

Town of Scarborough

Planning Board

January 11, 2010

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (December 14, 2009)
4. Cornerstone Baptist Church requests Planned Development review for a 6,750 square foot addition to the existing church/school building at 415 U. S. Route One
5. America's Best Value Inn, Vijay Patel requests sketch plan review for a 4,685 square foot, two story addition to the existing inn at 4 Millbrook Road
6. The Foundation Center, Robert Gaudreau requests site plan amendment for changes to access at previously approved site at 71 U. S. Route One
7. Administrative Amendment Report
8. Town Planner's Report
9. Correspondence
10. Planning Board Comments
11. Adjournment

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

Town of Scarborough

Planning Board

January 11, 2010

MINUTES

Members Present

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

Staff

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

1. Call to Order

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

2. Roll Call

The Recording Secretary called the roll; all members were present. Mr. Paul authorized Mr. Mazer to vote and noted that the Town Council would soon appoint him a full member of the Board.

3. Approval of Minutes (December 14, 2009)

Mr. Paul moved to approve the minutes of the December 14, 2009 meeting; Mr. Thomas seconded.

Voted 4-0-1 – Mr. Paul abstained as he was absent from that meeting.

4. Cornerstone Baptist Church requests Planned Development review for a 6,750 square foot addition to the existing church/school building at 415 U. S. Route One

Mr. Bacon stated that because this project is on a lot of five acres or more it triggers a Planned Development review in the B-3 Zone. He stated that the staff found the application complete and the applicant had asked to be allowed to combine the Master Plan review with the Site Inventory Analysis because a lot of the requirements do not apply to the scope of this project. He stated that the applicant would subsequently return for traditional site plan review and the staff recommended combining the two reviews.

Mr. Lee Allen, of Northeast Civil Solutions, displayed the existing building and the proposed addition which would double the size of the existing building. He stated that the entire parcel extends north and east toward Haigis Parkway for a total of 13.65 acres and stated that the distant future use of the property would be a larger church and school and playing fields. He showed the wetlands with a small amount of disturbance from this proposal. Mr. Allen stated that the site would be buffered on the west and east sides.

To a question from Mr. Mazer, Mr. Bacon replied that the staff was comfortable with waiving the analysis because there was no proposed development on the large area at the rear of the site; he stated that if the applicant returned with more concrete development plans they would then need the master plan process to be reviewed. To a question from Mr. Mazer, Mr. Allen replied that the amount of wetland impact would be in the Tier 1 range for DEP approval. To questions from Mr. Thomas, Mr. Allen replied that under a hundred square feet of wetlands would be impacted by grading; he stated that the future development would be at least ten years. To a question from Mr. Thomas, Mr. Allen replied that the site was clear on

the south side toward Len Libby's with a 40 foot easement to the abutter and exposed ledge and would not lend itself well to landscaping.

To a question from Mr. Fellows, Mr. Allen replied that there would be 40 additional parking spaces; Mr. Fellows stated that he agreed there should be an easement to the Town for a future sidewalk on Route One. To a question from Mr. Chamberlain, Mr. Allen replied that the structure on the northeast side of the lot was a residence owned by the church. To a question from Mr. Chamberlain, Mr. Bacon replied that the staff recommended the easement because there was no short term plan for a sidewalk and the easement would allow the Town to build one in the future.

Ms. Auglis confirmed that the existing buffering to the northwest would remain. To a question from Ms. Auglis, Mr. Allen replied that they did not feel the Neighborhood Mitigation Plan was necessary at this time because this proposal would not impact the neighborhood and they were asking for a waiver to allow it to be done when the large portion of the site was developed. To a question from Ms. Auglis regarding the third waiver, Mr. Allen replied that this addition met the Commercial Design Standards but they were asking for a waiver from the Design Standards at this time because no one knew what would happen in the future. Mr. Paul stated that he did not feel it was right for this Board to hamper a future Board with the Design Standards in the future. To a question from Mr. Paul, Mr. Allen replied that he did not know the future use of the existing building if a larger building were built but it could be used by the church or sold to someone else, which would trigger the Planned Development process again.

Mr. Paul moved to approve the Master Plan as shown with waivers for 1. Preliminary Infrastructure Plan and 2. Neighborhood Impact Mitigation Plan as described in Mr. Allen's memo of December 18, 2009; Mr. Fellows seconded.

Voted 5-0

To a question from Mr. Paul, Mr. Allen replied that their 40 additional parking spaces would be added in the front. Mr. Paul stated that he would like to see a buffer to those spaces at Route One. Mr. Paul asked that a larger scale site plan be presented and that the parking configuration include pedestrian access to a possible sidewalk and a pedestrian connection from the building to the parking in the front.

5. America's Best Value Inn, Vijay Patel requests sketch plan review for a 4,685 square foot, two story addition to the existing inn at 4 Millbrook Road

Mr. Bacon noted that at the last meeting the Board encouraged the applicant to move the new building closer to the front corner of the lot; he stated that the applicant would present his preference.

Mr. Lee Allen, of Northeast Civil Solutions, stated that they concurred that they did not meet all the design standards but showed the new rooms to the far west of the site with parking close to the corner and flanking the building. He stated that the owner thought there would be pedestrian conflicts so they rotated the new building so that it would not face Route One which would cut down on noise in the rooms.

Mr. Tim Braun, of Tidewater Architects, explained that the section of the building near Route One would be the office and the owner's apartment and no hotel rooms would abut Route One. He stated that the new building would have the amenities for the entire site and putting the building on the corner would cause pedestrians to cross the main vehicle area. Mr. Braun stated that this configuration would give the owner visibility of the rooms and the parking lot from the office. He stated that the elevation would match the existing blue siding and white trim.

Ms. Auglis stated that she understood the rationale for safety but this did not meet the design standards. She stated that she would be very picky about landscaping but if it were high quality it could work. Mr.

Allen noted that they planned berms. To a question from Mr. Chamberlain, Mr. Allen replied that the future sidewalk was shown on the plan. To a question from Mr. Chamberlain, Mr. Braun replied that the building siding may not be wood but would be the same blue color as the existing building.

Mr. Fellows noted that a corner lot had a heavy burden to meet from the design standards. He stated that it was also difficult to go from a current situation where the building is at the corner with no parking in front. He stated that he sympathized with the safety and noise issues and he would have to be impressed by the landscaping. Mr. Thomas noted that it was difficult to put the addition where it made sense and the buffering would be important. He asked why the buildings could not be joined; Mr. Braun replied that the existing building was code compliant when it was built and would have to come up to present standard if the new structure were attached; he stated that there would also be elevation differences between the buildings if they were joined. To a question from Mr. Thomas, Mr. Allen replied that there would be a loop to get out into Route One for a fire lane. Mr. Mazer agreed with the Board comments.

Mr. Paul stated that the biggest issue was safety and he would look for a textured crosswalk through the parking lot and the landscape island. Mr. Allen noted that there was a covered walkway in front of the existing building. Ms. Auglis asked that a photo of the existing building be provided; she stated that creative use of nondeciduous trees and lighting would be crucial. Mr. Fellows asked that the view of the buildings from Route One be shown with the landscaping.

6. The Foundation Center, Robert Gaudreau requests site plan amendment for changes to access at previously approved site at 71 U. S. Route One

Mr. Bacon explained that the limits of Science Park Road were not what they seemed and the road came to a point and was not the assumed width at Route One. He stated that there were memos from Bill Bray who was comfortable with the proposed changes to the intersection but the DOT would require the deceleration lane to meet their requirements. He stated that there was also a memo from Mr. Wendel.

Mr. Steve Bushey, of DeLuca-Hoffman, stated that the request was to modify the entrance; he stated that the applicant now owned the property and the plan showed the Foundation Center property and he relied on a plan but did not assure where the driveway extended out to Route One. Mr. Bushey stated that it turned out that the access road would have reconfigured Science Park Road into what he thought was a 60 foot wide right of way to Route One. He stated that the Foundation for Blood Research informed him that the original subdivision plan showed six lots which did not include his lot. He stated that the subdivision plan showed that the right of way ended and there was an unrecorded easement to Bicknell Photo (now the Foundation Center property). Mr. Bushey stated that the right of way does not access Route One. He showed the approved plan which did not show the property line that was part of Lot 6, across from this site. He also showed the proposed modification of the driveway to the south so that it would all be within the applicant's property. He stated that they revised the plan in accordance with Mr. Bray's comments and that was what he was presenting tonight.

Mr. Bushey stated that the applicant wanted the access flow to be unimpeded by left and right turn lanes at the end of the divider island for the turn lanes and that was corrected on the plan and the turn lanes would remain. He noted that the divider island would have to be cut back to allow 50 feet for the left turn stacking lane. Mr. Bushey stated that there was not much choice for this access because the road was now actually on Lot 6 and the proposed amendment would put the access on the applicant's site.

Mr. Bacon asked whether the site would have the off-street parking required with the 10 spaces eliminated near the new intersection; Mr. Bushey replied that there would be 301 built spaces with 11 spaces on paper which would be a ratio of 186 not 180 spaces as required. Mr. Bacon stated that the Town Council had approved an update to the parking standards that would remove utility rooms and hallways from the

calculations to determine parking needs so this amendment may meet the requirements; he stated that the Board could not waive the number of parking spaces.

Mr. Paul allowed public comment. Ms. Jane Sheehan, President of Foundation for Blood Research (FBR), stated that they did not object to the original project but communication between Mr. Gaudreau and her company was spotty. She stated that it became known to Mr. Gaudreau that FBR owned Lot 6 where some of the present intersection with Route One lies. Ms. Sheehan stated that there was an agreement with the original owner of this site, Bicknell Photo, allowed FBR access but did not allow access to the undeveloped lots 4, 5, 6 and possibly 3. She noted that access on Lot 6 may conflict with the new access. Ms. Sheehan stated that she felt that as public policy FBR was open to accepting this development with a lot of parking and traffic but the negotiations and the sudden agreement would jeopardize access to the other lots.

Mr. David Kurstein, a trustee of FBR, stated that FBR was not an uncooperative abutter and did support the development but their interest was in protecting their land. He stated that they had not received enough notice with respect to their access. Mr. Kurstein stated that he was also concerned about the name of this project being in conflict with their business as far as address confusion. He stated that there should be new consideration of the access to lots 4, 5 and 6.

Mr. Paul asked whether the applicant was interested in working with FBR to try to use the configuration of the first approval. Mr. Bushey stated that he did not know why the easement was drafted to allow access only to lots 1, 2 and 3; he noted that Science Park Road did not have frontage on Route One because of the easement. Mr. Gaudreau stated that he had met with representatives of FBR and showed them the right of way and had a discussion in late November to solve the easement issue but learned he did not have access to the road. He stated that he needed access to Route One and had met the criteria but there had to be a right of way to his property in order to keep moving forward with the project; he stated that he was willing to work with FBR.

Mr. Paul noted that the Site Plan standards would not be met because the entry now is no longer in conformance. Mr. Bacon stated that the challenging part of the plan was the connection of the existing road into the proposed new entrance because the angle at which Science Park Road intersects does not meet standards. He stated that the Board would need to be comfortable with whether the intersection is adequate. Mr. Paul stated that he would prefer to table the request so the two parties and the staff could come to a decision as to how to approach the entrance. Mr. Bacon stated that both designs could work as long as Science Park Road connected properly; he stated that there must be cooperation between the two parties.

To a question from Mr. Thomas, Mr. Gaudreau replied that his loan depended on the solution of the access issues. He stated that he agreed the easements were lacking but the issues on the other lots were not his problem; he stated that he was willing to work with FBR but needed to access his property. Mr. Thomas suggested tabling the request to give time to resolve the issues between the two parties.

To a question from Mr. Chamberlain, Mr. Bacon replied that the issues with the Site Plan standards were the angle of the intersection and the distance between the Route One and this new intersection; he stated that if the engineers found the proposal to be safe, the Board could waive these standards. Mr. Fellows stated that he hoped the Board could be prepared to approve this amendment and not handcuff the applicant because the bigger issue is not his problem or in his control. He stated that Mr. Bray's memo of January 10, 2010 noted the placement of the stop sign; Mr. Bushey stated that he would show the stop sign at the top of the ramp at the stop bar. Ms. Auglis stated that this was a good plan and she hoped it could be worked out with FBR.

7. Administrative Amendment Report

There was no report.

8. Town Planner's Report

Mr. Bacon stated that a workshop was scheduled between the Town Council and New England Expeditions which the Planning Board was invited to attend and participate. He stated that the workshop would be held on Wednesday, January 20, 2010 at 6:00 P. M. He stated that there would be discussion regarding changes to the Contract Zone and other issues. To a question from the Board, Mr. Bacon stated that he did not believe this was a round table discussion to include the Board, though Board members would be invited to participate.

Mr. Bacon stated that the Town Council had updated the parking standards and copies would be presented to the Board.

9. Correspondence

There was correspondence regarding Sebago Lake issues.

10. Planning Board Comments

Mr. Paul noted that Ms. Littlefield's term had expired and thanked her for her service. He also thanked Mr. Fellows for acting as Chairman at the December 2009 meeting.

Mr. Mazer moved to approve the nomination of Mr. Paul as Chairman, Mr. Fellows as Vice Chairman and Mr. Thomas as Secretary for the year 2010; Mr. Fellows seconded.

Voted 5-0

11. Adjournment

The meeting was adjourned at 9:05 P. M.