
Statement of the Residents Group Representatives

Pertaining to the Paul Hollis Subdivision Proposal at Pine Point

Presented to the
Scarborough Planning Board

April 20, 2006



To: The Scarborough Planning Board
From: Pine Point Residents Group Representatives
Date: April 22, 2006
Regard: The Paul Hollis Proposed Subdivision at Pine Point

Dear Planning Board Members:

Thank you for your service to our town. We are writing on behalf of the Residents Group, concerned citizens who organized last August to petition the Town Council for a special study committee on Pine Point issues. This included examining the issues surrounding the Lighthouse Hotel conversion proposal, the Pine Point Rd. at the beachfront, and the vacant lot (the “vacant lot” being that which Mr. Hollis has under contract and is seeking your approval to subdivide). The Special Committee was ultimately created by the Council and was to make recommendations to the Town Council concerning the proposed land exchange between the Hotel and Town, a design for the public way that might include improved public access, and other items. That has not happened because the committee was terminated recently and the hotel owners have withdrawn their application.

We are writing to you with an appeal to examine some of the critical issues for the Town of Scarborough that we had hoped would be decided through that committee process. While we recognize that your review of the Hollis proposal examines its specific features, we believe strongly that you should review the issues relating to the Pine Point Rd. that this property abuts. The items that were being deliberated by the now-defunct Special Committee and the Hollis subdivision proposal are clearly related.

What follows is a summary of the process so you have the background from our point of view. Then we offer some specific suggestions for the Site Plan review of the Hollis subdivision.

If you have any questions, please feel free to contact us. We would be happy to speak to you, and thank you for your consideration and for taking the time to read this important information.

For the Residents Group,

Jack Callahan
John Thurlow
Judy Shirk
Harold Hutchinson

cc:
Ron Owens
Paul Hollis
Planning Staff
Code Enforcement
Patrick O'Reilly
Residents Group





History of the Special Study Committee

In August of 2005 a group of about 90 residents of Scarborough, most of them with homes in Pine Point, formed a group to speak with one voice on important issues regarding the Lighthouse Hotel, the Pine Point Rd. in front of the hotel, and the undeveloped vacant lot on the other side. The Group worked to generate position statements about the hotel conversion and also conceived of an idea calling for a special town committee to study the complexities of the land use issues there. We asked for and received an audience with the Town Council who ultimately approved our idea and the Committee was established.

It was our Group's position, when we went before the Town Council to ask for the study committee, that there were so many variables and unique circumstances with these properties -- and the Town itself is an "abutter" for all intent and purposes -- that a process of negotiations between the three parties followed by development of a detailed plan was necessary. The goal for the committee was to do the detail work, to reach conclusions that everyone would be satisfied with, and then the applicants could proceed with a plan to propose to you and the Zoning Board of Appeals with a great deal of preliminary work done. The committee would not, of course, displace the important public process of Zoning Board, Planning Board and other regulatory reviews and approvals; it was simply a preliminary process that would ensure that the ultimate plan would be one that was studied thoroughly given all of the variables and the Town's interest.

The Special Committee, as it has come to be known, was to include the owners of the hotel (Peter and Nick Truman) and their architect Andy Hyland, the owners of the vacant lot (Plato Truman, Teddy Truman and Peter & Nick Trumans' mother, Helen Truman), the abutters to the hotel (Joe Tedeschi and Larry Forcier), Town Manager Ron Owens, Town Councilor Patrick O'Reilly, Town Engineer Jim Wendell and the leaders of the Residents Group (John Thurlow, Jack Callahan, Judy Shirk and Harold Hutchinson). The vacant lot owners did not attend.

Unfortunately, after meeting since October 2005 and examining several design concepts for the public way and issues with the hotel conversion, the committee was terminated in April with no conclusion to its work. The hotel owners' attorney wrote Mr. Owens explaining that they were withdrawing their applications (see addendum). So we are writing to you directly because we feel there is important work yet to be done and we hope you will be able to look into this matter in the context of your review of the Hollis proposal.



We want the Planning Board to know that we have felt all along that this was an extraordinary opportunity for the three parties - the Hotel owners, the vacant lot owners and the citizens of Scarborough. We still believe that, and while the hotel owners have decided not to avail themselves of that opportunity, we think they will in the future. Until then, our group believes the Town should still be working on a plan that will hopefully guide the development of these three properties over time. Mr. Hollis is a new player in the process and has been very willing to work collaboratively with the residents and the Town. So with his interest in this process, our Group's commitment, and your help, we feel we can achieve our goals.



We do apologize for the length of this document, but it is symbolic of the complexities of the issues. Much of what you will read will not appear to be related to the Hollis subdivision, but we assure you that has a great deal to do with it, and we feel you deserve to have this information, and to confirm it, prior to your final approval of the Hollis subdivision.

As you know, this is a very unique corner of Pine Point. There are many extraordinary circumstances present with the hotel, the public road and the vacant lot. The hotel is a seriously non-conforming use with a detached parking lot across a public street (which currently abuts the vacant lot Mr. Hollis proposes to develop). For many years a barrier has been installed during the summer across the Pine Point Rd. at King Street — presumably to provide safer vehicular access to the beach by the public. But the barrier has had the opposite effect because people drop off beachgoers in front of the barriers. The barriers have also rendered the public way virtually off-limits because it gives the impression that the public road is actually private, or part of the hotel property. After the barriers and sign were permitted by the Town (but installed each year on the public road by the hotel owners), the hotel owners changed their parking procedures. Guests



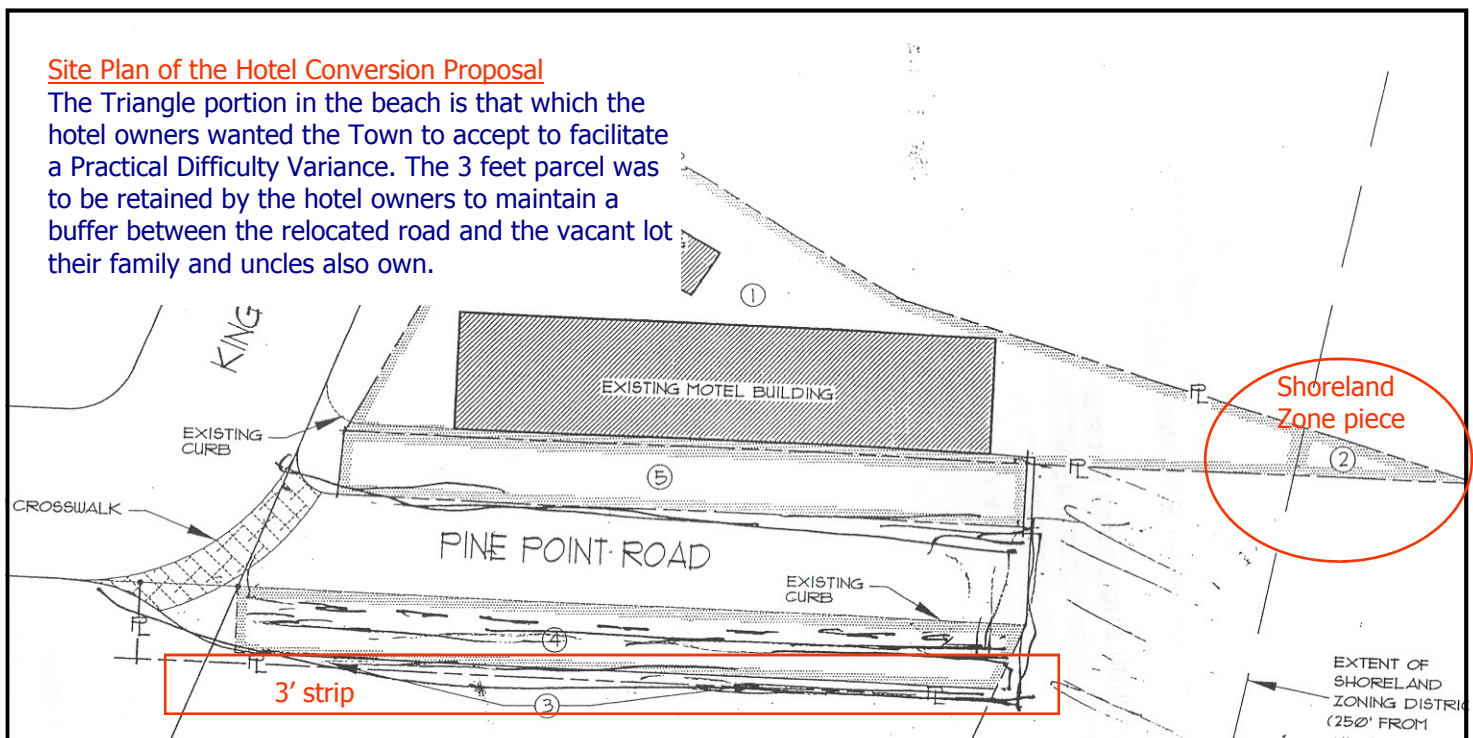
were required to enter the vacant lot through an entry point and then drive into their parking spaces; prior to that their guests pulled directly out onto the Pine Point Rd. So the barriers have been a public concern for many years and the need for them questioned.

Last year, as you know, the hotel owners sought to convert their current non-conforming use to another non-conforming use – condominiums -- with virtually the same zoning issues present (considerably high lot coverage, insufficient setbacks, parking problems, and the lot's presence in the sensitive Shoreland Zone (which alone would prohibit expansion). As you also know -- because you were involved over a year ago -- the



owners were asking the Town to exchange public property to facilitate the conversion by gaining some front setback. It was proposed that 18 feet of the Pine Point Rd. and hotel parking strip be exchanged (see diagram). However, even with a land exchange, the hotel would still have insufficient setbacks and their lot coverage would still be much greater than allowed.

What you may not have known at the time you reviewed this project for an advisory opinion was that the hotel owners also wanted the Town to accept a deed to that portion of their property that falls within the Shoreland Zone (see diagram). This request was to facilitate their application for a Practical Difficulty Variance (this ordinance was enacted by the Council a few months before), thereby allowing them to expand upward with a 3rd story. Furthermore, the hotel owners proposed to keep a 36 inch sliver of their parking strip, in their ownership, so when the public road was moved as part of the exchange it would not create larger setbacks for the vacant lot. These two requests of the Town served to create even more non-



conformity because they were giving land away to the Town and keeping the “orphaned” sliver to protect their interest in the vacant lot setbacks. There was great concern by some that the Town would acquire a piece of private property for the sole purpose of removing it from the restrictions the zone provides, without sufficient justification. It would have been unprecedented, according to the Code Enforcement Officer. Nevertheless, if it were to be done, we felt it had substantial value to the applicants and a commensurate benefit should have been offered to the Town in exchange. That offer never came.

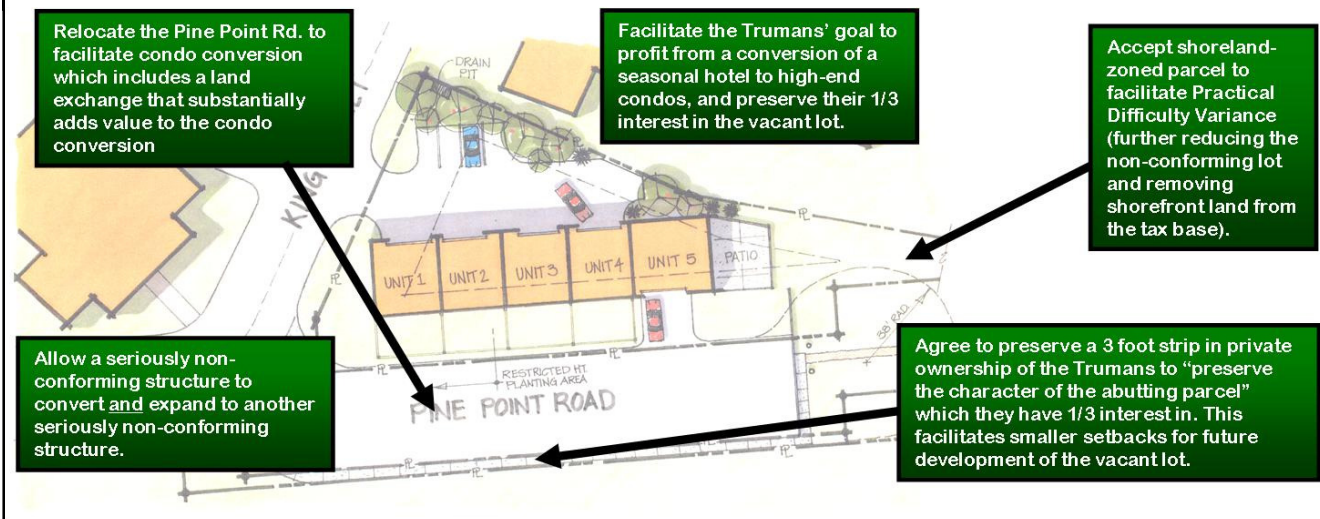
There were many other issues with the conversion of the hotel but we



won't take your time now to outline those here. But you should know that the Residents Group we represent was supportive of the hotel conversion. After several meetings with the architect, there was agreement on the general design, number of units, parking arrangement, and building height. What was left to be decided were some details on landscaping, drainage, fencing etc., as well as the details of the land exchange, the impact of the land exchange on the public way (what the road would look like once it was moved), and the relationship of the hotel and the road to the vacant lot. While the hotel and proposed condos are both non-conforming, five residential year-round units are likely to be more consistent with the neighborhood than the hotel. Nevertheless, the project would be substantial and would have an impact on the character of the neighborhood. We still supported it, albeit with conditions we felt we necessary.

This visual guided our belief that the hotel owners should give back something to the Town, preferably in the form of land to expand the public way. We proposed a 2:1 land exchange ratio with the hotel as well as some sliver of land from the vacant lot as a reasonable exchange of value. This was not accepted.

What might Scarborough do for the Hotel?



The Residents Group adopted formal positions on many important issues and presented these to the Town Council and the Special Committee. There were some conditions we wanted to see included in the applicant's proposal to the Boards. We promoted the position that the applicants would be benefiting tremendously by the Town of Scarborough potentially agreeing to do several things for them, and they should, in exchange for the value of the Town's action, agree to contribute to the Town.



The applicants were asking for:

- Relocate the Pine Point Rd. and exchange land evenly with the hotel owners.
- Accept a deed to that portion of their property in the shoreland zone so they could apply for a Practical Difficulty Variance. Without that, they could not expand.
- Agree to allow the hotel owners to keep 36 inches of land along the vacant lot that their mother and uncles own to prevent smaller setbacks when the road is moved to abut it.
- Permit a seriously non-conforming use to convert to another significant non-conforming use.

We believed that the hotel owners should have:

- Taken less than an even exchange of land so an additional portion of property could be added to the public right of way. The setbacks would not be met under either scenario, but at least an expanded public way would mean more opportunities for public space.



One of the Hotel conversion plans showing garages on the Pine Point Road. This plan was altered later. Not shown is Unit 6 in the rear (the hotel office)

- Contribute a sliver of land, parallel with the road, from the vacant lot to further expand the public way. The vacant lot owners would benefit from the improved public space as well as the condos, and they also benefit from the setback protection plan (the 36 inch parcel held in title). a 30' strip along the Pine Point Rd. would represent about 2.5% of the vacant lot, with virtually no impact on its future development.

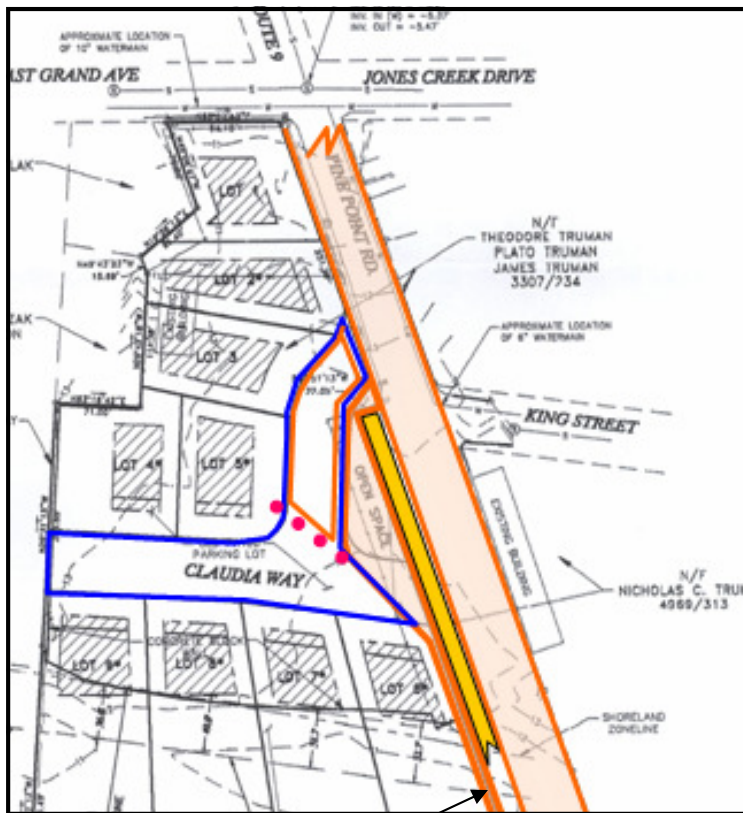
- Agree to several conditions on the condo proposal and include them on their applications to the Town Boards. Conditions such as overall building height, vegetation height, fencing, drainage, etc.
- Pay for the costs of relocating the Pine Point Rd., along with other public improvements designed by the Special Committee and approved by the Town Council. We know that any developer whose project impacts a public way is expected to pay for such impact, so this requirement was not considered a gift from the owners, simply an expectation.

As we stated earlier, we met from October to April until the Committee was abruptly ended. Our goal of looking at this entire corner of Pine Point and coming up with a plan together was not achieved. We originally approached the Town Council with this idea, as we've said, because it is such an opportunity. So we hope the Planning Board can still make it happen to some degree.



That provides you with the background from our perspective. You can see how the vacant lot Mr. Hollis would like to develop comes into play in this study and why his Planning Board approval should include a discussion of these matters. We want you to know that Mr. Hollis has consistently communicated with the residents and we appreciate his efforts to involve the neighbors and community early in the process. Our group has not yet taken a position on his development, per se, only on the extent to which it relates to our year-long effort toward the plan we spoke to earlier. We do have some general suggestions at the end of this report.

Now on to our suggestions for you and our plea for your help.



Easement and walkway proposed by Mr. Hollis at the Planning Board meeting of April 3rd.

Suggested Agreements Between The Planning Board and Mr. Hollis.

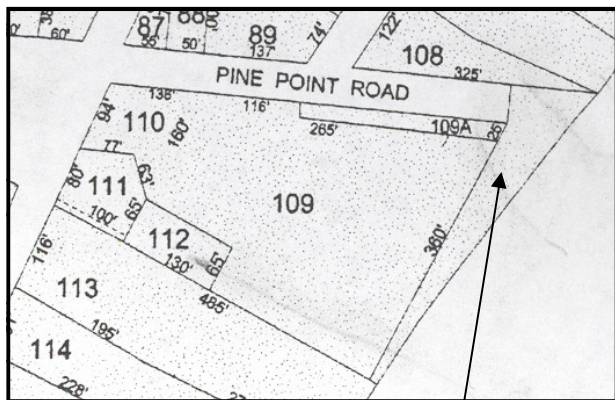
We have followed this process and were present at your conceptual review on April 3rd. We supported your direction to Mr. Hollis regarding the dune location issue which many residents were concerned with. We heard the Board's views on density and the road design, and Mr. Hollis apparently agreed with your direction and quickly responded with a revised site plan. One feature of the revision was exciting for us to see because it offers the Town of Scarborough the same kind of opportunity we have been promoting for 8 months in the Special Committee —expansion of the Public Way.

Mr. Hollis included a small portion of Open Space in his new design which he indicates is for a "landscape buffer."

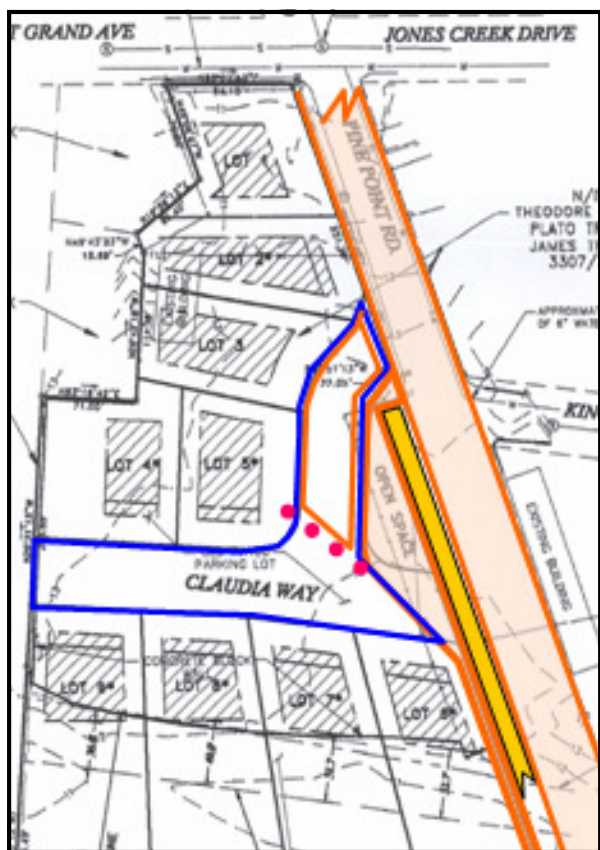
The Residents Groups would like to suggest two ideas to the Board that relate to the future of this space, and Mr. Hollis's desire to contribute to the Town. As you know, he has offered to the Special Committee and residents at

his neighborhood meeting that he would share some cost of improvements done to the end of the Pine Point Rd. — as much as \$100,000.00 in value — a very generous offer. He also offered to provide a beach easement to prevent a future lot owner from actually trying to restrict beach use by the public. And he told you on April 3rd that he would provide an easement and granite curbed walkway between the hotel parking strip and his development so the public would have a safe pedestrian access to the beach.

We would like to propose that Mr. Hollis's contribution come in a different form, one that we feel will benefit him, his future property owners, and the Town of Scarborough.



Tax Map showing an unidentified parcel along the shore



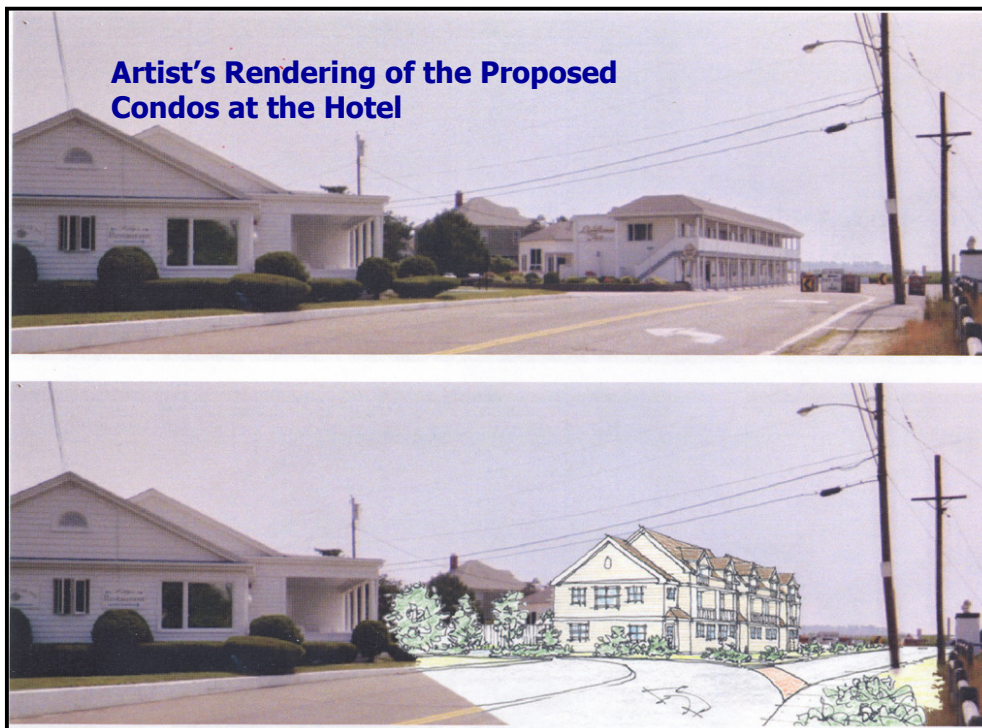
Our Suggestions

- Mr. Hollis forego his offer to share the cost of improving the public way since the hotel owners are not going to proceed with their condo conversion at this time. That will save him \$100,000.00 in value.
- Mr. Hollis give the Open Space portion of his future property (3,200 SF) to the Citizens of Scarborough to be held by the Town in anticipation of a future land exchange agreement with the hotel owners. Include the walking path easement to the beach from the entrance to the development. along the property boundary, to the low tide mark so that the Open Space is not landlocked. We've been told that the Town would likely accept this parcel by the Town Manager if it were offered.
- There is an indication that the hotel parking strip (shown in yellow) is limited in length to less than 300 feet, and does NOT extend to the low tide mark. This important detail should be confirmed by an independent survey because of the incredible complexities in the deeds for all of these parcels. Furthermore, the tax map shows another parcel at the shorefront (see above) which adds to the confusion of boundaries. An independent survey would confirm any questions of ownership before permanent conveyances occur. Every square inch of property in this area is precious.
- Consider making only half of "Claudia Way" (the shorefront half) a private road and designate the road along the Open Space area as public road (see the red dots demarcation point). This public road will abut the Open Space and the existing Pine Point Rd., and in the future would connect to the Pine Point Rd., across the Open Space in front of the hotel in the turnaround design the Special Committee envisioned (this will occur, of course, when a land exchange agreement is reached with the hotel and that parking eventually strip disappears). This would place Lots 4, 5, 6, 7, 8 and 9 on a private road as the developer wants. Lots 1 and 2 are already on a public road in the new design, so only Lot 3 would be affected. The developer could delineate the private road entrance with stone work, his brick road surface and signs similar to the Nubble development he showed you. We should point out that nearby Dunefield Lane (off King Street) is a very comparable subdivision which has a public road, and we have no knowledge of any private roads in the Pine Point neighborhood. This would be a sound compromise.

- We recommend that the Planning Board and the Town clarify the identity of this area by naming the existing Pine Point Rd. from Jones Creek Drive to the beach AND including this new portion of public street as “Shore Road” or some other unique name. This will differentiate this area with a unique identity as a distinct section of Pine Point, which one day will hopefully loop back to the current Pine Point Rd. in front of the hotel when the parking strip is gone. That was the vision of the Special Committee.
- Allow Mr. Hollis some design concessions, if necessary, to protect the privacy of his shorefront lots.

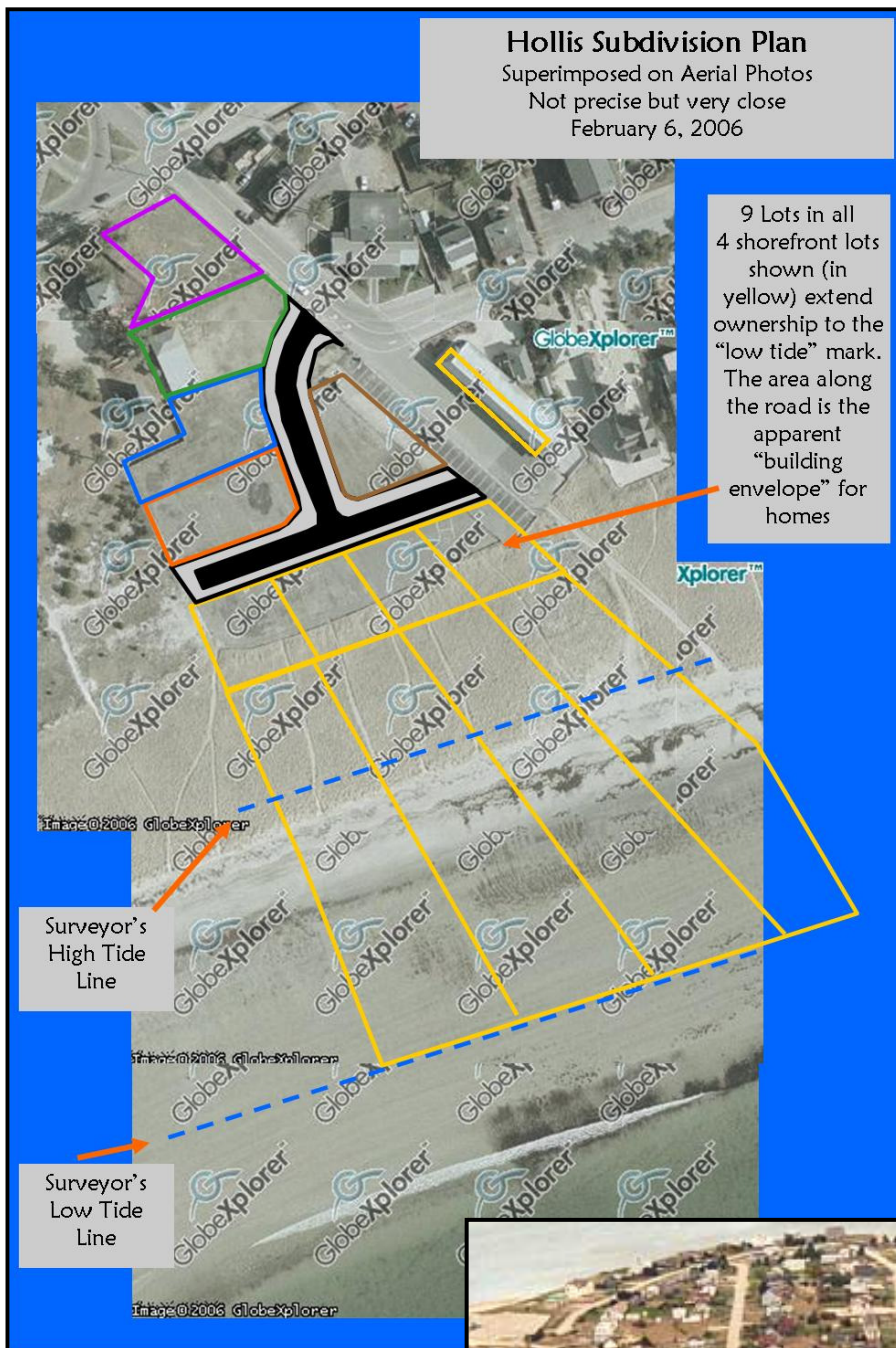
The advantages of giving that small portion of the land to the town and making half of the road a public way are:

- It will allow the town many more opportunities to create an attractive Ocean Gateway and nice oceanfront public space in the future. That was one of the goals of the Town Council’s Special Committee for these past several months.
- It will allow the Town to have a turnaround, bike and pedestrian trails and small green space at the ocean front in the future — a concept which members of the Town Council, Mr. Hollis, the Special Committee and the Residents Group have all endorsed.
- It will prevent the developer from burdening his future lot owners with the care, maintenance and management of a very small common parcel and the burden of paying oceanfront taxes on space they would not benefit from as much as the Town of Scarborough will in the future.



- Many developers have given the Town open space for various reasons, and while this is a small parcel, its value is in the future when it will abut a public way and allow the Town to design a public space that will benefit the Town and the future lot owners.

- Mr. Hollis will save the \$100,000.00 contribution value he offered by not sharing the cost of the improvements to the Pine Point Rd. That will presumably be done by the party that wants the Town to do a land exchange to facilitate the expansion, conversion of other change of use of the hotel down the road.



- The hotel owners have chosen not to do it now, but it is likely they will ultimately see the necessity of it and will come to the table to negotiate a fair deal with the Town. The timing may not be ideal, but we should not lose the opportunity that exists right now just because they have withdrawn their requests for the moment.

Other Recommendations

We will close with some other suggestions for you to consider as the Hollis subdivision plan continues through your review process.

Artists Rendering

Many residents are concerned about the visual impact of 9 homes on a small parcel particularly given the fairly large building envelopes. One thing that would visualize the impact on the neighborhood is what the hotel owners' architect did for the residents last summer — provide an artist's rendering of the subdivision from the point of view of the rotary (see example of the condo conversion design on the previous page). If the Planning



Board and public could view the proposed home designs and sizes that Mr. Hollis discussed on April 3rd, it would be very helpful.

Aerial Photos & Plan

We recommend that the revised plan be superimposed over aerial photos to provide another important visual. The photo on the previous page was prepared by the Residents Group based on the first proposal.

Enforceability of Subdivision Restrictions

There have been statements made about covenants, deed restrictions, and site plan requirements. We suggest to the Planning Board that, to the extent possible, restrictions or requirement put in place by the developer or the Planning Board take whatever form is necessary to allow for public enforcement in perpetuity. Specifically, we support Mr. Hollis's statements that he wants certain things to happen. For example...

- low height vegetation to protect public and abutter view corridors
- low voltage lighting
- low stone fencing to preserve views
- New England cottage style architecture
- Maximum square footage and building height

We agree with these limitations, but are concerned if they are not enforceable by the public. If some of these important restrictions are found in covenants, could they be modified by a simple majority vote of a homeowners association in the future? Some of these restrictions are so important for the preservation of the character of the neighborhood, that they ought to be codified in whatever instrument is available for public enforcement, and we urge you to adopt that principle.

Restrictions

We recommend the following restrictions for your consideration:

- A maximum height for all landscaping structures and vegetation
- A maximum number of stories
- Maximum roof height at the ridge
- Maximum height of fencing and style of fencing
- Road Gate(s) not permitted
- Maximum square footage of homes
- Low voltage lighting

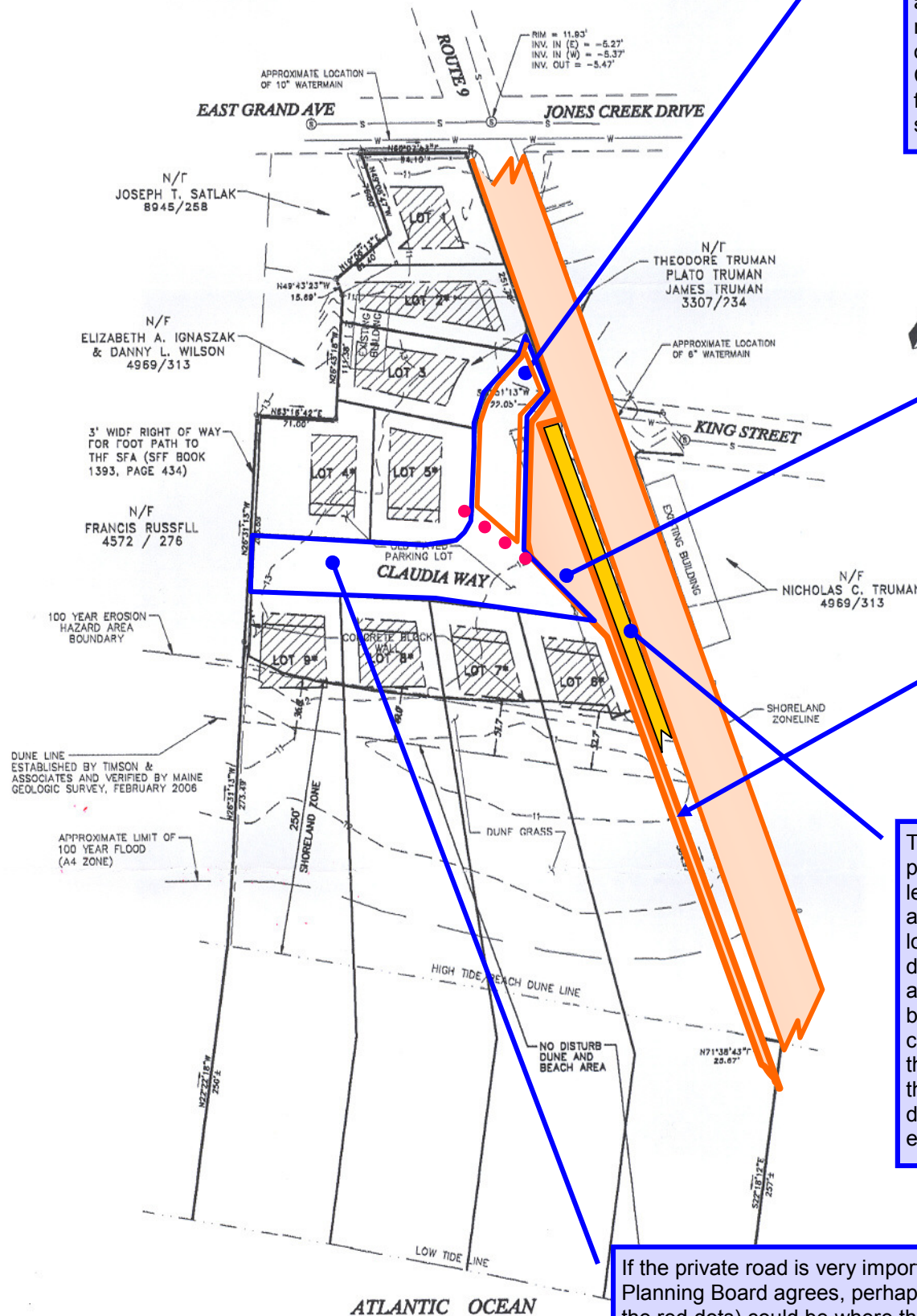
Thank you for taking the time to read these ideas. We hope they are worthy of your consideration. If we can answer any questions or clarify points, please don't hesitate to call upon us.

Respectfully submitted,
Representatives of the Residents Group, Pine Point

Judy Shirk, John Thurlow, Jack Callahan

Addenda

PINE POINT SUBDIVISION SCARBOROUGH, MAINE



Make this street a Public Street so that it will eventually combine with the Open Space and the existing Pine Point Rd. Call this Public Road "Shore Road" or another name to incorporate the new road as well as that section of the Pine Point Rd. from Jones Creek Drive to the beach for a future identity as a distinct section of Pine Point.

Proposed small area of "Open Space" (3,200 SF reported by Mr. Hollis). We recommend this be conveyed to the Citizens of Scarborough so that it will combine with the public way in the future when a land exchange is done with the Town and Hotel. Include the easement for the sidewalk Mr. Hollis told the Planning Board he wanted to do to the beach.

There is evidence that this parking strip is limited in length to less than 300 feet, and does NOT extend to the low tide mark. This important detail should be confirmed by an independent survey because of the incredible complexities in the deeds for these parcels. It is anticipated that this parcel will eventually disappear as part of a land exchange with the hotel.

If the private road is very important to the developer and the Planning Board agrees, perhaps this point (represented by the red dots) could be where the public and private roads meet. This would place Lots 4, 5, 6, 7, 8 and 9 on a private road. Lots 1 and 2 are already on a public road, so only Lot 3 would be affected. The developer could delineate the private road with stone work, brick road surface and signs similar to the Nubble development he showed you.

Prepared By the Residents
Group Representatives
April 20, 2006



Town of Scarborough, Maine

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

September 12, 2005

Dear Interested Party:

The first meeting of the Special Committee that will study the conversion of the Light House Motel into condominiums has been scheduled for Tuesday, September 20, 2005 beginning at 4:00 p.m. The meeting will be held at the Municipal Building in the Town Manager's conference room.

If you have any questions please contact me by calling 207.730.4030 or via email at rowens@ci.scarborough.me.us. Please type your letter here.

Sincerely,

Pc: Town
Joseph

Meeting of Lighthouse Motel and Relocation of Pine Point Road
Special Study Committee

Agenda
September 20, 2005
4 PM

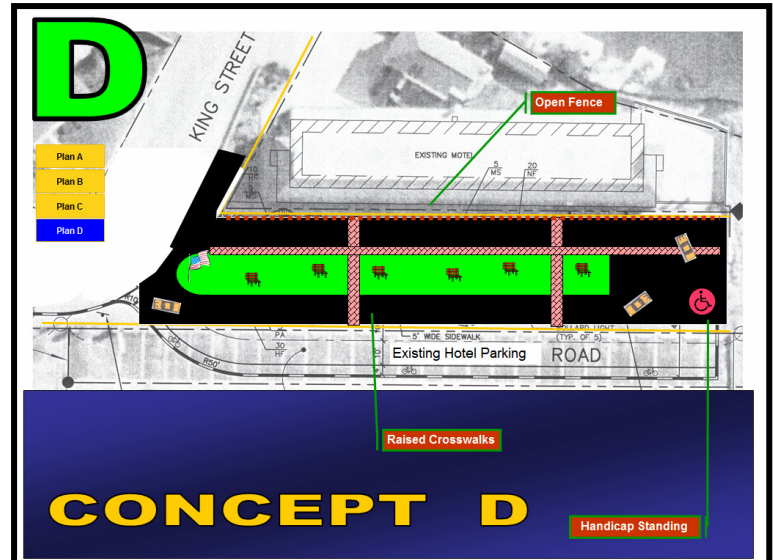
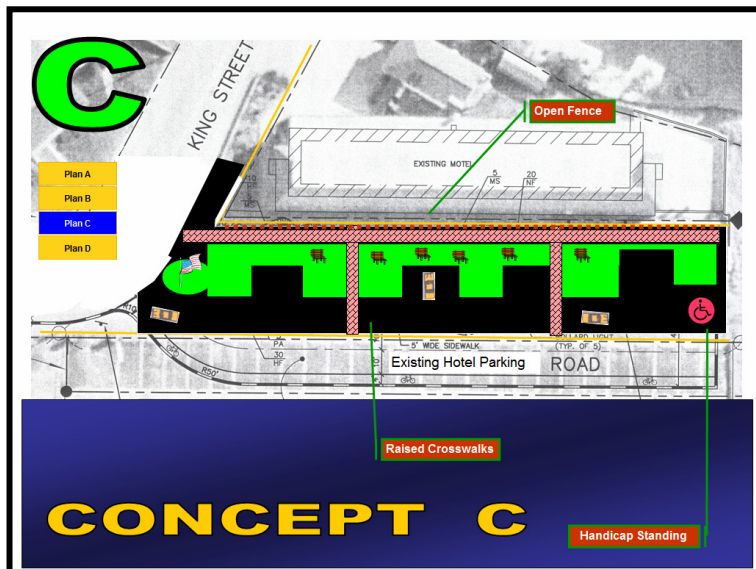
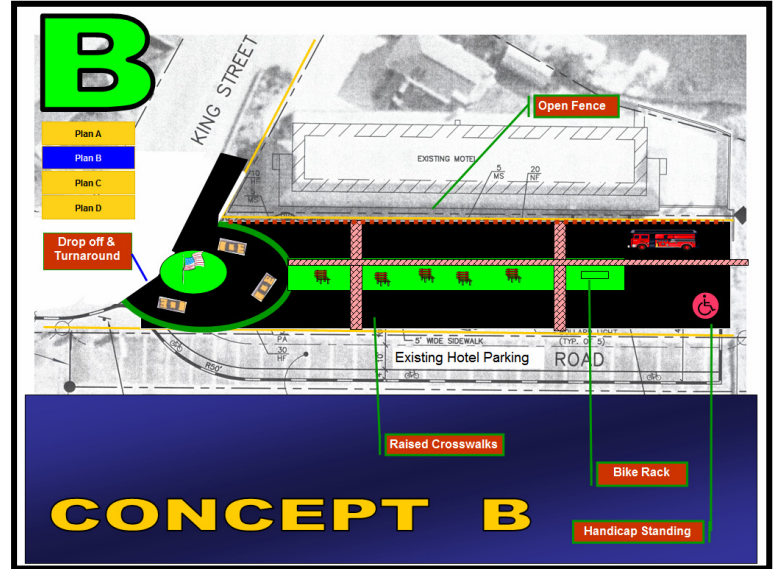
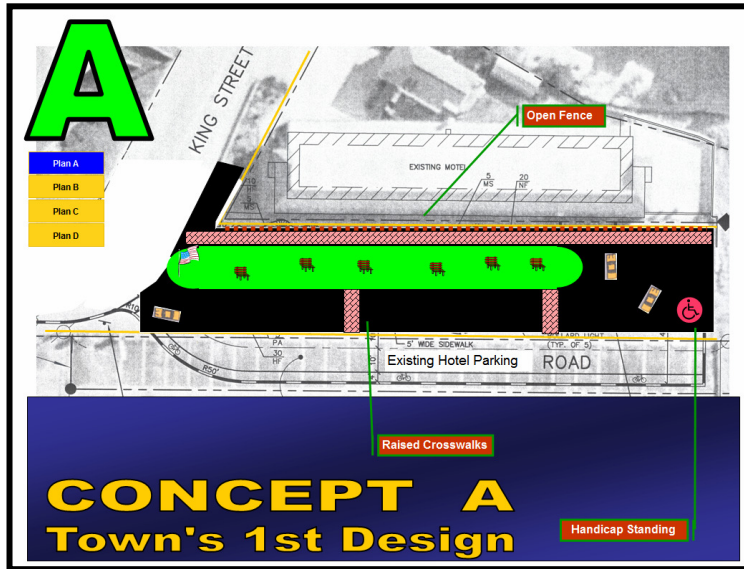
1. Introductions and Opening Remarks
2. Purpose of the Committee
 - a. Prepare a recommendation for the Town Council.
 - b. Primary issue—the relocation of Pine Point Road and establishing the value the town receives in exchange for the relocation.
 - c. Report due October 31, 2005.
3. Presentation of Consultant Plan for Pine Point Road.
4. Other issues to be discussed.
5. Establish meeting dates.
6. Adjourn

TIMELINE OF THE PROCESS

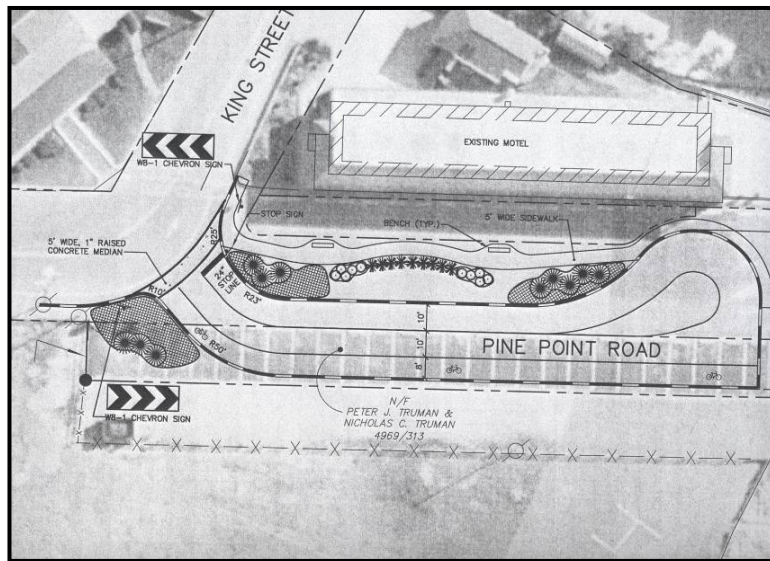
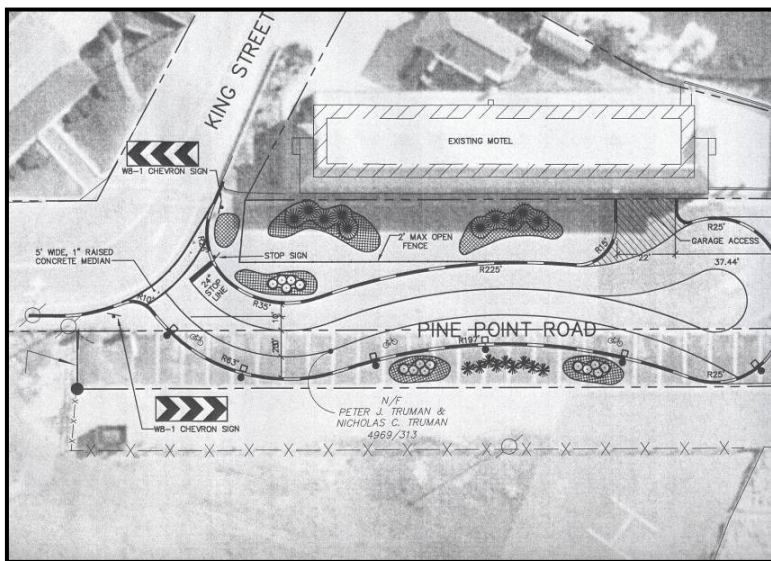
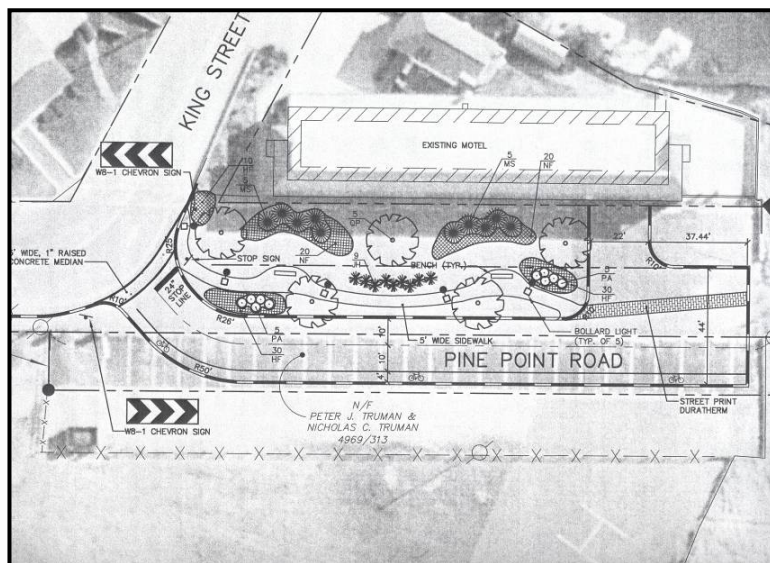
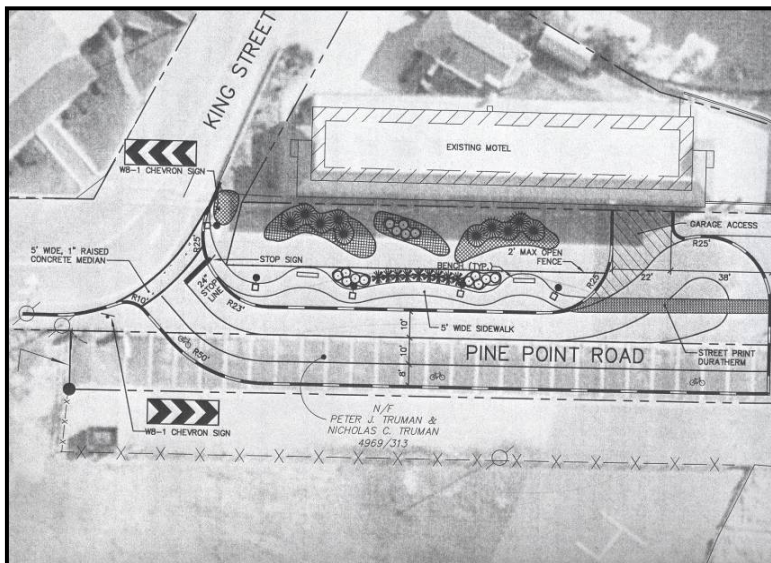
12-01-04	Town Council Adopts the Practical Difficulty Variance
12/01 – 05	Town Council meets to discuss road swap with hotel owners (can't find in minutes)
02-22-05	Planning Board Meeting: Favorable opinion
03-09-05	Hotel Conversion project heard at Zoning Board of Appeals
04-13-05	Second meeting of conversion at Zoning Board - tabled
Summer 05	Neighborhood meetings with hotel architects on conversion
8-10-05	Residents Group representatives present to Town Council in workshop. Present Position Statement #1 on Conversion details and road issues Council agrees to Residents Group's request to create a committee.
9-10-05	Special Committee Meeting #1
9-21-05	Residents Group presents Position Statement #2 on details of the Road Design "Plan A" presented by Ron Owens on 9-10-05
10-04-05	Special Committee Meeting #2
10-14-05	Letter from Hotel Owners' Architect to Ron Owens regarding road design Concern stated about costs and timing
10-18-05	Special Committee Meeting #3
10-31-05	Town Council deadline for Committee Report
11-07-05	Letter from Hotel Owners to Ron Owens: Putting project "on hold"
11-08-05	Special Committee Meeting #4 (rescheduled from 11/1)
11-16/29-05	Residents Group response to Hotel Owners' letter of Nov. 7th Position Statement #3 to continue the study; presented alternative plans
11-29-05	Letter Hotel Owners to Ron Owens: Financial information response
11-29-05	Special Committee Meeting #5 (rescheduled from 11/22)
-----	9 week break
2-7-06	Special Committee Meeting #6 Paul Hollis joins group
2-28-06	Special Committee Meeting #7
2-28-06	Residents Group Position Statement #4 regarding what the Group wants Regarding contributions; requested by Ron Owens on 2-7-06
2-28-06	Hotel Owners "Possible Terms of Agreement" prepared and presented by Owens on behalf of the owners.
3-14-06	E-mail from Ron Owens with Draft of Memo of Understanding Announcement of March 21, 2005 meeting of the Committee He expects this meeting to be the last. Prepare to take action.
3-17-06 ?	E-mail from Ron Owens; Trumans waiting to see what happens with Prouts Neck Inn
3-21-06	Meeting postponed to April 4, 2006
4-3-06	E-mail from Ron Owens with copy of letter attached from hotel owners' Attorney; no longer pursuing project; Ron cancels meeting but will be there for anyone who wishes to meet.
4-4-06	Special Committee Meeting #8 cancelled on 4/3/06. Some members attend from the Residents Group asking to continue the study.

Ron

Various Ideas for the “Ocean Gateway” Presented by The Residents Group to the Special Committee



Various Concepts by Town Traffic Engineers Studied by the Special Committee



Letter from Hotel Owners' Attorney

Verrill Dana^{LLP}

Attorneys at Law

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PARTNER
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March 30, 2006

Ronald W. Owens
Scarborough Town Manager's Office
Scarborough Municipal Building
P. O. Box 360
Scarborough, ME 04070-0360

Re: Lighthouse Motor Inn Inc.
Lighthouse Study Committee

Dear Ron:

I write on behalf of the Lighthouse Motor Inn Inc. and its owners, Peter Truman and Nicholas Truman. Peter has shared with me the Memorandum of Agreement ("Agreement") between the Lighthouse Study Committee ("Committee") and the Trumans. I write to clarify and emphasize the Trumans' position with respect to the Agreement—the Trumans will not be signing the Agreement for a variety of reasons, some of which are outlined below.

First, it is my understanding that the Town Council appointed the Committee after the Trumans petitioned the Council to approve a transfer of land in the resource protection district to the town and for the relocation of Pine Point Road right of way 18' to the south. The Committee's authorization by the Council extended only to October 31, 2005. Despite its limited role, the Committee continued to meet *de facto* beyond the Council mandate in an attempt to reshape, redefine, and ultimately render economically unviable the original proposal.

Second, given the long delay brought about by the Committee, both the real estate market and the cost of supplies have undermined the potential for economic success of the project. Moreover, the Agreement still requires the Trumans to seek approvals before the Town Zoning Board of Appeals and Planning Board without any assurances that their now reduced project would receive the necessary approvals. No doubt this would create an additional delay of six to twelve more months before construction could begin.

The Trumans initially hoped to build a first class project that would benefit the town tax base, beautify the area, and eliminate the current safety issues with Pine Point Road running directly in front of the property. Unfortunately, those simple goals have been eroded by a kaleidoscope of visions advanced by the Committee with little or no understanding of the

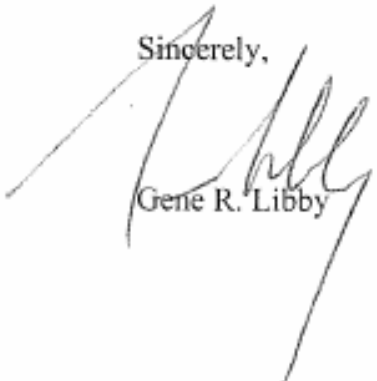
Ronald W. Owens
Scarborough Town Manager's Office
March 31, 2006
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economic impact on the project. Simply put, the Trumans have concluded that it makes no sense to run the gauntlet of regulatory excess the Committee would impose. After discussing the April 4 meeting with Peter, I see no value in going forward with another Committee meeting at this time given the present economic reality.

Peter did, however, want me to underscore his concern over suggestions you made with respect to the operation of the road in front of the motel. As you know, the Town Council approved an ordinance authorizing special barriers and signage in the area in front of the motel to route traffic away from the dead end section of Pine Point Road during the summer. Your suggestion that the barriers might not be erected this summer conflicts with the ordinance and also leaves Peter with the feeling that he and the business will be subjected to retaliation for not signing the Agreement. I'm sure that could not possibly be your intention since it would expose hotel guests and members of the public to an unnecessary risk of injury.

By copy of this letter to the Zoning Board of Appeals and the Planning Board, the Trumans formally withdraw all pending applications and appeals.

Sincerely,



Gene R. Libby

GRL/lbc

cc: Zoning Board of Appeals
Planning Board
Peter Truman
Nicholas Truman
Patrick Dryzga, Chair
Michael J. Wood, Chair

Minutes of the Planning Board February 22, 2005

4. Peter and Nicholas Truman request opinion to the Zoning Board of Appeals for a Miscellaneous Appeal to convert an existing nonconforming inn to 6 condominium units at 366 Pine Point Road in the R-4A Zone

Mr. Bacon explained that this inn was a pre-existing, nonconforming use with 22 rooms at the dead end of Pine Point Road. He stated that the appellants proposed adding a third story to the building and converting the site to six condominium units. Mr. Bacon stated that the Town Council was dealing with the request for a land swap with the Trumans to give the building more of a setback to the street, but that was not a concern of the Planning or Zoning Boards. He stated that if this appeal were granted by the Zoning Board, the appellants would return to the Planning Board for site plan review.

Mr. Mark Chaloupecky, of PortCity Architects, stated that they would apply to the Zoning Board for approval to change one nonconforming use to another nonconforming use and they believed the new use would much better reflect the design of Pine Point. He stated that it would reduce the traffic and be more in keeping with the Comprehensive Plan. Mr. Chaloupecky stated that there would be five units in the main building with garages on the bottom floor, and one unit in the present office building behind the main building. He stated that the third floor would not obstruct views any more than they are now obstructed.

Ms. Auglis confirmed that the Board should be concerned only with the Zoning Board issues at this time and the land swap would be taken care of by the Town Council; she also confirmed that if the appeal were 1 granted, the appellants would return to the Planning Board for site plan approval. Mr. Wood stated that the Board should consider the Special Exception criteria. Ms. Auglis stated that she had no problem changing 22 units into six units.

To a question from Mr. Callahan, Mr. Chaloupecky replied that the top of the building would be a little higher than 35 feet depending on the slope of the roof. Mr. Farnkoff stated that he had concerns about the setbacks but they were existing and the one difference was that with kitchens in the units there was more need for fire apparatus access.

Mr. Wood stated that he was interested in what was now the office/maintenance building. Mr. Chaloupecky stated that Unit 6 would be very similar to the main building, with a separate entrance and parking as now. To a question from Mr. Wood, Mr. Chaloupecky replied that Depot Street shown on the map was actually the extension of Pine Point Road. Mr. Wood confirmed that parking for the motel was across the street; he confirmed that the motel was used and full for the entire summer season. To a question from Mr. Wood, Mr. Chaloupecky replied that they would design the units for ownership and not for rental units. To a question from Mr. Wood regarding the proposed third floor, Mr. Chaloupecky replied that there was a large residence behind the office building and the condominium structure would be similar in height to that building. Mr. Callahan asked whether there was a question of line of sight for the residents across King Street; Mr. Chaloupecky replied that the existing office was two floors and any view from across the street was currently blocked. Mr. Callahan confirmed that the motel had no set-backs to Pine Point Road, which was an accepted Town road.

Mr. Wood asked those in the audience who wished to speak to be brief. Mr. Joseph Tedeschi, owner of the Sand Dollar Motel at 372 Pine Point Road, stated that his business was across the street from this site and they had no problem with conversion of the use. He stated that the land swap was the issue because it would block their patrons' view from the porch. He stated that they purchased their motel because they were told the road would never be changed and their rates were based on the view down the street. Mr. Wood stated that those concerns should be addressed to the Town Council.

Ms. Arlene Hurd stated that she lived across King Street from the office building and that building did not obstruct her view but a third floor would; she stated that she believed there was a bedroom and living room in what was called the office/maintenance building and that needed to be noted.

Ms. Auglis moved to send a favorable opinion to the Zoning Board for the change of nonconforming uses; Mr. Wood seconded.

Voted 4-1 – Mr. Farnkoff opposed.