

The Planning Board will hold a training workshop in Council Chamber B at 5:00 PM prior to the meeting

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (June 25, 2012)
4. The Planning Board will hold a public hearing to receive comments on amendments to the Scarborough Zoning Ordinance to amend the provisions for Accessory Units\*
5. The Planning Board will hold a public hearing to receive comments amendments to the Scarborough Zoning Ordinance for amendments to the Industrial Zone\*
6. Consent Item:  
  
Maine Medical Center requests site plan amendment review for revisions to the Scarborough Cancer Institute on Campus Drive
7. Koziar Capital, LLC requests site plan review for 15,424 square foot building for office and warehouse space at 32 Haigis Parkway
8. Wiley Recreation Park, Scarborough Community Services requests advisory opinion for expanded parking at the Town's park on Tenney Lane\*
9. House of Lights requests subdivision amendment review for proposed lot line alignment at their existing site at 418 Payne Road\*
10. House of Lights requests site plan amendment review for amendments to their existing site at 418 Payne Road\*
11. Lighthouse Condominiums, Peter and Nicholas Truman request final subdivision and site plan amendment review for site at 3 King Street
12. NKS Properties LLC request preliminary subdivision review for property located at 693 U. S. Route One\*
13. Administrative Amendment Report
14. Town Planner's Report
15. Correspondence
16. Planning Board Comments
17. Adjournment

\*Public comments will be allowed on these items.

MINUTES

Members Present

Staff

Mr. Chamberlain  
Ms. Corthell  
Mr. Fellows  
Mr. Mazer  
Mr. Paul  
Mr. Thomas

Mr. Chace, Assistant Town Planner  
Ms. Logan, Recording Secretary

1. Call to Order

Mr. Paul called the meeting to order at 7:00 P. M.

2. Roll Call

The Recording Secretary called the roll; Mr. Bouffard was absent.

3. Approval of Minutes (June 25, 2012)

Mr. Paul moved to approve the minutes of June 25, 2012; Ms. Corthell seconded.

Voted 3-0-2 - Mr. Chamberlain and Mr. Mazer abstained.

4. The Planning Board will hold a public hearing to receive comments on amendments to the Scarborough Zoning Ordinance to amend the provisions for Accessory Units\*

Mr. Chace explained that the Town Council had recently approved changes to the Accessory Unit provisions of the Zoning Ordinance but there were two administrative errors that this amendment would correct. He stated that the words "floor area" would be replaced with "living space" because floor area applied to businesses; and the language regarding septic systems would coordinate with the State regulations.

Mr. Paul opened the public hearing; no one spoke for or against the amendments; Mr. Paul closed the public hearing.

Mr. Paul noted that there were no comments from the Board and a favorable response would be sent to the Town Council.

5. The Planning Board will hold a public hearing to receive comments regarding amendments to the Scarborough Zoning Ordinance for amendments to the Industrial Zone\*

Mr. Chace stated that this amendment was a modernization and update to the Industrial Zone. He stated that it would update some of the allowed uses and establish a building height limitation and reduce the front yard setback to 50 feet from 100 feet. He stated that definitions for manufacturing and food processing were added to the zone.

Mr. Paul opened the public hearing; no one spoke for or against the amendments; Mr. Paul closed the public hearing.

Mr. Mazer stated that he liked the new wording and the new additions. There were no issues from the Board and Mr. Paul stated that a favorable response would be sent to the Town Council.

Mr. Paul noted that there was a large amount of effort from the Long Range Planning Committee on these amendments.

6. Consent Item:

Maine Medical Center requests site plan amendment review for revisions to the Scarborough Cancer Institute on Campus Drive

Mr. Chace stated that the Board had reviewed this project at the last meeting and were waiting for technical issues to be addressed, which were satisfactory to Mr. Tubbs, and the DEP permit had been received.

Mr. Paul noted that the Board had vetted this project thoroughly and moved to approve the revisions as presented on the plan dated July 10, 2012 with the condition that prior to the issuance of a building permit the applicant shall pay all peer review fees. Mr. Mazer seconded.

Voted 4-0-1 - Mr. Thomas abstained.

7. Koziar Capital, LLC requests site plan review for 15,424 square foot building for office and warehouse space at 32 Haigis Parkway

Mr. Chace stated that amendments had been made based on Planning Board comments, including modifications to pedestrian access, architecture, signage, access to the abutting property and landscaping. He stated that the staff comments included landscaping and design of the island off Haigis Parkway. Mr. Chace stated that there was an email from the DEP indicating that their permitting had passed the review process and simply needed a signature.

Mr. Lee Allen, Northeast Civil Solutions, explained that they had not shown raised islands because trailer trucks would not be able to jump the curb so they showed a striped island at the entrance. He stated that they proposed large pines and firs for a good mix with the existing trees. He noted that the triangular lot in the RF Zone nearby was so small that a house could not be built on it. Mr. Allen stated that they hoped to have the DEP permit within a week and would like to have the Board's approval tonight because they needed to begin construction so the tenant could move in.

To a question from Mr. Chamberlain, Mr. Allen replied that facing they added windows and some stonework for architectural enhancement to the north elevation. Ms. Corthell thanked the applicant for the changes. To a question from Ms. Corthell, Mr. Allen replied that the trees would be planted when they were six feet tall and would double in size in three or four years and would be spaced so they would grow together. Ms. Corthell asked whether there was any option between striping and a raised island; Mr. Allen replied that one inch raised islands were common but they did not want to raise the island because they did not know what use the access would get from the rear lot.

Mr. Mazer confirmed that the staff was satisfied with the signage. To a question from Mr. Mazer, Mr. Chace replied that there was a memo from Mr. Tubbs indicating that he was satisfied with the stormwater. Mr. Thomas stated that the conditions had been addressed and he was satisfied. Mr. Fellows stated that he appreciated the modifications to the rear of the building. Mr. Paul suggested that the planting of trees along the shared driveway would be more prudent following development of the rear lot so no new trees

would have to be removed. At the request of Mr. Paul, Mr. Allen showed the turning radius of the driveway; Mr. Paul asked for a paver island, rather than paint, for definition of the area.

Mr. Paul moved to approve the site plan with the following conditions:

1. Prior to the issuance of a building permit the applicant shall:
  - a. Provide a signed copy of the DEP permit for the Town's records;
  - b. Pay traffic impact fees totaling \$10,703.95;
  - c. Pay peer review fees;
  - d. Execute and record all documentation necessary to comply with the Town's Post-Construction Stormwater Infrastructure Management Ordinance.
  - e. Revise the landscape plan noting that final placement of trees in the access easement area are to be determined once final location of the driveway to the abutting property is determined;
  - f. Revise the site plan to modify the striped island to a textured material; the revised plan may be reviewed and approved by Planning staff.

Mr. Fellows seconded.

Voted 5-0

8. Wiley Recreation Park, Scarborough Community Services requests advisory opinion for expanded parking at the Town's park on Tenney Lane\*

Mr. Chace explained that this was a joint application from Community Services and the Scarborough Youth Football Club; he stated that they had worked through the DEP for a revised stormwater permit.

Mr. Tom Farmer, of Terrence J. DeWan & Associates, stated that his firm did the original design of the park as shown and noted the dropoff area; he stated that they would restripe the north parking lot and would pick up nine spaces and there would be 28 new spaces. He stated that the expansion would be gated and used only for overflow and would have grass pavers and would be striped with paint; he stated that there would be three new handicap spaces and three new trees would be planted to meet the landscaping standards.

Mr. Paul opened the public comment segment of the meeting. Ms. Karen Tanguay, of 40 Tenney Lane, read her letter and stated that they had counted the number of marked parking spaces and the parked cars; she stated that during games people parked in unmarked spaces and in the street and they had counted up to 120 vehicles in the yard but at least 40 more parked in the street. She stated that the Town should build a multipurpose sports complex elsewhere. Ms. Tanguay stated that there was the option of parking on nearby streets and using the path to walk to the park. She stated that it would be difficult for emergency vehicles to access their property. She stated that parking was a problem and she did not think this plan would solve it.

Mr. Richard Mahoney, of 34 Tenney Lane, stated that his concerns mirrored Mrs. Tanguay's; he stated that if this plan went forward there should be a promise that the parking would not continue to grow. He stated that the children played in the street and it was a real safety concern; he stated that it concerned him that they moved into a quiet neighborhood and the nature of the neighborhood was changing. Mr. Chris Caseiro, of 30 Tenney Lane, stated that his concern was of expanding the lot to add more cars to a street that should have only average daily residential traffic and this exceeded the capacity of the street. He stated that there was a lot of traffic after dark and to expand the parking lot further away from the road should be discouraged. He stated that this was the only park at the end of a residential street with the

most parking spaces and loading the residential area with the most traffic. To a question from Mr. Mazer, Mr. Caseiro replied that the neighbors asked that the gate be closed at night but that had not been done.

Mr. Wayne Tanguay, of 40 Tenney Lane, stated that the proposed area was not worth the time or cost and would be 35 feet into the tree line; he stated that the trees helped eliminate the sound and the games were very loud. He stated that the drivers parked anywhere they wanted and reducing the size of the spaces would make it worse. He stated that the neighborhood could not afford any more construction traffic. He reiterated that the path was available for people to walk from other streets. Mr. Tanguay stated that his main concern was the traffic going up and down the street; he stated that he did not think the Community Services Department cared what the neighborhood thought and this might be the time to think of another access road to the park. He suggested that if half of the Scarborough Youth Football games were played on other fields it would take the pressure off the traffic on Tenney Lane.

Mr. Greg Thompson, 316 Beech Ridge Road, stated that he was the president of Scarborough Youth Football and he agreed with the neighbors and would love to have a sports complex. He stated that because people in the past had been disrespectful at football games, they were not allowed to play at Wiley Park, but he worked on an agreement with the Town and there were new rules and the group did its best. He stated that there was no other place for these games and they did use the high school and Black Point fields. Mr. Thompson stated that a lot of people helped with the parking and the most parked cars he had ever counted on the roads was 22 and he believed this proposal would eliminate parking on the street. He stated that they would be using grass pavers which would be paid for by donations and not tax dollars. To a question from Mr. Mazer, Mr. Thompson replied that the fields were also used for soccer and baseball. To a question from Ms. Corthell, Mr. Thompson replied that much of the project would be done by volunteers and donations.

The resident at 34 Tenney Lane stated that she gave credit to the football group for what they did last year with cones and volunteers who helped with parking. She stated that her real concern was the cutting of trees and making the area more accessible to illegal activities; she stated that one could hear the parties at night and there were bad things happening at night. Mr. Paul closed the public comment segment.

Ms. Corthell stated that she had some of the same concerns but many of the issues had nothing to do with the park or the parking; she stated that this area was a great place for a park but not for large-scale organized sports. She stated that the Planning Board was being asked for an advisory opinion and she thought many aspects of this plan provided parking to get it off the roads; she stated that she liked the grass pavers. She stated that the parking itself would not increase the traffic and she was unaware of anything that would lead her to not support this parking expansion though she hated to see trees cut.

Mr. Chamberlain asked what process was used to determine the number of spaces required; Mr. Farmer replied that the Community Services Director asked him to design 25 parking spaces to get the cars off the road and he believed the parking was at its maximum without reconfiguring the existing facility. Mr. Chamberlain noted that the current activities were much more than what was anticipated when the park was built and this was the only park at the end of a subdivision. He stated that he sympathized with the issues but he noted that there could be no gate because there was a residence beyond where the gate would be. He stated that a dialog between the Town and the residents could come up with an amicable solution for the gate and all the alternatives before bringing this project through the process. He stated that a great effort was being made but he was not sure about a positive opinion to the Town Council without some meetings with the citizens.

Mr. Mazer agreed that there was a dilemma because he was a sports supporter but the residents made some good points and he would also like there to be more discussion between Community Services and the residents. He stated that some of Mrs. Tanguay's alternatives were good for using the other streets

and the path; he stated that he would hate to see the buffer cut back and would like to see whether there were alternatives to the situation. He stated that he was not ready to send a positive opinion to the Town Council until other things were pursued. Mr. Thompson stated that the parking was designed into the grass area and not in the woods; he stated that the one tree to be removed was in the island in the cul de sac. He stated that there were some oak trees at the edge that would be removed. Mr. Thompson stated that they had volunteers who directed parking. He stated that it was correct that there were issues at night and he recommended putting a gate up.

Mr. Paul stated that the best thing would be to have a neighborhood meeting; he stated that the gate was not within the Planning Board purview. He stated that he did not know what the right number of spaces would be but this was an advisory opinion and all the Board could do was indicated whether the members like it or not. He stated that he did not believe he saw any flaws in the plan.

Mr. Fellows stated that this was analogous to what was given to other Town projects and he did not think they went before the Town Council. He stated that he would like to think Community Services would be more open to collaboration with the neighborhood. To a question from Mr. Thomas, Mr. Thompson replied that games began at 9:00 A. M. and continued through 2:00 or 4:00 P. M. on Saturdays. Mr. Thomas stated that he agreed that there should be discussion with the neighbors for some common ground. Mr. Thompson stated that Wiley Park was ideal because it was a football field and the snack shack really helped with funding.

Mr. Paul stated that from a technical standpoint he would say that the parking field met the normal requirements but it was clear that the Board felt it would be smart for the Town to organize a neighborhood meeting to discuss alternatives.

Mr. Paul called a recess at 8:50 P. M.; the meeting resumed at 8:00 P. M.

9. House of Lights requests subdivision amendment review for proposed lot line alignment at their existing site at 418 Payne Road\*

10. House of Lights requests site plan amendment review for amendments to their existing site at 418 Payne Road\*

Mr. Paul asked the applicant to address Items 9 and 10 together and the Board would vote on them separately. Mr. Chace explained that the applicant wanted to add a mechanical pad so they needed to adjust the lot line in order to meet the 15 foot setback from the property line. Mr. Chace stated that the building addition would be in the rear. He stated that the Zoning Board had approved a request for the amount of parking spaces to remain at the present number.

Mr. Lee Allen, of Northeast Civil Solutions, noted that the applicant owned two lots, one of which was vacant, and needed to adjust the lot line to allow the HVAC pad to meet the side setback; he stated that there would be a jog in the lot line to maintain the required 200 feet of frontage. Mr. Allen stated that they proposed 750 square feet of warehouse over the existing pavement and the existing warehouse space would become retail space for a total of 5,000 square feet of warehouse and 9,700 square feet of retail space. He stated that there would be new HVAC equipment as well as a new walkway and paver design. Mr. Allen stated that a traffic study had been done for peak parking which showed the traffic counts and the Zoning Board agreed that there was enough parking for this use.

To a question from Mr. Chamberlain, Mr. Allen replied that the proposed paver was a curbed sidewalk. To questions from Mr. Paul, Mr. Allen replied that the waiver for the parking would be null and void if

this site had a different tenant and they would like to delay screening of the mechanical equipment until the second lot was developed.

Mr. Paul moved to approve the subdivision amendment as presented; Mr. Mazer seconded.

Voted 5-0

Mr. Paul moved to approve the amended site plan as presented; Mr. Fellows seconded.

Voted 5-0

11. Lighthouse Condominiums, Peter and Nicholas Truman request final subdivision and site plan amendment review for site at 3 King Street

Mr. Chace noted that the conditions imposed for preliminary approval had been addressed; he stated that the Fire Department was satisfied with the gate to the parking lot, the rendering of Unit 8 and the condominium documents were submitted.

Atty. Gene Libby, who represented the Trumans, stated that all of the conditions had been met; he showed the drawing of Unit 8 which would be consistent with the main building and would remain at the existing height and in the same footprint. Mr. Libby stated that the two parking spaces outside the gate were shown on the preliminary plan but the gate had been moved back 20 feet and the spaces would be available to delivery or service vehicles and visitors. He stated that they felt the two spaces would enhance the area by keeping vehicles off the public way. He stated that the final plan was amended to show the fire access.

Mr. Thomas stated that there had been several modifications and he thought the plan should be approved. To a question from Mr. Mazer, Mr. Chace replied that the staff felt the response regarding the parking was a reasonable explanation.

Mr. Fellows stated that he was satisfied and appreciated the response regarding the parking; he asked whether the two spaces would be marked for delivery use. Mr. Libby replied that the spaces could be restricted to delivery use during the day and visitors at night. Mr. Fellows stated that the public should be dissuaded from using the spaces.

To a question from Ms. Corthell, Mr. Chace replied that the issues regarding rentals of the units was raised by the Zoning Board and the Town was exploring the condition with the Town Attorney as to how the condition could be administered. Mr. Chace stated that one of the intents was to limit the number of days a unit could be rented to not less than seven days. Mr. Libby stated that the condominium documents prohibited the owners from leasing the property for less than seven days so only weekly rentals would be allowed. Ms. Corthell noted that the documents indicated that the declarant could rent as he saw fit if the units never sold. She stated that this was a great design and this project would be a good addition to this area of Town.

Mr. Chamberlain stated that the end result was a very attractive building; he stated that he agreed the two spaces should be only for delivery and visitors and all others should be towed. Mr. Paul agreed that this proposal was a substantial update to the site and thanked the applicant for creating a nice looking building; he stated that the parking spaces were viable and noted that they were already paved.

Mr. Paul moved to approve the final site plan and subdivision plans dated April 23, 2012; Mr. Chamberlain seconded.

Voted 5-0

Mr. Chace asked that the mylar be presented to the staff to be signed by the Board and recorded.

12. NKS Properties LLC request preliminary subdivision review for property located at 693 U. S. Route One\*

Mr. Chace explained that this site is the former Blue Point Motel with a long history but there was not much information in the Planning files. He stated that the owner wanted to convert the site into three single family homes and one multifamily structure with five units. He stated that this site was in the TVC3 Zone which did not allow single family dwellings but the three cabins had been occupied for many years and were, therefore, grandfathered. He stated that this would be a review of an eight unit subdivision. Mr. Chace stated that there was discussion regarding the 12 cabins in the middle of the site but they were not grandfathered as single family dwellings so they were removed from this proposal. He stated that there were no changes to the site so this was a use conversion. He stated that it would be good to get clear direction on what can and cannot be done on the site.

Mr. Will Conway, of Sebago Technics, stated that the site was very rundown and the applicant, who is a relatively new owner of the property, brought the taxes current and made some improvements without knowing the Town's requirements and was not trying to evade the process. He stated that the applicant's bank was requiring Certificates of Occupancy for the remaining units so he was seeking the Board's approval.

Ms. Corthell confirmed that the cottages in the middle of the site were not on the table at this time. To a question from Ms. Corthell, Mr. Chace replied that improvements were being made in the interior of the five unit structure but nothing that would trigger Planning Board review was being done on the building exterior. To a question from Mr. Chamberlain, Mr. Chace replied that Units 8 and 5 were almost ready for Certificates of Occupancy, three others had Certificates and the remaining three needed building permits. Mr. Chace stated that the cottages were built before setbacks were required.

Mr. Thomas stated that he would love to see the correct plan for the entire property as shown finished in five to ten years. To a question from Mr. Mazer, Mr. Conway replied that after this phase was complete, he and the applicant would look at options for the middle buildings but they could not be used as single family buildings because they were not allowed in the zone and were not grandfathered. He stated that they were in a derelict condition and the applicant was considering upgrading the outside of the buildings.

Mr. Paul moved to approve the preliminary subdivision plan titled "Blue Point Commons" and dated July 10, 2012, with the following conditions:

1. The applicant shall contact the Police Department to modify the name of the project;
2. A draft of the access easement across the outparcel shall be submitted with the final plan set.

Mr. Fellows seconded.

Voted 5-0

Mr. Chace asked whether this could be handled as a Consent Item. Mr. Paul stated that nothing would change other than the conditions and no approvals from DOT or DEP were necessary. The Board agreed to a Consent Item. To a question from Mr. Paul; Mr. Chace replied that the Subdivision Ordinance required separate preliminary and final approvals.

13. Administrative Amendment Report

Mr. Chace stated that the Chairman had administratively approved the location of the access gate at the Beachwalk Subdivision.

14. Town Planner's Report

Mr. Chace noted that the Long Range Planning Committee would be sending zoning amendments to the Town Council and the Planning Board would have public hearings in the near future.

15. Correspondence

There was no correspondence.

16. Planning Board Comments

Ms. Corthell thanked Mr. Chace for the great workshop which addressed procedures with staff and the Board which she stated seemed to be the best process in the Town. Mr. Fellows asked the status of the Dunstan area inter-section construction; Mr. Chace replied that the starting target was fall of 2012.

Mr. Fellows noted that the new building at Gallery Boulevard looked nice except for the visible mechanical equipment on the roof. Mr. Chace stated that he would look at the site plan to determine what was approved.

Mr. Thomas noted that he would not be at the next meeting.

17. Adjournment

The meeting was adjourned at 10:00 P. M.