

**EXCERPTS FROM MINUTES OF SCARBOROUGH PLANNING BOARD
REGARDING HOLLIS SUBDIVISION**

(Source: Town of Scarborough Web Site)

(chronologically reversed)

Highlights in red indicate representations made.

Prepared by Jack Callahan, John Thurlow, Judy Shirk, Elaine Richer, Harold Hutchinson

Town of Scarborough

Planning Board **October 10, 2006**

AGENDA

1. Call to Order (7:00 P. M.)

5. Consent Items

a. Beach Walk at Pine Point Subdivision, First Step Development requests reapproval of 9 lot subdivision at Pine Point Road and East Grand Avenue

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Mr. Bacon stated that this had been approved in July but, because the **plan had not been recorded within the required time, this was a re-approval and the Board would have to sign a new plan tonight**. He stated that the Board had received a development approval document from the previous meeting; he stated that the staff recommended re-approval with the same conditions as imposed in July 2006.

Mr. Wood moved to re-approve this subdivision with the following conditions:

1. That the covenants be satisfactory to the Town;
2. That the landscaping of Parcel A be coordinated with the Town;
3. That the construction estimate and inspection fee be submitted prior to release of the plan;
4. That the 4 foot vegetation height limit be added to the subdivision notes;

Mr. Paul seconded.

Voted 5-0

Town of Scarborough

Planning Board **July 17, 2006**

AGENDA

1. Call to Order

4. Pine Point Subdivision, First Step Land Development requests final subdivision approval for 9 single family lots at corner of Pine Point Road and East Grand Avenue

4. Pine Point Subdivision, First Step Land Development requests **final subdivision** approval for 9 single family lots at corner of Pine Point Road and East Grand Avenue

Mr. Ziepniewski stated that the staff had met several times with the developer and believed the plan was acceptable to the Town Manager, the Town Attorney and the Planning staff; he read comments from the Conservation Commission.

Mr. Paul Hollis, of First Step Land Development, stated that the most significant change was that he would **deed the total beach area** to the town starting where the dune area met the beach, **as well as the open space area labeled A**. He stated that they would like to **landscape the open space themselves** with maintenance to be done by the town. Mr. Hollis stated that **the covenants had a very strict construction limit on the homes and they would not disrupt any of the nearby businesses**. He stated that there would be **no outside construction between June 1 and October 1** when only inside work could be done; he stated that foundations and framing, etc. could be done only between October and May.

Mr. Jim Fisher, of Northeast Civil Solutions, displayed the site and stated that all of the state and federal agencies had signed off and the linen was ready for signatures. **He stated that a minor change to the plan was the addition of an easement allowing access to open space A** and a sidewalk on the Pine Point Road turnaround.

To a question from Ms. Auglis, Ms. Amy Segal, of Terry DeWan Assoc., **stated that the height of vegetation would be limited to four feet other than at King Street**. Mr. Hollis stated that **no view corridors would have vegetation higher than four feet**. To a question from Ms. Auglis, Mr. Hollis replied that they would **not start construction until after October 1, 2006**.

Mr. Wood asked how the open space area A related to the possible improvement of Pine Point Road. Ms. Segal replied that the plan showed five parking spaces and a sidewalk designed by Gorrill-Palmer; she stated that this plan was conceptual and was flexible. Ms. Segal stated that the plant material would be similar throughout the project. To a question from Mr. Callahan, Mr. Bacon replied that Section VII allowed adjustments to the bulk and space so the setbacks would be less than those usually required in the R-4 Zone.

Ms. Auglis stated that **The Residents Group of Pine Point could speak briefly**. The group stated that they **supported the developer's efforts and recommended final approval**.

Ms. Auglis moved to approve the final subdivision plan with the following conditions:

1. That the covenants be satisfactory to the Town;
 2. That the landscaping of parcel A be coordinated with the Town;
 3. That the construction estimate and inspection fee be submitted prior to release of the plan;
 4. That the 4 foot vegetation height limit be added to the subdivision notes;
- Mr. Wood seconded. Voted 5-0

Attorney Brad Peterson, who represented the owners of the Sand Dollar Motel, stated that the motel owners opposed this subdivision.

Town of Scarborough

Planning Board **June 26, 2006**

AGENDA

1. Call to Order (7:00 P. M.)

13. Pine Point Subdivision, First Step Land Development requests final subdivision approval for 9 single family lots at corner of Pine Point Road and East Grand Avenue

(No Action)

Town of Scarborough

Planning Board **June 5, 2006**

AGENDA

1. Call to Order (7:00 P. M.)

15. Dunes at Pine Point, Paul Hollis requests **preliminary subdivision** review for 9 single family lots at corner of Pine Point Road and East Grand Avenue

14. Dunes at Pine Point, Paul Hollis requests preliminary subdivision review for 9 single family lots at corner of Pine Point Road and East Grand Avenue

Mr. Hollis stated that they had done everything the Board and Planning Department had asked; he displayed the new plan with changes showing that the building envelopes had been moved out of the sand dunes toward the present parking area and not exceed the concrete blocks. He stated that lots 6 through 9 moved landward 48 to 60 feet and all of the lots were out of the 250 foot Shoreland Zone and landward of the erosion line. Mr. Hollis stated that they changed the roadway and created Area A, a 349 square foot landscaped open space which would be donated to the Town. He stated that, as a result of creating the open space, they took advantage of Section VII. to allow for 20 foot front setbacks and 10 foot side and rear setbacks. He stated that they moved Lots 6, 7 and 8 over to accommodate some view corridor. Mr. Hollis stated that the DEP encouraged them to place the buildings landward and to protect the dune. He stated that **there would be no grass beyond the structures and the area would remain a sand dune and there would be bollards so people would know they could not build beyond that area; he stated that rosa rugosa would be planted along the back of the site.**

Mr. Hollis stated that the individual deeds would be very specific with restrictions and the recorded plan would also show the restrictions. He stated that there would be another neighborhood meeting with updates. He stated that he thought he should give the beach area to the town but people interested in the front lots wanted to own the beach with an easement to the town. Mr. Hollis stated that the nearby motel owners were not satisfied but others had no negative comments about the project.

Mr. Lee Allen, of Northeast Civil Solutions, stated that stormwater management would run through the gutters on the new road and infiltrate into the sand; he stated that Peters Tubbs had no issues with that. He stated that there was a sewer pump station nearby and sewage would drain by gravity to the manhole; he stated that public water was in Pine Point Road and East Grand Avenue and there would be underground electricity from a pole at the corner. Mr. Allen stated that a sidewalk would be constructed from East Grand Avenue to the new road.

Ms. Amy Siegel, of Terrence J. DeWan Assoc., stated that the landscaping would meet the requirements with flowering trees at East Grand Avenue for buffering of Lot 1 to define the edge. She stated that there would be four foot high, undulating shrubs along the new road. Ms. Siegel stated that there would be covenants against putting up high trees and the lawn areas would be small; she stated that there would be a four foot high split rail fence along Pine Point Road. She stated that there would be granite markers to define the dune grass and building envelopes. Mr. Hollis stated that one of the covenants the rose bushes would prevent walking from the rear of the houses into the sand dunes.

Ms. Auglis stated that this was not a public hearing but anyone from the public should limit comments to five minutes. Attorney Patersal, who represented the owners of the Sand Dollar Inn, stated that the view of the ocean from the inn went at a diagonal across this project, which would have a view impact on the motel. He stated that the second issue was regarding the requested relief from the setbacks; he stated that only the Zoning Board could grant variances on setbacks. Mr. Patersal stated that they wanted to make sure that this Board did not make a tacit approval on setbacks because it was against Maine law, even under Section VII. Ms. Auglis stated that if Mr. Patersal wanted to bring this up as a legal issue, the Town's attorney would address it.

Mr. Harold Hutchinson, of King Street, stated that his concerns were with the sand dune laws and Shoreland Zoning and he encouraged the Board to make certain that everything was in compliance. He stated that Shoreland Zoning was the driving force because it was within the purview of the Town to make concessions and he urged the Board to make no concessions under Shoreland Zoning. Mr. Hutchinson urged the Board to consider the issues of density.

To questions from Mr. Callahan, Mr. Allen replied that buyers of lots 6 through 9 would own to the low water mark but there would be an easement giving rights to the Town and that the dune laws allowed 20% lot coverage. Mr. Paul commended the applicant on the prohibition of construction along the front of the dunes behind the houses and the restrictions on lawns. To a question from Mr. Paul, Mr. Hollis replied that there would be no on-street parking allowed. To a question from Mr. Paul, Mr. Bacon replied that Tom Gorrill found the driveway distances on Pine Point Road acceptable.

Mr. Hanson stated that he liked the plan. To a question from Mr. Wood, Mr. Hollis replied that the covenants would prohibit any outbuildings from the dune areas behind the houses. Mr. Allen stated that the use of construction fencing was shown on the plans. Mr. Wood stated that he liked the granite posts for demarcation of the dunes. Mr. Wood noted that the Ordinance, under Section VII., allowed creativity to design the best project with altered setbacks; he stated that this was not relaxation but using the terms of the Ordinance. Mr. Hollis noted that the extra 10 feet made all the difference to create the open space. Mr. Wood stated that he thought the density worked.

Ms. Auglis stated that this turned out to be a good development because of the many discussions and this was a very visible part of Town and the covenants and homeowners' association. She stated that the final plan should note that the open space would be given to the Town.

Ms. Auglis moved to approve the preliminary plan with the conditions that the letters from Mr. Tubbs, of June 4, 2006, and Mr. Bacon, of May 30, 2006, be incorporated; Mr. Wood seconded.

Voted 5-0

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Town of Scarborough

Planning Board **May 15, 2006**

AGENDA

1. Call to Order (7:00 P. M.)

24. Dunes at Pine Point, Paul Hollis requests preliminary subdivision review for 9 single family lots at corner of Pine Point Road and East Grand Avenue

(NOTE – no action taken tonight)

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Town of Scarborough

Planning Board **April 24, 2006**

AGENDA

1. Call to Order (7:00 P. M.)

13. Dunes at Pine Point, Paul Hollis requests updated sketch plan review for 9 single family lots at corner of Pine Point Road and East Grand Avenue

A site walk is scheduled for 5:00 P. M. at the Dunes at Pine Point, at the end of Pine Point Road.

(NOTE – no action taken tonight)

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