

# **To Members of the Scarborough Planning Board**

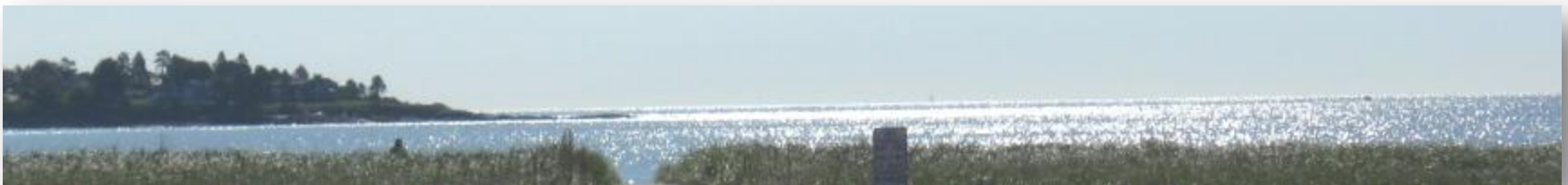
## **Regarding the Lighthouse Condotel Site Plan Amendment Proposal for June 28, 2010**

We, members of the Pine Point Community, are providing you with input on the Lighthouse Condotel's proposed amendments to their approved site plan. We would be grateful for your review of our points for your June 28, 2010 meeting.

Please contact us if you need further information.

Thank you.

Judy Shirk  
On Behalf of the Residents Association  
883-9400  
[jshirk@maine.rr.com](mailto:jshirk@maine.rr.com)



# **Lighthouse Condotel**

## **Site Plan Amendment Proposal for June 28, 2010**

### ***Letter to Planning Board from Applicants***

To:  
Scarborough Planing Board

From:  
Lighthouse Inn at Pine Point

It has come to our attention that the sections of fencing we have installed on our original property must now go before the board. Evidently, the site plan for the land swap has now encompassed our original property as well.

After the planning board approved the towns beach access plan, the council voted to remove the planters that had been in place for decades. Those planters provided a buffer of privacy for our guest and property. We installed these section of fence to compensate for the removal of the planters and provide a screen to the surrounding area from the activities of the inn.

One is three eight foot sections of six foot stockade and the other is two sections of four foot custom fence.

We also intend to relocate our sign from the side of the inn to the remaining planter in a smaller version.

We hope that this meets the approval of the board.

Thank you,

Peter J Truman

# Lighthouse Condotel

## Site Plan Amendment Proposal for June 28, 2010

### *Response to Applicants' Letter and Input to the Planning Board*

The “planters that have been in place for decades” which the applicant argues provided a “buffer of privacy” for their guests were installed in the Town’s right of way. Over the decades they mention, members of the public have expressed concerns that these structures narrowed the travel lane at a very heavily traveled corner and also forced pedestrians and bicyclists into the roadway. It was not until the survey done by the Town provided evidence of the encroachment that the Town Council appropriately ordered the stone wall structures removed for the benefit of the public.

We urge the Board to reject this argument and acknowledge that the owners’ recent violation of installing visual barriers is not consistent with the Board’s conditions, not in harmony with the overall “openness” the people and Town Council sought to achieve in this beautiful area.

With respect to the owners’ intention to “relocate our sign,” we remind the Board that this “remaining planter,” as they call it, is very close to the property line and would not meet the required setback for a free-standing sign under the Zoning ordinance. The owners have also illuminated this new fencing which you can see is also elevated by being installed on top of the stone wall structure. None of these items were part of the Planning Board’s approval and the deed restriction the Town placed on the land prohibited structures over 48 inches.

Fencing on this property was to match the fence design the Town selected for the abutting Public Beach Access area, which is a three-foot-open rail design. That was the Planning Board’s condition.

Not only are the two fences before you for approval inconsistent with that design, there have been additional fences installed in the past few days which are of similar design to the ones in violation (see photos next page). These are located at the shore end of the property near the dunes and are visual obstructions to the beautiful frontal dune area. They are clearly not consistent with the Board’s conditions and are so recent that code enforcement may not have had time to notify the owners of the violation nor has the DEP likely inspected them for compliance with their standards, which require allowances for wind, water and sand movement.

The “ornamental fence” is, from various angles, an obstruction to public scenic vistas of the Bay, both for residents who live nearby and for those who travel past this area.

You are encouraged to deny the applicants’ request to amend their Site Plan, and we also urge you to direct enforcement of the conditions you thoughtfully placed on this property for the benefit of the public. The integrity of the Planning Board’s authority must be preserved and violations not rewarded by amendments which are clearly inconsistent with the agreements reached through a long public process led by the Town Manager last year.

There is development on this property daily, so a thorough analysis of the extent to which conditions have been met is warranted, given these and apparent other violations.

## Letter of Violation



May 24, 2010

Peter Truman  
378 Pine Point Rd  
Scarborough ME 04074  
**Re: Lighthouse Inn Improvements**

Dear Mr. Truman,

This letter is intended as a follow-up to our recent, on-site discussion regarding the establishment of two separate sections of fence on the Lighthouse Inn property, 378 Pine Point Rd.

As I indicated at our meeting, the Town's Site Plan Review Ordinance requires that properties which have been reviewed and approved by the Planning Board may only be developed as depicted on the approved site plan. The approved Lighthouse Inn site plan, dated November 30, 2009, does not include either of the two sections of fence (the stockade fence in front of the office and the white, ornamental fence along King St.) that have been recently established. In effort to correct this violation in a timely manner you may consider either: a) submitting an amended site plan, on or before June 14, 2010, for review and approval, or; b) removing the sections of fence in question.

With respect to your perception that the Town's position on the new fencing sections is inconsistent with our response to the stockade fence that you erected in 2007 (between the former "parking strip" parcel and the Beachwalk subdivision), I'd offer that the Town's response in both instances has been consistent with the requirements of the Town's local ordinances. The "parking strip" parcel was never subject to site plan review and, therefore, not subject to the provisions of the Site Plan Review Ordinance as stated above.

I hope this letter helps to clarify the Town's position and expectations for ensuring that the Lighthouse Inn property complies with the approved site plan.

Sincerely,

  
Jay Chace  
Assistant Town Planner

cc: Tom Hall, Town Manager  
Dan Bacon, Town Planner  
David Grysk, Code Enforcement Officer

## Staff Comments



### Staff Comments regarding the June 28, 2010 Planning Board Agenda Items

7. *Lighthouse Motor Inn, Peter Truman requests site plan amendment review for site on Pine Point Road\**

This application is before the Board for an after the fact review for the installation of two separate sections of fencing. Staff has requested that Mr. Bray (the Town's traffic engineer) review the site to ensure that adequate sight distances have been maintained from the driveway access. Mr. Bray has provided a memo, dated 6/20/10, indicating that the existing fence does not negatively affect sight lines.

The Design Standards state that screens (i.e. fences) shall be considered an integral part of the site plan and, therefore, shall be related to the architecture in terms of scale, materials and forms.

The applicant has also indicated that they propose to place a sign in the planter in front of the motel structure, however no details are provided. The Board and applicant should note any such sign would be considered a free standing sign and would need to meet the dimensional standards of section XII.G.3 of the Zoning Ordinance.

**Photographs Taken June 24, 2010 of Newly Installed Wall at Dunes in  
Apparent Violation of Planning Board approval**

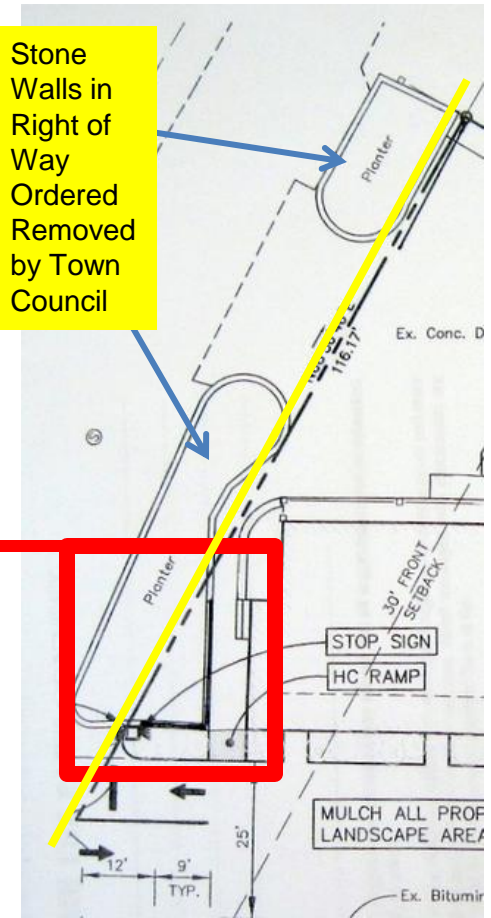


# Installation of Stockade Fencing in Violation of Site Plan Approval



Yellow Line = Approximate Property Line

Stone Walls in Right of Way Ordered Removed by Town Council



# Sign Relocation of Non-Conforming Sign and Model Lighthouse (the model is also considered a sign under the ordinance)

## 9. Definitions Specific to Sign Regulation.

As used in this Section XII, the following terms have the following meanings: [Amended 4/6/94] [Amended 05/01/96]

### gg. Sign:

An object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image. See Section XII.A.6 for exceptions.

14. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified in Section XII.G.

## D. NON-CONFORMING SIGNS

The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

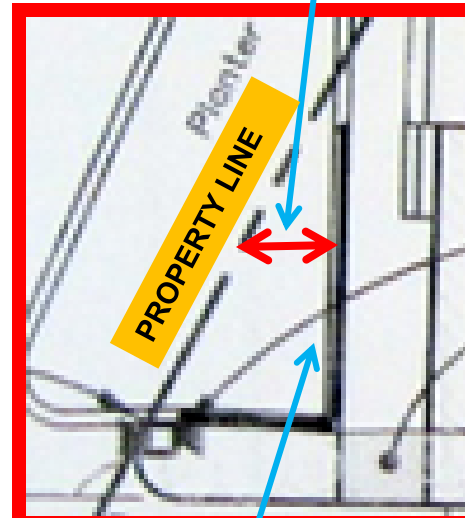


Existing Non-conforming Sign (shown without model of lighthouse above)

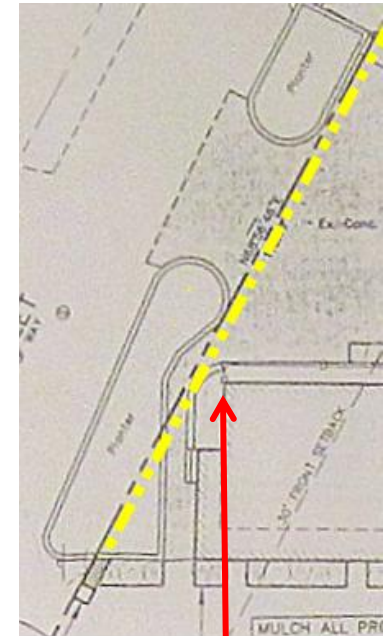


Model Lighthouse Installed – a “sign”

Insufficient Set-back For Sign Relocation



Ornamental Fence Installed in Violation



Location of Current Sign and Lighthouse Model at Building - Non-conforming to set-backs