

Citizen's Alternative Depot St. Land Exchange Proposal

June 22, 2009

The attached is a citizen proposal for an alternative plan to reconfigure Depot St. Several residents worked on this plan to accomplish these goals:

1. Offer a compromise solution in good faith.
2. Maintain the shorefront public road to the extent possible.
3. Allow the off-season use of the road due to the 6-month occupancy restriction of the motel.
4. Exchange land evenly between public and private interests to the extent possible.
5. Provide the motel with a safer, more attractive and functional parking area.
6. Provide improved motel parking maneuverability with larger turning areas.
7. Provide a safe public drop off area off from the busy intersection of King St. and Pine Point Rd.
8. Maintain a fire lane for emergency beach access recommended by the Fire Department.
9. Complement the reconstruction Plan for the end of the Pine Point Rd. presented to the Council January 2009 calling for sidewalks and grassed esplanades.
10. Provide perimeter green space everywhere with landscaping to reduce paved, impervious surfaces.
11. Complement and enhance the Beachwalk landscaping and beautify neighborhood while protecting private property.
12. Provide opportunities to collaboratively design the "Ocean Gateway" vision promoted by community members and the 2005 Council Study. Involve all parties.
13. Embrace the intent of the Comprehensive Plan calling for enhanced marine access.
14. Provide opportunities for the motel owners to present a re-development plans in the future without burden of restrictions imposed in the pending proposal before the Council presented June 17, 2009.

4 Current Alternatives

Four Alternatives for Examination

1. The proposal presented June 17, 2009 to the Council by the Town Manager.
2. The original 1:1 exchange presented in 2005 to facilitate the motel's redevelopment into high-end condos followed by an 8-month study.
3. The citizen-crafted Alternative Plan presented here.
4. Do nothing at this time pending further review.

Frontal Dunes and Beach

The frontal dunes and beach are not included in the Citizen's Alternative Plan. These areas cannot be altered or developed and public rights there are not in question. We recommend they not be included in the discussion other than for technical legal reasons regarding a land lease or contract.

Lease vs. Conveyances and Discontinuance

Since conveyances and discontinuances are permanent, and because a right of public easement has been established, it is proposed to protect the public interest by crafting only a lease or contractual agreement to implement any plan.

Study

Previous Scarborough Town Councils have recognized the importance of creating ad-hoc committees to undertake studies of this area. This process promotes collaboration and involvement by private interests, abutters, citizens and town officials. It also ensures potential pitfalls and mistakes are avoided by greater examination from different perspectives. The most recent committee met with success; the Council's goal prior to moving to the study of Depot St.

History

Pine Point has a long history and a recent one in terms of redevelopment. The land exchange proposal of 2005 brought with it a complex set of conditions examined by the ad-hoc committee for eight months. The new Beachwalk Subdivision added additional challenges. The Council was receptive to a presentation of this history.

POINTS SUPPORTING THE CITIZEN'S ALTERNATIVE PLAN

DESIGN ELEMENT	CURRENT PLAN AT COUNCIL	CITIZENS ALTERNATIVE PLAN
Parking Maneuvering	<ul style="list-style-type: none"> • Limits parking and maneuvering to a 49.5 foot width compared to 72 feet currently. • Vehicles will have to maneuver directly in front of condo/motel units • No option for buffering, landscaping 	<ul style="list-style-type: none"> • Provides a 6 foot safety buffer and green space for landscaping. • Combines with current 2 feet +/- frontage at Lighthouse Motel • Provides 56 feet (the 22.5 parking area + 33.5 public road) for guests to maneuver • Public hammerhead limits potential conflicts with guest maneuvering
Safety of Guests	<ul style="list-style-type: none"> • Concern for parking directly in front of units with no buffer • Significant reduction in space to maneuver 	<ul style="list-style-type: none"> • 6 foot safety buffer added to 2 feet of private frontage provides an 8 foot esplanade area for safety and landscaping

<p>Economics</p>	<ul style="list-style-type: none"> • Under a land lease, property taxes could remain the same, considerably lower than adding almost ½ acre to the 1/3 acre lot. • Current taxes on off-site parking strip (assessed value is only \$101,000 for .13 acre = @ \$12.15/\$1000 = Parking Strip Land Only taxes are \$1,227.15 per year • Adding the parking strip as contiguous space along with additional square footage under the non-even exchange plan would result in new contiguous land of .45 acre @ current rate used for motel of \$2.2 million/acre would mean an additional \$990,000 assessment @ \$12.15/\$1000 – for an additional property tax of \$12,028.50 ; 10 times current property taxes. 	<ul style="list-style-type: none"> • Motel saves significant property taxes from increase in contiguous land (estimated at \$12,000 annually). • No fee for lease benefits motel • Reduction in legal expense benefits both town and motel owner assuming shared expense
<p>Redevelopment</p>	<ul style="list-style-type: none"> • Proposed covenants and deed restrictions may prevent future redevelopment plan • Eliminate the owners or future owners from attempting to redevelop the property to make it more conforming to the residential district 	<ul style="list-style-type: none"> • Plan would eliminate legal burdens so the motel could approach the Town with a redevelopment proposal in the future. • The Town’s policy is to encourage more conformity of non-conforming uses to the neighborhood or zone. This plan would allow that.
<p>Shore Access</p>	<ul style="list-style-type: none"> • No change – access to the shore is guaranteed under the plan 	<ul style="list-style-type: none"> • No change – access to the shore is guaranteed under the plan
<p>Traffic Control</p>	<ul style="list-style-type: none"> • 49.5 foot wide parking lot in front of motel/condotel units very restrictive compared to the 72 foot wide area available currently (22.5 + 49.5 road) 	<ul style="list-style-type: none"> • Plan provides 56 feet for maneuvering along with a 6 foot safety buffer in front of units. • Proposed hammerhead is better for parking activity than the proposed turnaround which virtually fills the town’s parcel.

Handicap Access	<ul style="list-style-type: none"> • Non provided 	<ul style="list-style-type: none"> • Propose a handicap “standing” space with limited duration on public road at the beach. • No handicap parking exists on the Oceanside except for the pay-to-park Hurd lot.
Pedestrian Safety	<ul style="list-style-type: none"> • Provided along 22.5 parking strip 	<ul style="list-style-type: none"> • Also provides safe pedestrian travel down a boardwalk or path
Off-Season Use	<ul style="list-style-type: none"> • Plan does not permit any traditional off-season use such as resident parking, horse trailers, fishermen access for gear retrieval, 	<ul style="list-style-type: none"> • Allows full access as is currently the case and expands to include the relocated motel parking strip during the period of time the motel/condotel is required by its agreement with the Town to close (six months).
Maintenance	<ul style="list-style-type: none"> • Current parking strip in need of repair and resurfacing. Town assume this cost under the plan • Savings on maintenance 	<ul style="list-style-type: none"> • Same benefit; town to create a path or boardwalk and esplanade in the existing private parking strip. • Town maintains all areas as part of the lease. • Plowing, maintenance by Town
Fire Protection	<ul style="list-style-type: none"> • No fire land to the beach trail for ATV Rescue access as recommended by the Fire Chief in June 17, 2009 memo 	<ul style="list-style-type: none"> • Fire lane provided by keeping 33.5 feet of Depot St. a public road.
Motel Frontage	<ul style="list-style-type: none"> • No frontage because the 49.5 foot area would be required for parking and maneuvering. 	<ul style="list-style-type: none"> • 6 foot buffer to motel in front of the 2 feet existing to create an 8 foot green space, safety and drainage area, an attractive addition to the building.
Private Ownership	<ul style="list-style-type: none"> • This plan would require modifications to Condominium declarations to add the new “common element” of a parking area 	<ul style="list-style-type: none"> • No changes required
Shoreland Zone	<ul style="list-style-type: none"> • This plan could ADD land in the shoreland zone further burdening the property for redevelopment 	<ul style="list-style-type: none"> • Would not add land allowing the owners to approach and negotiate with the town with a conveyance proposal and become eligible for a practical difficulty variance for expansion.

Advantages of Citizens' Alternative Plan

KEY: 1 = Trumans 2 = Town of Scarborough 3 = Community

- Additional land (6 feet) for use by Lighthouse Motel (green buffer?) 1
- Back-in parking for motel guests if preferred 1
- Advantage of lease vs. conveyance (renegotiation if appropriate) 1, 2
- Deed restrictions minimize/eliminated facilitating future redevelopment/expense 1, 2
- Six-month Condotel occupancy restriction provides us of public road in off-season 2, 3
- No increased taxes under lease except per agreement between town/motel owner 1
- Greater maneuverability – 22 + 44 feet rather than just 50 feet 1, 2, 3
- Hammerhead reduces pavement and eliminates large turnaround area 2, 3
- Greater green space availability 1, 2, 3
- Fire Lane per June 17, 2009 memo from Fire Chief – improved protection 2, 3
- Recognition of public process and probable community acceptance 1, 2, 3