

Town of Scarborough

Zoning Board of Appeals

January 11, 2006

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (December 12, 2005)
4. Appeals
 - a. Appeal No. 2285 – A Special Exception Appeal by Jennifer Southworth, 14 East Grand Avenue, Assessor’s Map U22 Parcel 115B, to operate a bookkeeping/tax return service in the R-4A Zone
 - b. Appeal No. 2286 – A Limited Reduction of Yard Size Appeal by Rachelle Cashman and Will Honan, 14 Down East Lane, Assessor’s Map U45 Parcel 30, to construct an addition 10 feet 9 inches from the side property line in the R-4A Zone
 - c. Appeal No. 2287 – An Appeal by Sam’s Club Real Estate Trust, 440 Payne Road, Assessor’s Map R37 Parcel 4, to reduce the number of required parking spaces in the B-2 Zone
 - d. Appeal No. 2288 – A Special Exception Appeal by Hospice House of Southern Maine, 15 Hunnewell Road, Assessor’s Map U48 Parcel 34, to construct and operate hospice facility in the R-2 Zone
 - e. Appeal No. 2240 – Miscellaneous Appeals by Peter and Nicholas Truman, dba Lighthouse Inn, 366 Pine Point Road, Assessor’s Map U22 Parcels 108 and 109A, to convert and expand a nonconforming motel into a 6 unit condominium project in the R-4A Zone
 - f. Appeal No. 2241 – A Practical Difficulty Variance Appeal by Peter and Nicholas Truman, 366 Pine Point Road, to add a third story with nonconforming setbacks in the R-4A Zone
 - g. Appeal No. 2243 – An Administrative Appeal by David Miley, dba Commercial Place, 200 Enterprise Drive, Assessor’s Map U39 Parcel 4702, against the decision of the Code Enforcement Officer who determined that a detention pond is not allowed in the Stream Protection Zone
5. Zoning Board Comments
6. Adjournment

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

MINUTES

Members Present

Staff

Mr. Blaise
Mr. Dryzga
Mr. Maroon
Mr. Massengill
Mr. Temm
Mr. Tgettis

Mr. Grysk, Code Enforcement Officer
Mrs. Logan, Recording Secretary

1. Call to Order and Pledge of Allegiance

Mr. Dryzga called the meeting to order at 7:00 P. M.; the Pledge of Allegiance was recited.

2. Roll Call

The Recording Secretary called the roll; Mr. Craft was absent. Mr. Dryzga authorized Mr. Massengill to vote.

3. Approval of Minutes (December 14, 2005)

Mr. Tgettis moved to approve the minutes of December 14, 2005; Mr. Blaise seconded.

Voted 4-0-1 – Mr. Dryzga abstained.

4. Appeals

a. Appeal No. 2285 – A Special Exception Appeal by Jennifer Southworth, 14 East Grand Avenue, Assessor’s Map U22 Parcel 115B, to operate a bookkeeping/tax return service in the R-4A Zone

Ms. Southworth stated that she would like to do bookkeeping and tax returns in her home so that she could spend more time with her children; she stated that she had the space and did not need to do any construction. She stated that she would usually pick up the work at her customers’ locations and if anyone came to her home, it would be one customer at a time.

Mr. Dryzga and Ms. Southworth addressed the criteria as presented in writing. Ms. Southworth stated that she wanted only a small sign.

To a question from Mr. Massengill, Ms. Southworth replied that the garage shown on the plan was for a potential structure for DEP review and she did not intend to construct it.

Mr. Dryzga opened the public hearing. Libby Cohen, of 12 East Grand Avenue, read the letter she and Leslie Cohen had written a letter to the Board and stated that they were concerned that this structure was only 30 feet from their structure and were opposed to the project. Mr. Dryzga closed the public hearing.

To a question from Mr. Tgettis, Ms. Southworth replied that there was space for three vehicles and nothing would be parked in the paved turnaround. To a question from Mr. Tgettis, Ms. Southworth replied

that she had been out-of-state so would have all new clients; she stated that she had placed ads in the local newspaper so her sign would not be for advertising. To questions from Mr. Massengill, Ms. Southworth replied that she did not expect daily clientele and would not have people every half hour. To a question from Mr. Massengill regarding Ms. Cohen's letter and photos, Ms. Southworth replied that there were some bagged leaves that had been snowed upon before she could remove them and stated that she would remove the remains of the building that fell apart in a storm.

To a question from Mr. Maroon, Ms. Cohen replied that their concerns were about traffic, parking and signage; she stated that there were no other businesses on the water side of East Grand Avenue so there were no signs. Mr. Maroon asked about the For Rent sign; Ms. Southworth replied that it was on the neighboring property. Mr. Maroon stated that he was concerned that the debris noted by Ms. Cohen drove her objection to the appeal. To a question from Mr. Maroon, Ms. Southworth replied that she did not ask the Code Officer for a home office, rather than a home occupation, because she wanted to have people come to her home when necessary.

To a question from Mr. Dryzga, Ms. Southworth replied that she would have no employees. To a question from Mr. Blaise, Ms. Southworth replied that she would not have late customers. Mr. Tgettis stated that there should be no overlap of appointments; Ms. Southworth stated that would not be a problem because she had no waiting room. Ms. Cohen stated that people had friends visit but it would be a burden on the neighbors if people came to the site every day.

There was discussion regarding the sign. Mr. Dryzga stated that a six square foot sign could be allowed. The Board had no problem with the name of the business and a phone number, with the words "By Appointment Only," but did not want an advertising sign.

Mr. Maroon moved to approve the request as requested; Mr. Tgettis seconded.

Mr. Maroon stated that he was reluctantly opposed to the appeal because he weighed neighbor's opinions and an in-home office could be approved by the Code Officer. Ms. Southworth stated that if she could not have customers, she would not be able to do personal tax returns.

Mr. Massengill amended the motion with conditions as follows:

1. That there be no additional employees;
2. That there be no appointments starting after 7:00 P. M. and there be no overlapping appointments;
3. That the sign incorporate the words, "By Appointment Only;"

Mr. Maroon seconded the amended motion.

Voted 3-2 – Mr. Blaise and Mr. Maroon opposed.

The appeal was approved.

b. Appeal No. 2286 – A Limited Reduction of Yard Size Appeal by Rachelle Cashman and Will Honan, 14 Down East Lane, Assessor's Map U45 Parcel 30, to construct an addition 10 feet 9 inches from the side property line in the R-4A Zone

Mr. Honan stated that they wanted to create a 640 square foot addition on the rear of their 840 square foot house for a total of 1,470 square feet. He stated that building up would be too expensive. Mr. Grysk stated that this was a straightforward appeal; he stated that the property pins were in place so he accepted a mortgage survey and a Code Officer had measured from attached strings.

Mr. Dryzga and Mr. Honan addressed the criteria as presented in writing. Mr. Dryzga read a letter from Leland Bruce Courtois, owner of 11 Down East Lane, in opposition to the appeal because it would set a precedent in the neighborhood.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

To a question from Mr. Maroon, Mr. Honan replied that they could not move the addition over four feet because the wall between the bedroom and bathroom would have to be removed and it would make the room even smaller than the existing 9 by 11 feet and be too close to the oil tank. To a question from Mr. Maroon, Mr. Honan replied that the abutter on the side in question was in favor of the appeal. To a question from Mr. Maroon, Mr. Honan replied that he would work with the Code Enforcement Office to place the existing shed more in compliance with the setbacks.

Mr. Maroon moved to approve the appeal as requested with the condition that the shed be moved more into compliance, at the discretion of the Code Enforcement Officer; Mr. Blaise seconded.

Voted 5-0

c. Appeal No. 2287 – An Appeal by Sam’s Club Real Estate Trust, 440 Payne Road, Assessor’s Map R37 Parcel 4, to reduce the number of required parking spaces in the B-2 Zone

Mr. Grysk stated that this was an appeal that neither he nor the Board had dealt with in the past; he stated that there was a section in the Ordinance allowing the Zoning Board to review parking if the appellant could demonstrate that the nature of the business did not need the required parking. He stated that Sam’s Club was building an addition which would normally require more parking but they did not have the space for it and would try to show that they had enough parking and did not need more. Attorney John Bannon stated that they could provide 588 parking spaces rather than the 590 noted.

To a question from Mr. Dryzga, Mr. Grysk replied that the site was shy of the number of parking spaces required now; he stated that they had enough spaces for warehousing but the regulations were changed and the site was no longer considered a warehouse. Mr. Dryzga confirmed that some spaces were eliminated when the gas station was created.

Mr. Tgettis confirmed that the fact that they were shy on parking was based on the retail requirement of one space per 180 square feet for the whole building. Mr. Dryzga asked whether that was an issue with the town; Mr. Grysk replied that some businesses were short on what was required, but had to show where more parking could be created if ever needed.

To a question from Mr. Blaise, Mr. Bannon replied that there was no space to create more parking without filling a wetland; he stated that they were about 111 spaces shy of the standard but the parking lot was very underutilized. Mr. Dryzga noted that the parking lot study was done in August; he asked what the biggest shopping day was. Mr. Brent Hart, of James W. Sewell Co., stated that an August day in Maine was considered the 30th highest traffic volume; he stated that one did not want to design for absolute peak because there would be acres of lots that would be used only a few hours a week. He stated that they had to follow MDOT regulations. He stated that he did not know if MDOT’s 30th busiest day was Sam’s busiest day. He stated that they did not have any information from Sam’s but the manager stated that the lot was empty most of the year.

Mr. Dryzga agreed that the parking lot at the corner of Payne Road and Gorham Road never had cars in it, but he did not want to set a precedent for other big box retailers to follow. He stated that he needed data

from Sam's. Mr. Maroon noted that other businesses had much too few parking spaces and if, in the future, this site were used for any other business there may not be enough parking. Mr. Dryzga stated that Sam's would know how many people used their store on a daily basis.

Mr. Bannon stated that the 30th busiest day was used so everyone would be treated equally. Mr. Tgettis stated that he would be hesitant to make a decision without further information. To a question from Mr. Dryzga, Mr. Maroon replied that he would accept the information presented and Sam's information at their busiest time. To a question from Mr. Massengill, Mr. Hart replied that the new addition was for revisions to the tire warehouse and they would expand other retail areas. To a question from Mr. Massengill, Mr. Grysk replied that any new tenant would have to go through site plan review.

Mr. Dryzga moved to table the appeal with the request that the traffic count information be correlated with Sam's busiest day; Mr. Maroon seconded.

Voted 5-0 to table

d. Appeal No. 2288 – A Special Exception Appeal by Hospice House of Southern Maine, 15 Hunnewell Road, Assessor's Map U48 Parcel 34, to construct and operate a hospice facility in the R-2 Zone

Mr. Dryzga noted that hospices had been allowed as Special Exceptions by the Town Council several months ago. Mr. Massengill noted that he had a business relationship with the architect but felt there would be no conflict. Attorney Sally Daggett stated that they met all the criteria.

Ms. Jody Deegan, CEO of Hospice of Southern Maine, stated that they were non-profit and Medicare certified. She explained that hospice was for care, comfort and pain management for people who had less than six months to live. She stated that reimbursement was by commercial insurance and Medicare. She stated that hospices were located in residential areas to be as homelike as possible. She stated that the rooms were large enough for necessary equipment and for a family member to stay.

Mr. Stanley Gawron, architect for the project, stated that they had looked for sites in Scarborough for several years; he stated that this was a quiet, residential use and there was a special endeavor in his office to help the applicant find a home. He stated that a generous Scarborough family had provided the land for them. Mr. Gawron showed the site and stated that the main reason for locating the building as shown was the arrangement of the spaces and the room with the sun for a cheerful atmosphere and a sheltered courtyard. He stated that they had created convenient parking and dispersed it so there was not one large parking lot. Mr. Gawron displayed the floor plan of the rooms, community spaces and the courtyards; he stated that there were many ADA requirements to follow for room sizes, corridors and bathrooms and the site was very convenient for the patients and their families.

Mr. Gawron stated that the ridge of the building was less than 24 feet above grade for a residential scale. He stated that the site plan issues such as buffering and landscaping would be addressed with the Planning Board. He reiterated that they were trying to convey a residential feeling with a subdued entrance, natural materials and reduced lighting, and would work with the neighbors.

Mr. Tom Gorrill, traffic engineer, stated that they completed a traffic impact study based on a 20 bed facility though the room count was now 18. He stated that they did a study at a New Hampshire hospice and there were about 2.7 trips per bed with the highest amount of trips of 34 at peak hour during the six hour study, which would not require a traffic movement permit from the DOT. He stated that they assigned four peak hour trips exiting to the right toward Maple Avenue, seven trips existing to the left toward Elmwood Avenue; he stated that most vehicles would enter from Green Acres with 14 right turns in and 6 left turns in, with seven turns in from both directions.

Mr. Gorrill stated that the highway capacity was based on the level of service system and the intersections in question were at an A rating, so the roadway had the capacity to handle the additional traffic. He stated that they counted pedestrian traffic and there was none entering or leaving the New Hampshire facility. He stated that they looked at collisions and there were no accidents in this project's vicinity in three years so they saw no added impact from this project.

Mr. William Hoffman, of DeLuca-Hoffman Assoc., stated that they needed to meet the Special Exception standards and criteria for the hospice and felt they met them; he summarized the criteria as presented in writing.

Ms. Ann Stockbridge, of Hospice of Southern Maine, stated that they had had three neighborhood meetings and their intention was always to be a good neighbor. He stated that there were no plans for expansion and they had eliminated the patios to each room to reduce the number of doors to six for security reasons. She stated that they were as far from the other homes as possible.

Mr. Dryzga read a letter from Winnifred Leighton, of 49 Elmwood Avenue, who felt that a hospice would be an acceptable addition to her neighborhood and that other allowed uses would create more traffic.

Mr. Tgettis confirmed that eight houses could be allowed on this site in the R-2 Zone. Mr. Dryzga asked whether there was a stretch of time for the peak hour; Mr. Gorrill replied that the busiest time was from 3:00 to 6:00 P. M. with the peak between 4:00 and 5:00 P. M. To a question from Mr. Maroon, Mr. Gorrill replied that the typical peak traffic for a single family home was one per home and the peak for a hospice was 34 trips. Mr. Dryzga asked whether there was any traffic at night; Ms. Deegan replied that they had not done a 24 hour count, but death was not usually unexpected so people would arrive earlier.

Mr. Dryzga opened the public hearing. Mr. David Hughes, of 4 Hunnewell Road, gave a power point presentation for 22 area residents. He stated that the residents were opposed because of the building's visual size, visual impact, density, traffic impacts, financial plan and future reuse limitations. He asked that the Zoning Board deny this request and consider alternatives such as a smaller facility, alternative access points and regional facilities.

Mr. Hughes stated that it was not that the residents were against a hospice facility but felt this proposal was too big; he stated that Hunnewell Road was a small, substandard road with homes close to the road. He stated that regional facilities in Southern Maine would serve more areas. Mr. Hughes stated that the rooms were large enough for four beds which could become a total of 72 beds; he stated that the building was much too large and could be reduced. He stated that possible future use of the site had to be considered; he talked about density of development and noted that this density was equivalent to 23 homes. Mr. Hughes talked about the traffic impact of staffing and support services.

Mr. Hughes stated that Mr. Gawron indicated the entry to the facility would be designed to make entering easy for confused family members to park, but that confusion would not begin at the entrance but at all the surrounding roads. Mr. Hughes stated that his calculations showed 236 additional impacts per day which would be a three times greater total traffic impact. He stated that the town had listened to people in the past and not allowed certain uses and this was not a home design but a large commercial building. Mr. Hughes stated that they did not believe the appellant could meet the standards or get money from donations and they should present a financial plan with peer review. He stated that the Payne Road impact fee of \$12,000.00 showed there was an impact. He stated that this was outside the existing character of the neighborhood. He stated that issues should not be put off to the Planning Board meeting but resolved at this time.

Mr. Dryzga continued the public hearing. Ms. Rebecca Dillon, of Gawron Architects, noted that Maine did not follow the federal hospice regulations as noted by Mr. Hughes but used nursing home regulations for Maine and they had exceeded the minimum square footage areas for the bathrooms and bedrooms to accommodate wheelchairs. She stated that the hospice in New Hampshire was 12,000 square feet with 12 beds with an average of 1,000 square feet per bed and the average for the proposed hospice was 890 square feet, which was the national average.

Mr. Merton Henry, of Piper Road, stated that he had been a Hospice Board member for 15 years and had been involved in trying to construct a hospice which was urgently needed in Southern Maine. He stated that Scarborough was picked because of its proximity to the turnpike and I-295. Mr. Henry stated that his wife had been under hospice care which did a superb job in their home setting and he urged the Board to approve this project which was a great addition to Scarborough and the medical community. He stated that he believed the proposal met all the standards.

Mr. Fred Doody, of 21 Hunnewell Road, stated that there was another new subdivision in the area and there was a lot of traffic compared to years ago; he stated that he was concerned about traffic. Mr. Derek Davis, of Third Avenue, stated that his concern was that if a facility of this size was allowed in the neighborhood it would make it much easier for anyone else to meet the standards. He stated that the hospice was open 24 hours so could not meet the hours of operation criteria.

Mr. Brian Davis, of 71 Maple Avenue, asked whether the type of vehicle was factored into the traffic count; he stated that there were very few work trucks in the area which was very residential with kids playing in the streets and big trucks were different from someone in a Volvo. Mr. Gorrill stated that there would be no tractor trailers but there would be a garbage truck and small panel trucks, but the majority would be cars. Mr. Gorrill noted that the presentation by Mr. Hughes talked about the traffic generated from eight houses compared to 34 trips from the hospice; he stated that that was correct, but there were other uses permitted, such as day care facilities and schools, which would generate a lot of traffic.

Mr. Gorrill stated that, regarding the reference to the substandard road, Hunnewell Road was a 21 foot wide road and a lot of neighborhoods liked to calm traffic with narrow roads. He stated that this road had plenty of capacity to handle the traffic so he did not feel this would create an unsafe situation. He stated that this would create more traffic than single family homes but would not create unsafe traffic. Regarding the Payne Road impact fee, that fee was determined based on the number of trips toward Payne Road and they would send 10 trips in that direction and those trips created the \$12,000 fee so it took only five round trips to get to that high fee. Mr. Larry Gross, of the Southern Maine Agency on Aging and a Hospice Board member, stated that he was in favor of this project as a resource convenient and close to home for the elderly. He stated that he was not sure the Board was required to consider future use of the building.

Mr. William Bamford, of 15 Hunnewell Road, stated that the key consideration was the size of the building which would change the character of the neighborhood. He stated that the change in the traffic was a serious concern.

Regarding the presentation by Mr. Hughes, Mr. Hoffman noted that the building coverage on this lot was 7.2% and the average home had a 9.9% coverage. He stated that the estimate of 54 people was a misrepresentation of density and this lot was ten times larger than that required in the zone. He stated that they had talked at length about traffic and this use was not a high traffic generator.

Mr. Kevin French, of Ledgewood Construction, stated that construction management was his business; he stated that Mr. Hughes felt the appellant did not have the financial ability to complete this facility. He stated that the comparison to Maryland's hospice was not valid because that state's construction rates

were far different from Maine's rates. Mr. French stated that they had looked at the budget several times and had gotten it to what Hospice of Southern Maine could afford.

A man who did not identify himself stated that he had watched this project since his father died of cancer; he stated that it would have been nice to have had him near and in a hospice rather than a nursing home that was too far away. He stated that, as a Scarborough resident, he would be proud of this project.

Dr. Katherine Pope, Chairman of the Hospice Board, stated that they had a successful fundraising campaign with \$5.3 million and many grants from many organizations and were financially stable. She stated that they would have financing from a large bank which would look carefully at their organization.

Mr. Richard Berman, of Cape Elizabeth, stated that his mother, father and sister died under hospice care so the impact of hospice had been tremendous. He stated that he had a lot of clients who wound up in nursing homes and hospitals but people did not want to die in those institutions. Mr. Berman stated that this facility would be a real asset to the town and the neighborhood; he stated that this would be a good opportunity for the neighbors to be volunteers in this home and the children might want to visit their grandparents and realize that dying is a natural process of living and not one that should be discarded and not NIMBY. Mr. Berman stated that the road capacity was there and the facility would be on a five acre site; he stated that the rendering of the site tells a story of the site and all the engineers and other professionals made a good team. He stated that he hoped the Board would support this appeal.

Ms. Stacey Hughes, of 4 Hunnewell Road, stated that if this facility were regional with smaller homes it would serve more areas; she asked whether the Board had been to the neighborhood to see the roads without sidewalks. Mr. Kevin Frederick, of 19 Hunnewell Road, asked what this would do to the value of their homes and stated that his main concern was having a commercial building in front of his house.

Ms. Deegan stated that their staffing was 15 full time equivalent day time employees and six full time equivalents if all the beds were full. Ms. Deegan stated that people also came to the site for pain and symptom management so there would be different kinds of services on the site; she stated that it could be two or three days for pain management. She stated that they also accepted people whose caregivers needed a respite or a very old person who had no one and needed to live in their facility for a few months. She stated that the length of stay depended on the different care but averaged five or six days.

Mr. Douglas Taylor, of 5 Sequoia Lane, stated that he was concerned about the traffic study and did not see a study of their neighborhood; he stated that he and his daughter rode their bikes and would be concerned about traffic. Mr. Gorrill stated that most people going to the facility would not be familiar with the area so would be unlikely to speed, so speed would not be much of an issue. He stated that Figure 5 of the impact study showed a turning movement at the Hunnewell/Elmwood intersection and they did count traffic in the neighborhood. He stated that the count showed six right turns out during the P. M. peak hour and 13 left turns from Elmwood Avenue. To a question from Mr. Dryzga, Mr. Gorrill replied that there were a total of 46 peak hour trips on Hunnewell Road.

Mr. Hughes reiterated that they were not opposed to a hospice facility but this was too big and did not meet the criteria; he stated that regional facilities would better serve the needs. He stated that he felt his calculations of 54 people equivalents was accurate.

Mr. Dryzga closed the public hearing.

Mr. Dryzga asked the Board for their opinions on the Special Exception criteria. There were no issues on Criteria a.

Regarding Criteria b. – Unsafe traffic conditions - Mr. Maroon stated that traffic was a real concern and 34 cars was a lot more than 8; he stated that he did not see this as a NIMBY. He stated that there was a significant amount of traffic in the neighborhood and whether the roads could support the traffic was a fair question. To a question from Mr. Maroon, Mr. Grysk replied that the road was considered a local street which met the requirements to allow this type of project.

Mr. Tgettis asked whether it mattered to the study who was on the roads when it showed the road could handle the traffic. Mr. Gorrill stated that the traffic was based on volumes and on residential streets in a neighborhood, which would expect less traffic in terms of volume. Mr. Dryzga asked whether there was any calculation to deal with the fact that there were no sidewalks; Mr. Gorrill replied that that was not a capacity issue so it counted only vehicular traffic. Mr. Temm asked whether there could be an access from Green Acres; Ms. Stockbridge replied that they did not about Green Acres and the abutter did not want to sell them any land.

Regarding Criteria c. – Public safety issues - To a question from Mr. Massengill, Ms. Deegan replied that any resident who was able to, would go arrive or leave in a private vehicle or a private, not a town, ambulance would be used and there would be no sirens. She stated that the only situation town services would be used was for a fire.

Regarding Criteria d. – Erosion or sedimentation, there were no issues.

Regarding Criteria e. - Compatibility with the neighborhood - Mr. Maroon stated that Mr. Gawron designed nice buildings and, from a visual point, the building did not seem large; he stated that its size was somewhat out of character but would fit nicely. Mr. Massengill asked whether there had to be 18 beds; Ms. Deegan replied that they could support 20 beds, but 18 was what they needed and could afford. Mr. Massengill asked whether the appellant had considered having multiple sites; Dr. Pope replied that this project came together in 2001 to address a crying need in Maine and their needs assessment used demographic data looking at patients in hospitals who would be good candidates; she stated that multiple sites would not be practical for efficiency with their volume of residents. To a question from Mr. Dryzga, Dr. Pope replied that there was no restriction on the gift of the property that only a hospice could be built.

Mr. Tgettis asked what would stop the appellant from putting several beds in a room; Ms. Deegan replied that people did not want to share a room and they had to consider the Life Safety Code for space around beds.

f. Criteria f. - Shoreland Zoning - The site is not in a Shoreland Zone.

g. Regarding Criteria g. – Right, title or interest - Mr. Dryzga stated that that had been discussed.

h. Criteria h. – Technical and financial ability – The Board had no issues.

i. Criteria i. – Noise and hours of operation, Mr. Maroon stated that this criteria was a challenge. Mr. Dryzga noted that there would be comings and goings at potentially all hours, but there was some night time traffic in residential areas. To a question from Mr. Temm, Ms. Deegan replied that their residents stayed on the premises and did not go to the hospital.

The Board had no issues with the Hospice Performance Standards.

Mr. Tgettis noted that he stopped using Maple Avenue because all the new stop signs made it clear to him that vehicles were not wanted in the area. Mr. Maroon stated that he was on the Town Council when those signs were installed; he stated that the Council believed the only reasonable solution was the stop signs

but the police had to be a presence so drivers would believe it was real. He stated that most of the tickets issued were given to the neighbors.

Mr. Maroon stated that the Desfosses family should be recognized for donating the land. Mr. Maroon stated that it was hard to imagine negative opinions but the Board had to respect the regulations and the citizens. He thought there needed to be more work between the citizens and the appellant to get to an answer and would like to see the appeal tabled for that reason.

Mr. Maroon moved to approve the appeal as presented; Mr. Tgettis seconded.

Mr. Dryzga stated that he did not think this met Criteria e. because it was too large, there would be too much traffic and was not compatible and he could not support it. Mr. Tgettis stated that he was against the project because he thought there was too much traffic. Mr. Massengill stated that he was on the fence but agreed that the size had been well masked but there were issues such as traffic; he stated that he was in favor but felt there could be some adjustments made.

Mr. Temm noted that if housing were put in, traffic would be even worse and he would rather see this project than condominiums. Mr. Dryzga stated that he looked at this as what was presented, not what it could be; he stated that he was not against a hospice but it was too big with too much impact and was not compatible with the neighborhood. He stated that it was a tight, residential neighborhood where people used the street for recreation.

Ms. Daggett requested that the appeal be tabled. Mr. Maroon and Mr. Tgettis withdrew their motion.

Mr. Maroon moved to table the appeal; Mr. Massengill seconded.

Voted 5-0 to table

5. Zoning Board Comments

Mr. Dryzga stated that, in a growing town, it was nice to see comments from the neighbors that were not spoken in anger.

Mr. Maroon noted that this was Mr. Tgettis' last meeting and thanked him for his service.

5. Adjournment

The meeting was adjourned at 11:25 P. M.