

An Open Letter to the Scarborough Planning Board

December 10, 2009

Members of the Scarborough Planning Board:

You are urged to **delay approval of the Site Plan for the Lighthouse Condominiums** until you have all of the information you need to make an informed decision. Whether you agreed with the land exchange or not, one thing was certain; The former Town Council made a decision to close Depot Street and convey it to the Lighthouse Condos without answers to a great many questions and without design plans in place and reviewed by you and the public. The process used was backwards.

The Planning Board, in its role of reviewing both the Trumans' Site Plan and the Town's site plan, should get those answers or table their reviews indefinitely. It makes little sense to approve one without the other.

For example, there are many concerns about safety and experience and common sense suggests that the convergence of four significant developments in this small area, which have not been coordinated, will create considerable safety problems.

The four "developments" are:

1. **The Beachwalk subdivision.** Those of you who were on the Board when this was approved will remember that the Town was in no hurry to use the parcel that was "donated" which the Town is now anxious to use. The fact is the Beachwalk developer did not "donate" that land; he conveyed it so he could take advantage of Section VII of the ordinance for some relief of the standards. What the Planning Board should be concerned about is the fact that its condition of approvals have not all been met after all this time. This directly relates to the Lighthouse Condos Site Plan because any conditions you impose must be complied with, yet that has not been the case at the Beachwalk. Ask

why the required sidewalk has not been installed, for example, or the lighting system. Furthermore, the Board should investigate several other issues. The out of court settlement reached between the Beachwalk and the Town cost our Town tens of thousands of dollars and had never been disclosed until citizens demanded them documents. You may be amazed at why the Beachwalk owners started legal action against the Town and wonder why you never knew. The sanitary sewer installation problems there which are still being dealt with is another issue. There are 3 curb cuts within a few short feet from this subdivision alone. The bottom line is that the Planning Board's authority has not been respected.

2. **The Road Reconstruction Project.** The Town decided to rebuild the section of the Pine Point Rd. from Jones Creek to Depot and around King Street. This decision came, interestingly, after the Beachwalk initiated legal action against the Town and its Planning Dept. Nevertheless, a committee was formed which met for several months and a plan to significantly narrow this road was made along with installation of sidewalks, esplanades, and bike paths. The Planning Board should be given a detailed presentation of what the Town plans to do since this design was done without the benefit of a comprehensive traffic study and there have been no disclosure to the public (and abutters who are among the most affected) of changes being made to that plan based on the Town's Task Force Plan which you have yet to review, and the Truman's Site Plan. Not only should you have already been fully informed of the road rebuilding project AND modifications to it, but you should look into whether it complies with the Board's approvals at Beachwalk. The Road rebuilding project clearly has implications for the Truman's Site Plan and vice-versa and to make a decision without that information puts the Planning Board in a difficult position.
3. **The Town's Beach Access Plan for the former Lighthouse Parking Strip.** There was no mention of Planning Board review of this plan throughout the controversial issue which began last March. Now, after citizens objected to no Planning Board review, the Town is going to comply with its own ordinance and ask you to. What seems very odd is why you would be expected to look at the Lighthouse Condo Site Plan without a thorough review of both the Town's plans and the Road Reconstruction. You typically look at infrastructure and impact of Site Plan elements on abutting properties, so it seems this process is reversed.
4. **The Lighthouse Site Plan.** You surely must know by now that these are condos. That was not made clear at the meeting earlier this month when you were presented the Site Plan. And they must be closed six months every year under restrictions imposed

by the Town. You will be told that it does not matter because condominiums is “just a form of ownership.” Please reject that absurd argument, even if it is made from the most reputable legal minds. As a Planning Board you have broad powers to make judgments and impose conditions by law and ordinance. Assert that now. These are 22 dwellings on one-third of an acre of land. They may not have sold yet, but they are condos and that was a conscious decision by the owners. The office in the rear is in violation of the Planning Board’s approval to build it back in 1996 (or thereabouts) and that should be investigated. It should be removed so parking can happen in the back. Again, if you do not insist on a full report to answer these questions, you will be making important decisions without all of the facts.

There should be no fences whatsoever allowed on this site plan. Remember, this is a seriously non-conforming property. Now that the Town has gifted additional land so the parking lot can expand, this is a situation where you are being asked to endorse an expansion of a non-conforming use. Isn’t the goal of zoning supposed to do just the opposite? By permitting this area to be fenced in you allow the owners to alter the character of the neighborhood just as they did when they put up the stockade fence two years ago. Any fencing of this nature obliterates public views, affects natural sand and water movement, and will do nothing to improve the area aesthetically. Views will be lost which will directly affect our property value and business.

There is not sufficient parking for 22 homes. Please limit parking to 10 or 11 spaces and handicap spaces. They can withdraw their plans and walk away from the land swap if they can’t live with fewer units, but if you permit 22 spaces, then you have allowed an expansion of a non-conforming use which would double its parking area and impervious portion of its site.

Look into Lighting. Right now they have roof lights which illuminate the area and point directly into homes. You probably weren’t informed of that. The entrance lighting will create a hazard for drivers and light pollution for nearby properties. Again, this is an expansion of a non-conforming property.

The Stone Wall Structure they built is almost completely on Town land in the right of way and it should have been removed as an enforcement action years ago. The Town’s Task Force plan calls for reducing it slightly (this is evidence the two plans are linked), but that is unacceptable. This is a dangerous curve. It is used by large boats, 18 wheelers headed to the Co-op, delivery vehicles, plow trucks, RV’s, limo, trolleys, bikes, pedestrians. The Town wants to narrow the road and yet the owners built this

large structure, backfilled it and put electrical lighting and signs on it and did so on town land without a permit. This is not the typical encroachment most people have in their front yard. We need that space to make this area safer, especially with the bizarre drop off zone the Town has included in its plan. This is a site plan issue.

Handicap access to view the shore will be gone under this Site Plan. Again, we urge you to require condo parking directly in front of the condo units and then require a wide public easement and turnaround hammerhead for public vehicle Access the whole length of Depot Street.

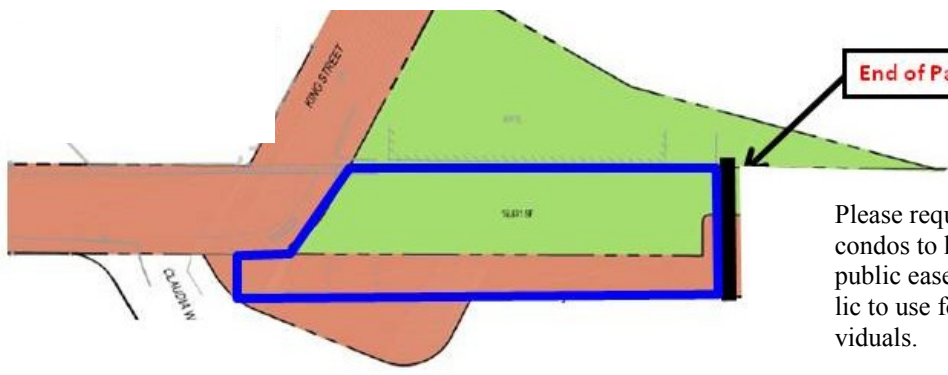
The crosswalks planned really need you attention including how they are connected to other areas such as the Clambake. There will be a tragic accident someday and it will be a result of the final design of this area. Again, it was uncoordinated and had no benefit of a traffic study or even traffic engineers' review.

Thank you for taking the time to read this. This is a big decision. If you approve this December 14th then the Town Manager said the deeds will be conveyed and the road discontinued. Those are irreversible.

If you delay approval to look into the issues we revealed to you and review the Town's plan before approving this one, you will provide time necessary for full due diligence and public participation.

It is very hard for the people to lose their road. You do not have to accept that this is a done deal. You can question the staff and attorneys and you do not have to accept their conclusion. You can ask for a traffic study which is simply a necessary part of this process. You can delay this until it's done right.

Collaboratively Composed by Many Pine Point Residents through e-mail exchanges



Please require parking directly in front of the condos to keep views open and also give a public easement down the middle for the public to use for access, especially handicap individuals.



Before



After



July 2007