment at the Town Council meeting that directional signage for New England Expeditions had not been installed. Mr. Bacon stated that part of the approval for the project was to install DOT directional signs and that was being addressed along with the upgrades to the Dunstan area.

Mr. Paul noted that he would not be at the next meeting. He thanked the Planning staff for all the hard work done to help make the Marden's process take place quickly.

12. Adjournment

The meeting was adjourned at 9:40 P. M.