



PINE POINT Residents Association

**E-mail: Pine-Point-Beach@maine.rr.com
Website: www.pinepointbeach.com**

April 30, 2009

Thomas Hall, Town Manager
Scarborough Town Council

Dear Mr. Hall and Members of the Scarborough Town Council:

The Pine Point Residents Association is writing to follow up on the matter of Depot Street (also known as the end of the Pine Point Rd. to the beach). Thank you, Mr. Hall, for informing us of renewed discussions with the Lighthouse condotel owners on the very important issue of a land exchange. As you continue your dialogue with various affected parties, we respectfully ask you keep in mind the following:

- The Pine Point Study during the fall of 2008, proposed by the Association and authorized by the Town Council, specifically excluded Depot Street. The Council chose to narrow the study with the goal of achieving a successful outcome, then move to the next phase. Any preliminary plan for the public way should, therefore, be referred for in-depth study and public input. You have agreed to seek input "at the right time," but also believe this important matter deserves careful study by all affected parties, including abutters and interested residents.
- There is a five year history regarding a land exchange on Depot Street - a complex and complicated history. Competing interests are at play, but a solution has always been possible. It is very important to be aware and informed of that history. The Association requests the opportunity to inform decision makers of residents' perspectives with the belief a better decision will be made when mistakes of the past are avoided.
- Conveying public land, even in the form of an exchange, should be done after very careful consideration because such action would be permanent in nature. The Town Council is thus urged to be extremely cautious in its approach. Seasonal residents and members of the Association rightfully deserve to be informed and involved. Furthermore, former Councilor Sylvia Most previously indicated the Comprehensive Plan Implementation Committee had yet to examine the Depot St. area as it relates to the updated Comprehensive Plan, a major consideration prior to a final decision impacting the neighborhood. (Please see the enclosed excerpts).
- Alternatives to conveyance, such as short-term land-lease agreements or contracts provide various options without the permanence of a conveyance. At the very least, deed covenants and restrictions must be explored, particularly should any private party benefiting from a land exchange subsequently propose to revise its current function and use. The Town must exercise its leveraged position to guarantee maximum benefit for its citizens.



PINE POINT

Residents Association

- Should any proposal include removal of the stockade fence in this area, (which the Association strongly supports), the Town is urged to seek formal agreement with the Beachwalk Association insuring a similar structure never is erected at that site. This is consistent with the original developer's representations to the Scarborough Planning Board guaranteeing only open-railed fences would be installed to protect public vistas. An enforceable site-plan amendment or some other instrument should be negotiated before other properties at that development are sold. Additionally, a fence ordinance restricting stockade-type, closed fences in the Shoreland Zone and dune areas obstructing public vistas of scenic areas should be drafted and given a first reading to protect the citizens of Scarborough prior to enactment (1 M.R.S.A. Section 302).
- The "Ocean Gateway" vision for the Depot Street area promoted by the Association, former Town Manager Ronald Owens (who gave it the name), and the 2005 Town Council Committee should be revisited. Consensus was reached in support of several design elements agreed to when that committee's work was suspended. These elements include:
 - 1) Redevelopment of Depot St. as a community and visitor resource.
 - 2) Provisions for public beach access.
 - 3) Green space, attractive landscaping, safe pedestrian and bicycle paths
 - 4) Vehicular access for drop-off, turnaround and handicap parking
 - 5) Benches, flagpole, attractive signage and other amenities for an overall aesthetically pleasing environment.
- Lastly, the so-called "open space" owned by the Town abutting Claudia Way provides the additional land required to achieve all previously identified objectives. Several designs commissioned by the Town from the 2005 study and the Beachwalk's landscape architect should be reviewed and modified as part of a new study.

Thank you again for the openness you have shown by revealing the Town has once more been approached by private interests about a Depot St. land exchange. The members of the Town Council, when receiving the recommendations of the Pine Point Study Committee in January 2009, were undoubtedly unaware of the condotel owners' intention to propose a land exchange almost immediately following presentation of the Committee report. Obviously, the outcome of any discussions could significantly modify the Committee's recommendations and make the current engineering plan obsolete. We believe the Council will want to now move to the promised next phase of the study — Depot Street, which will have the benefit of resurrecting the hard work of the 8-month long 2005 study committee toward the goal of an inclusive long-range plan for this important area of Pine Point.

For the Association,

Judy Shirk, Elaine Richer, Harold Hutchinson, John Thurlow, Sue Perrino, Judy Mushial, Jack Callahan

Several enclosures

Scarborough Comprehensive Plan

Related Excerpts from the Plan. Annotations in red text

Chapter 5: Policy Objectives and Actions

D. Marine Resources

Our Vision for Scarborough's Marine Resources

Objective D.3. Maintain the existing public marine related facilities and access points, and expand the number of access points and facilities when feasible.

The Town over the years has invested in rest rooms, showers, and changing facilities at both Pine Point and Ferry Beach where the Town operates parking lots. Those facilities should be maintained and not allowed to deteriorate over time. Existing access points, including boat ramps and launches, also need to be maintained in good condition so they remain safe and usable for the public. In instances where the use of existing public access points and/or facilities is impeded, clarification of property rights needs to be addressed so that these access points are not blocked or become off-limits to the public. The Town should also pursue, when feasible, additional points of public access to the marine environment for recreational and/or commercial use, as well as additional facilities such as parking lots, boat launches, restrooms, showers, and changing rooms.

Action D.3.f. Investigate the possibility of developing a drop-off point at Higgins Beach, in addition to any reservation of a long-term parking area.

This concept is very consistent with the intention for Depot Street: a drop-off area and a handicap parking & view area. Depot St. provides beach access but has been restricted by poor design and the impression it is private property. It should be included in the study of the area as the Council intended in 2006.

Scarborough Comprehensive Plan Excerpts relating to the proposal Annotations in red text

Action D.3.g. The Town should annually review all existing public access points and facilities for any issues relating to property rights and/or infringement by abutters to the public's use of those access points and facilities. Any issues need to be addressed so as to maintain and protect public access.

The concerns over the restriction of Depot Street began in the late 80's when the Town authorized a barricade there. The proposed study can help meet this goal and creating a master plan for the total area will achieve the objective.

Action D.3.h. The Town should study the possibility of introducing language into the Town's Subdivision Ordinance that would require the reservation of, at a minimum, a pedestrian access easement to the marine environment through any proposed subdivision which borders tidal waters that merit being accessed.

The above was proposed by the Pine Point Residents Group when the Planning Board was considering the Beachwalk Subdivision; a walking easement between the motel parking lot and the subdivision. The study should explore options with regard to this Action item.

2005 Special Committee Composition Memo



Town of Scarborough, Maine

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04070-0360

August 23, 2005


Dear Interested Party:

The Town Council has appointed the following individuals or entities to participate in a special committee to study the conversion of the Light House Motel into condominiums townhouses and the possible realignment of Pine Point Road East of King Street.

- ☐ Owners of the Light House Motel – May designate two representatives of their choosing.
- ☐ Project Architect – Andrew Hyland, Port City Architecture.
- ☐ One Representative (3 in total) from each of the properties immediately surrounding the motel:
 - Lawrence and Donna Forcier
 - Pine Point Ocean Front c/o Plato Truman
 - Sand Dollar Corporation, Lillian Serreccia and Joseph Tedeschi
- ☐ Three Representatives from the surrounding neighborhood:
 - Judy Shirk
 - Jack Callahan
 - John Thurlow
 - Harold Hutchinson (Alternate)
- ☐ Three Representatives from Town Government
 - Patrick O'Reilly, Councilor
 - Jim Wendel, Town Engineer
 - Ron Owens, Town Manager

The representatives named from the Town and neighborhood and the architect are considered appointed members of the committee. The owners of the motel and the surrounding properties are requested to contact the Manager's Office by phone (730-4030) or in writing stating their interest to participate personally or to designate an individual to represent their interest in developing a plan to be presented to the Town Council. The Council has set October 31, 2005 as the date for the committee to issue a report and recommendation.

If you have any questions or are undecided about your participation, please contact me as soon as possible. I anticipate calling the first meeting shortly after the Labor Day holiday

Sincerely,



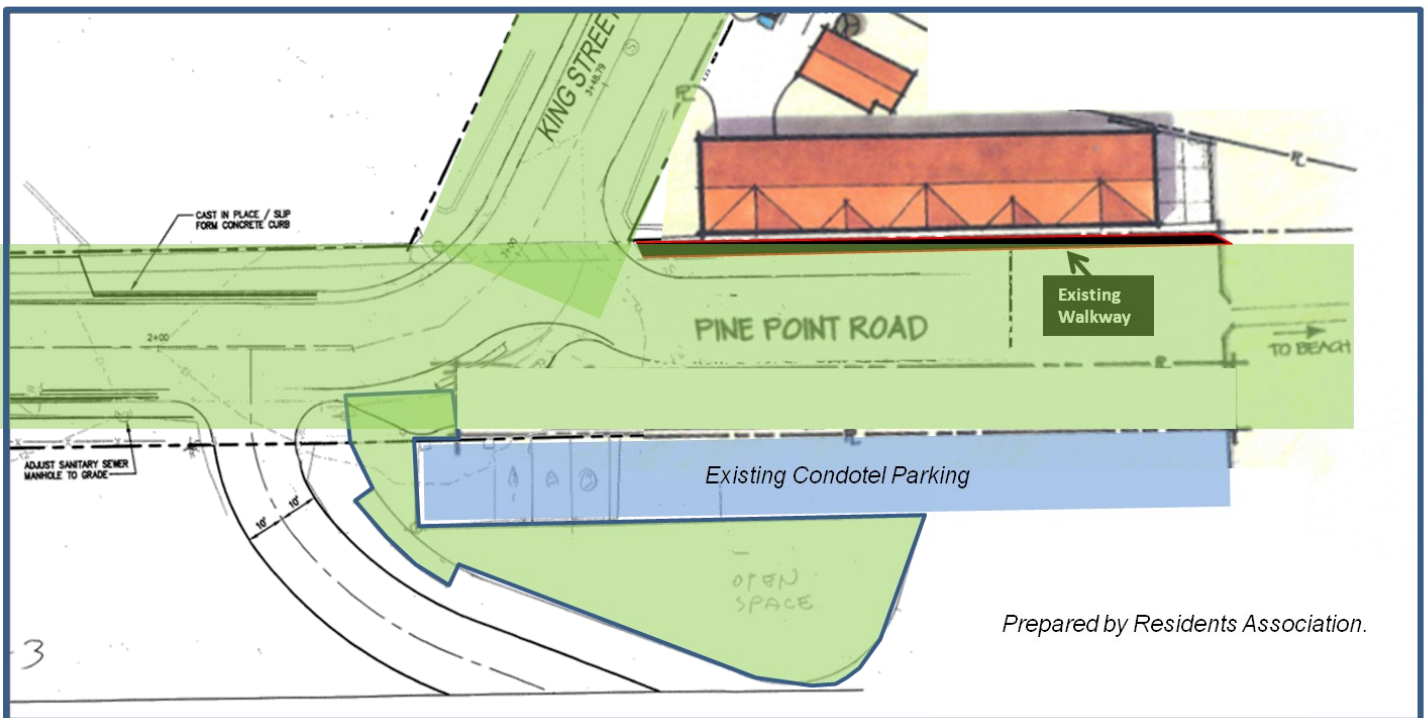
Ronald W. Owens
Town Manager

Cc: Town Council
Joseph Ziepniewski, Town Planner

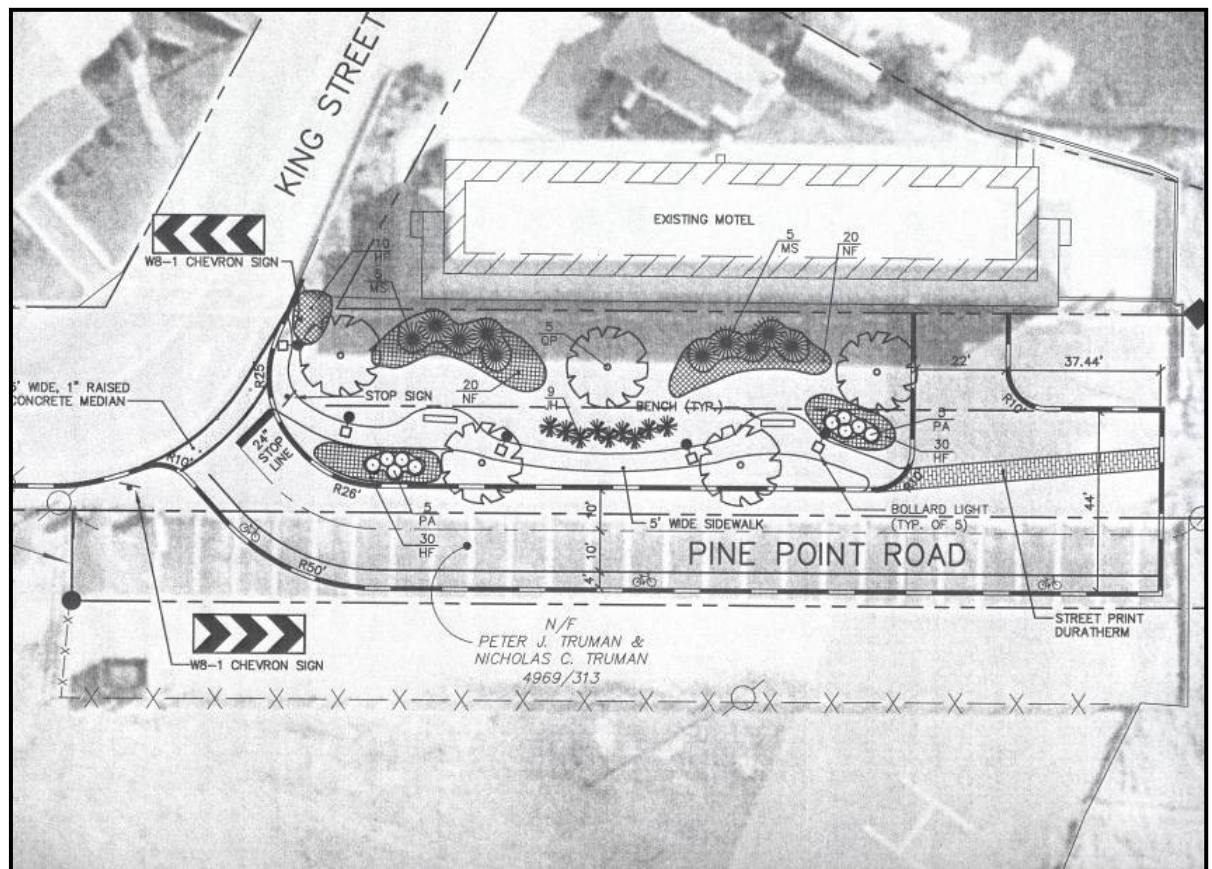
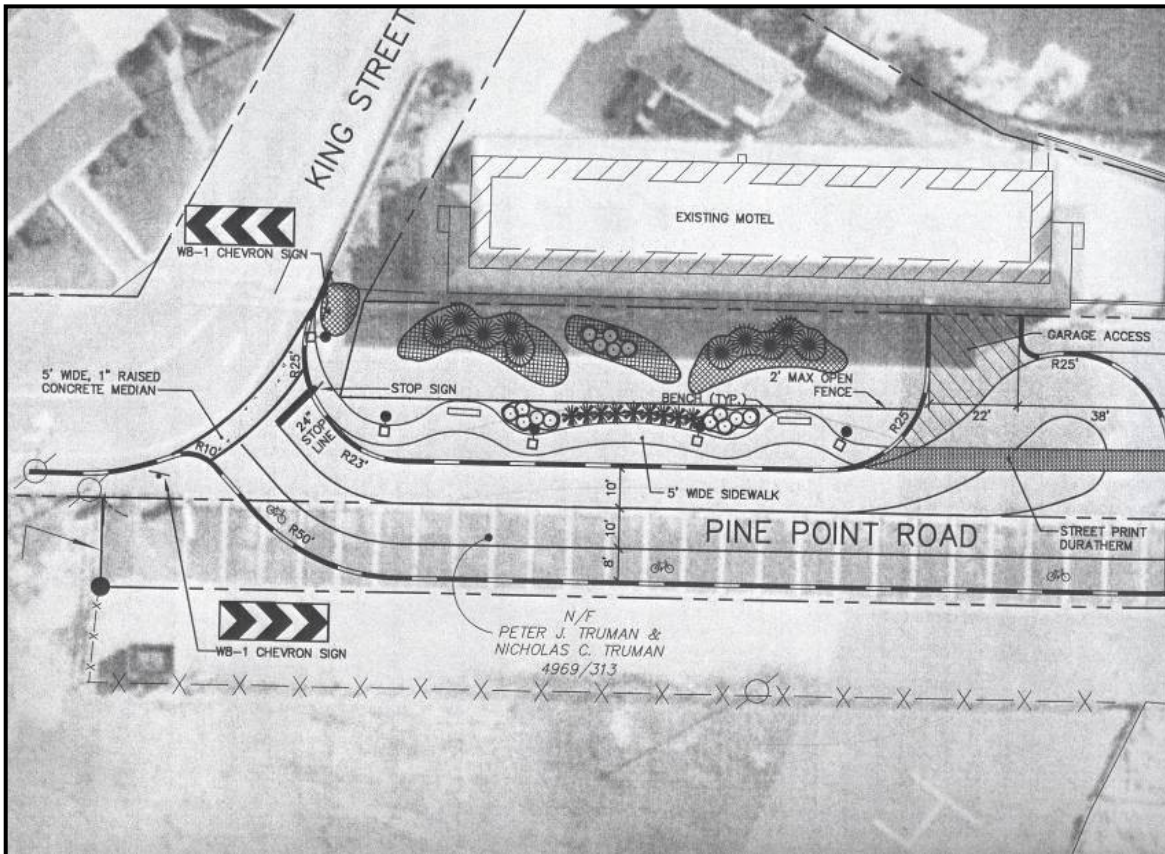
The Land Acquired By the Town from Beachwalk Allows Many Opportunities

Depot Street, Motel Parking, Town's "Area A" Space

Town Property



**Various Concepts by Town Traffic Engineers
Studied by the Special Committee - Fall 2005**



**Various Concepts by Town Traffic Engineers
Studied by the Special Committee - Fall 2005**

