

# Proposal by the Residents Group

## For a Pine Point Road Study

A Proposal for a Study Concerning the  
Traffic Barriers at Pine Point,  
Public Access of Depot Street  
— and —  
Plan for the Use of the Hollis Conveyance to the Town  
at the Beach Walk Subdivision

Presented to the  
Scarborough Town Council

September 6, 2006



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# THE RESIDENTS GROUP

## Pine Point



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# THE RESIDENTS GROUP

## Pine Point



### Proposal to the Town Council

#### Adopted June 21, 2006 by the Residents Group

### Pine Point Road Study 2006 Proposal

To the Honorable Members of the Scarborough Town Council:

We, the members of the Residents Group, Pine Point, requested to meet with you for the purpose of proposing a Town study regarding the end of the Pine Point Rd. (officially called Depot Street).

In August of 2005 you met with our representatives in Council workshop and subsequently adopted our group's proposal for a special study committee to examine the issues surrounding the proposed land exchange at Depot Street. Invited to participate in that study were representatives from our group, owners of properties on both sides of Depot Street, abutters, Councilor O'Reilly, Mr. Owens and Town staff. From October 2005 to April of this year the committee discussed many issues and explored various designs for improvements to the public way. Mr. Owens coined the term "Ocean Gateway" which we used to describe a vision for what this area might become. The committee's work concluded last April when the owners of the motel withdrew their variance applications.

Midway through the committee's work, the vacant lot across the street from the motel went under contract and a residential subdivision received preliminary approval by the Planning Board just this month. Our group encouraged the developer to consider deeding some portion of the parcel for the Town's use - consistent with our goal of seeing the public way expanded. We've always felt that the abutters would benefit tremendously from public improvements at the shore, and the opportunity to do something outstanding depended, to some degree, of obtaining additional land. Mr. Hollis, in redesigning the subdivision, agreed and was able to use provisions in the ordinance which resulted in a proposed conveyance of **3,409 SF** of land to the Inhabitants of the Town of Scarborough. Furthermore, he proposed in his subdivision plan to construct, at his expense, a granite curbed, four-foot wide sidewalk from East Grand Avenue to this parcel should the Council approve it.

This is exciting news for the citizens of Scarborough. One of our group's goals throughout the past year was to contribute our ideas to a plan for this very valuable public area that would benefit both the private landowners and the citizens of Scarborough. Our group supported the conversion of the motel to condominiums, and embraced the concept of a proportional land exchange that would reasonably expand the public way for the benefit of the Town. Although the land exchange did not happen, this 3,409 SF parcel from the vacant lot is one major step toward achieving the goal of a safe, attractive, functional and accessible public area to Pine Point Beach. An "Ocean Gateway" vision that we hope you will embrace.

As you know, the barriers that have restricted access to Depot Street since 1989 were recently replaced with a different design which the Council approved on June 7<sup>th</sup>. While the new barrier is arguably more attractive than the orange barrels, we ask you to consider that aesthetics has been only one of our Group's concerns. Public access and recognition of this as a public street are of primary importance. We also want you to know that the new barrier does not conform to the plan you voted on.

We believe that the barriers could be replaced by a public way design that is:

1. Based on a careful study of the current traffic patterns there (the 1989 Council approval of the original barrier was recommended by the Bray Traffic Study)
2. Provides safe and equitable access by the public as well as motel guests accessing the parking area
3. Eliminates the long-held impression that Depot St. is private property behind a barrier which we feel discourages public use
4. Is an attractive design deserving of this highly visible public way to Pine Point Beach.
5. Provides free and accessible access for motorists with handicaps
6. Includes some green space, identified pedestrian and bicycle paths
7. Recognizes the seasonal changes in the use of this area

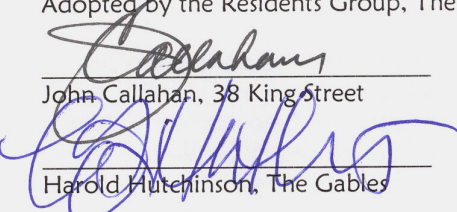
Since learning of the impending conveyance of 3,409 SF of land to the Town and proposed sidewalk construction by the developer, we believe that the timing is perfect to undertake this study and incorporate the new parcel. We propose the study include:

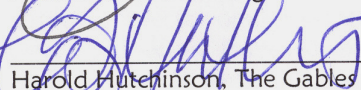
1. Examination of traffic patterns this summer (pedestrian, bicycle and vehicular, including parking procedures of the motel) so we do not have to wait another year to collect data.
2. Consideration of various road and green space designs based on these patterns guided by the goal of eliminating physical barriers to a public way (not unlike some of the work of the Special Committee).
3. Ideas for how the public can enjoy the use of the 3,409 parcel in the short term, and how that parcel can safely interface with Depot Street.
4. Consideration of longer-term concepts in anticipation of a potential land exchange with the motel, should it occur.

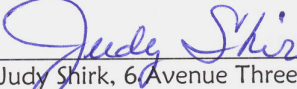
It is important, we feel, for the Town to be proactive in this. If we maintain status quo with the barrier, and do nothing with the 3,409 parcel until such time as a land exchange might occur, the citizens cannot fully enjoy the use of such valuable public property - the "gateway" to one our community's greatest resources. We are convinced that two excellent plans can emerge from this study; one that resolves the controversial barrier issue once and for all while incorporating a plan using the new property, and a 2<sup>nd</sup> plan with various design concepts that contemplates a future proportional land exchange with the hotel, should it occur. The first plan could be implemented for the summer of 2007, while the other would be ready for the future. We recommend that the study include composition of members similar to last year's study.


Thank you for your consideration.

Adopted by the Residents Group, Their Representatives

  
John Callahan, 38 King Street

  
Harold Hutchinson, The Gables

  
Judy Shirk, 6 Avenue Three

  
John Thurlow, 1 Starpine Lane



# THE RESIDENTS GROUP

## Pine Point



## Background Information

### Our Group

The “Residents Group” is an informal group of citizens who gather to deliberate local issues and present Position Statements to government officials. We only represent our members’ collective positions. Our group is open to anyone and currently includes 97 residents, most of whom live or own property in Pine Point and West Scarborough, and all of whom love this beautiful area and want to see its character protected.

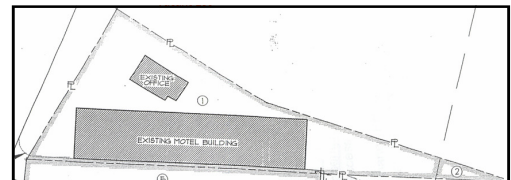
The Pine Point Ladies Auxiliary, Friends of Pine Point (formerly the Pine Point Association), Pillsbury Shores Association, and the various local established homeowners associations are different organizations. The Group also maintains an e-mail list to share information with members and non-members.

### Thank You

We want to thank you all for your service to our Town and for granting time to present this information and proposal. We recognize the great many issues of importance to the Town that you deliberate, and are grateful you acknowledge the importance of these issues as well. Thanks also to Councilor O’Reilly for his time and for facilitating this. We also know that the issues have become somewhat complicated, and while we have worked collaboratively with Town administration, the questions are ones of public policy we believe the Town Council should deliberate with input from the Citizens. The big picture can only be examined with knowledge of some detail, we believe. The background contained in this document will place our proposal in its proper context.

### Clarification of Place Names

Previous communications have referred to the “end of the Pine Point Rd.” meaning that portion of road from the corner of East Grand Avenue & Jones Creek Drive to the beach. The Town is using what has been called the “official name” of the street as **“Depot Street”**, and we will as well. Tax maps and street addresses use “Pine Point Rd.”

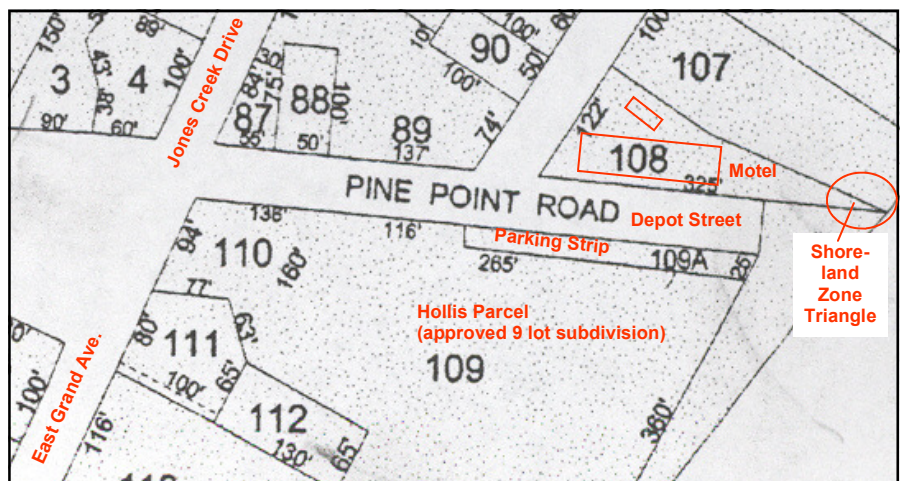


The **“Hollis”** parcel is the land to the right of Depot Street which was recently approved for a nine-lot subdivision by the Planning Board. Mr. Paul Hollis is conveying a 3409 SF parcel to the Town of Scarborough from

The **“Motel”** is Lot 108 as shown this parcel.

The **“Motel Parking Strip”** is Lot 109A on the other side of Depot Street.

The **“Shoreland Zone Triangle”** is the portion of Lot 108 which falls within Shoreland Zone





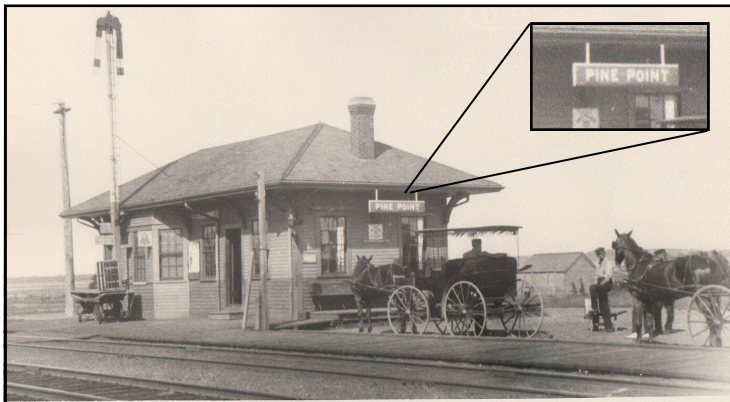
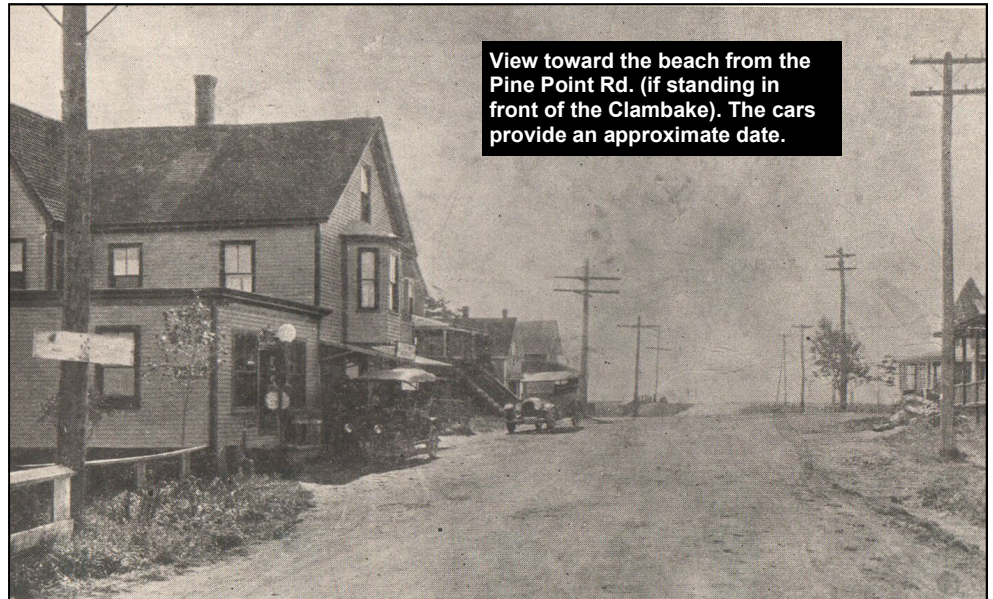
## THE RESIDENTS GROUP

### Pine Point



#### History of "Depot Street"

Pine Point has a rich history. And the history of this portion of Pine Point is interesting. "Depot Street" has been a point of public access for generations. Fishermen could access the shore to retrieve gear washed ashore and to check conditions of the sea. In recent years, seniors, schoolchildren, birdwatchers and beachgoers all rely on this unique access point to the shore. In the off-season, horse owners parked their rigs and exercised their animals on the beach. Depot Street has always offered the public not only open access but also



beautiful views of the beach, Stratton & Bluff Islands and Saco Bay. It appears as a public way on the earliest surveys of the area.

The name Depot Street likely originated from the depot station (pictured here) which was next to the double tracks until the structure was moved around 1900 and became part of Bayley's Seafood, under the overpass to Pine Point. The picture above shows Depot Street where it meets Pine Point Beach.

The Motel was once a stable and was acquired by Fred Snow of F. H. Snow's Canning Co. who, along with Perley Berry, created Snowberry Park, an eating and entertainment establishment. When it was sold in the 1950's it was converted to the Lighthouse Inn. The parcel across the street, owned by the same family originally (now the Hollis Parcel) was a parking lot but has remained unused for many years.

Pine Point, like many coastal villages, has a high density of homes. Fortunately there are many public rights of way to the shore, this being arguably the most visible one in all of Pine Point.





## The 2005 Town Council Special Study Committee

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

It was our Group’s position to ask for the study committee because 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 negotiation between the three parties, followed by development of a detailed plan, was necessary. The goal for the committee was to do the detail work and reach conclusions everyone would be satisfied with. The applicants could then proceed with a plan to propose to the Council and ultimately to the Planning Board and 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 which 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 Lighthouse Inn and their architect, the owners of the vacant lot, the abutters to the motel, Town Manager Ron Owens, Town Councilor Patrick O’Reilly, Town Engineer Jim Wendell and the leaders of the Residents Group.

Unfortunately, after meeting from October 2005 and examining several design concepts for the public way and issues with the motel conversion, the committee was terminated in April 2006 with no conclusion to its work. The motel owners’ attorney wrote Mr. Owens explaining they were withdrawing their applications (see addendum).

The Residents Group believed this was an extraordinary opportunity for the three parties - the motel owners, the vacant lot owners and the citizens of Scarborough. We still hold that belief, and while the motel owners have decided not to avail themselves of the opportunity, perhaps they will in the future. Until then, our group believes the Town should still be working toward achieving the goal of a safe, attractive, functional and accessible public area to Pine Point Beach; an “Ocean Gateway” as described by Mr. Owens.



## The Land Exchange Request to Facilitate the Motel Conversion to Condos

This is a unique corner of Pine Point. There are many extraordinary circumstances present with the motel, the public road and the vacant lot. The motel is a seriously non-conforming use with a detached parking lot across a public street (which currently abuts the vacant lot Mr. Hollis is developing).

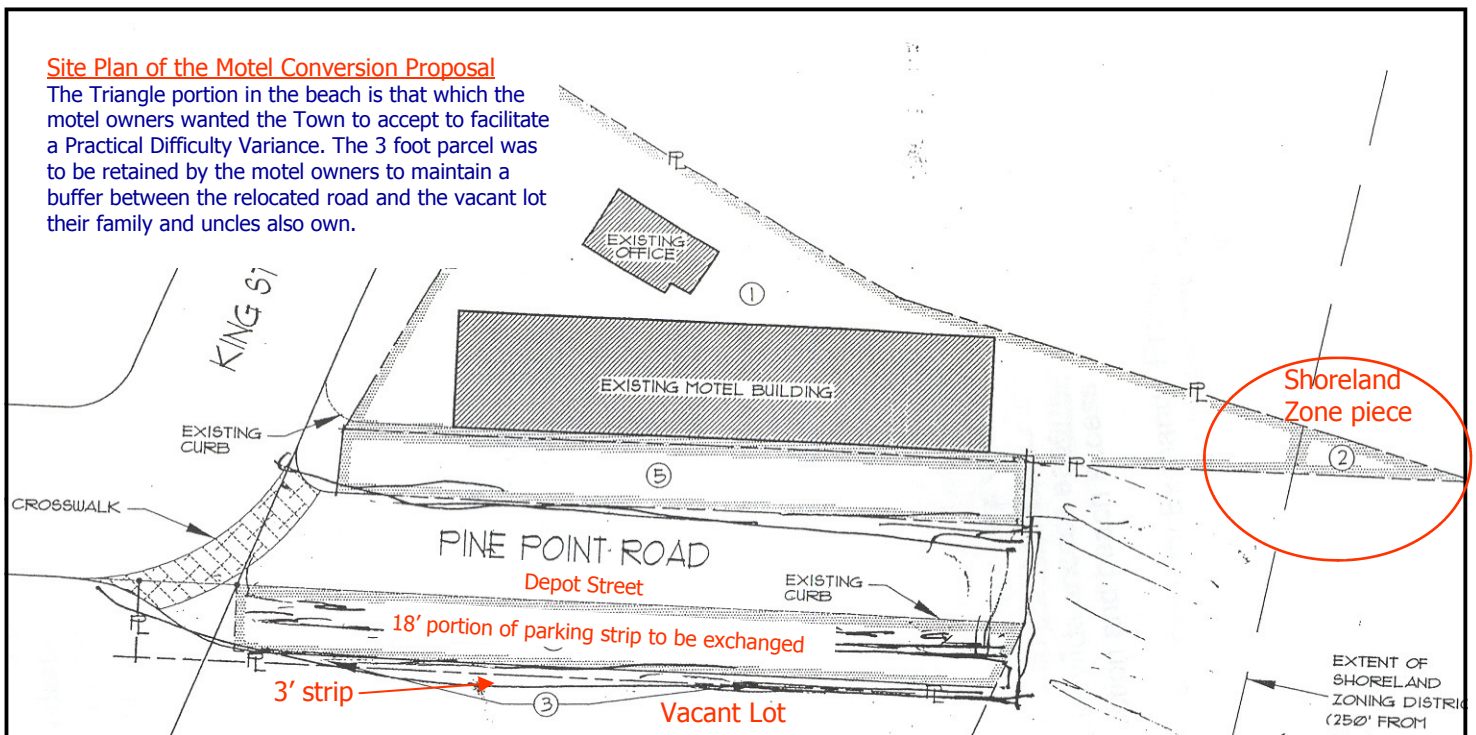


In 2005 the motel owners sought to convert their current non-conforming use to another non-conforming use – condominiums -- with virtually the same zoning issues present (considerably high lot coverage, insufficient setbacks, parking problems, and the lot's presence in the sensitive Shoreland Zone (which alone would prohibit expansion). As you know the owners asked 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 motel parking strip be exchanged (see diagram). However, even with a land exchange, the motel would still have insufficient setbacks and their lot coverage would still be much greater than allowed.

The motel owners also asked the Council to accept a deed to that portion of their property falling within the Shoreland Zone (see diagram). This request was to facilitate their application for a Practical Difficulty Variance (that ordinance was enacted by the Council a few months before), thereby allowing them to expand upward with a 3rd story. The deed acceptance appeared on the Council's April 20, 2005 agenda and was tabled. Furthermore, the motel owners proposed to keep a 36 inch "sliver" of the 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

### Site Plan of the Motel Conversion Proposal

The Triangle portion in the beach is that which the motel owners wanted the Town to accept to facilitate a Practical Difficulty Variance. The 3 foot parcel was to be retained by the motel owners to maintain a buffer between the relocated road and the vacant lot their family and uncles also own.







the Town served to create even more non-conformity because the motel owners would be giving land away to the Town and keeping the “orphaned” sliver to protect their interest in the vacant lot setbacks. There was great concern the Town would acquire a piece of private property for the sole purpose of removing it from the restrictions the shoreland zone provides, without sufficient justification. It would have been unprecedented, according to the Code Enforcement Officer. Nevertheless, if it were to be done, it would add substantial value to the applicants’ property and a commensurate benefit should have been offered to the Town in exchange.

We want the Council to know the Residents Group was supportive of the motel conversion to condominiums. After several neighborhood meetings with the architect during the summer of 2005, there was agreement on the general design, number of units, parking arrangement, and building height. The so-called “**PLAN D**” was embraced by many residents. What was left to be decided were important details on landscaping, drainage, fencing etc., as well as 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 motel and the road to the vacant lot. While the motel and proposed condos are both non-conforming, five residential year-round units are likely to be more consistent with the neighborhood than the motel. Nevertheless,

the project would be substantial and would have an impact on the character of the neighborhood. The Residents Group still supported it, albeit with conditions we felt were necessary to protect the public interest.



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

Artists rendering, superimposed on a photograph, of the last plan (Plan D) which was supported by the Residents Group (with proposed conditions). This plan was eventually withdrawn by the applicants.





In August of 2005 the Residents Group adopted formal positions on many important issues and presented these to the Town Council and the Special Committee (see addendum). There were some conditions we wanted included in the applicant's proposal to the Planning and Zoning Boards. We presented the belief the applicants would be benefiting tremendously by the Town of Scarborough agreeing to do several things for them, and they should, in exchange for the value of the Town's action, agree to contribute appropriately back to the citizens.

The applicants were asking for the following concessions from the Town:

- Relocate the Pine Point Rd. and exchange land evenly with the motel 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 motel 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, given the lot coverage, density and setbacks.

We believed the Lighthouse Motel 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.
- 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 would also benefit from the setback protection plan (the 36 inch parcel held in title). A 30 foot strip along the Pine Point Rd. would represent about 2.5% of the vacant lot, with virtually no impact on its future development.
- Agreed 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.
- Paid for costs of relocating the Pine Point Rd., along with other public improvements designed by the Special Committee and approved by the Town Council. 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.

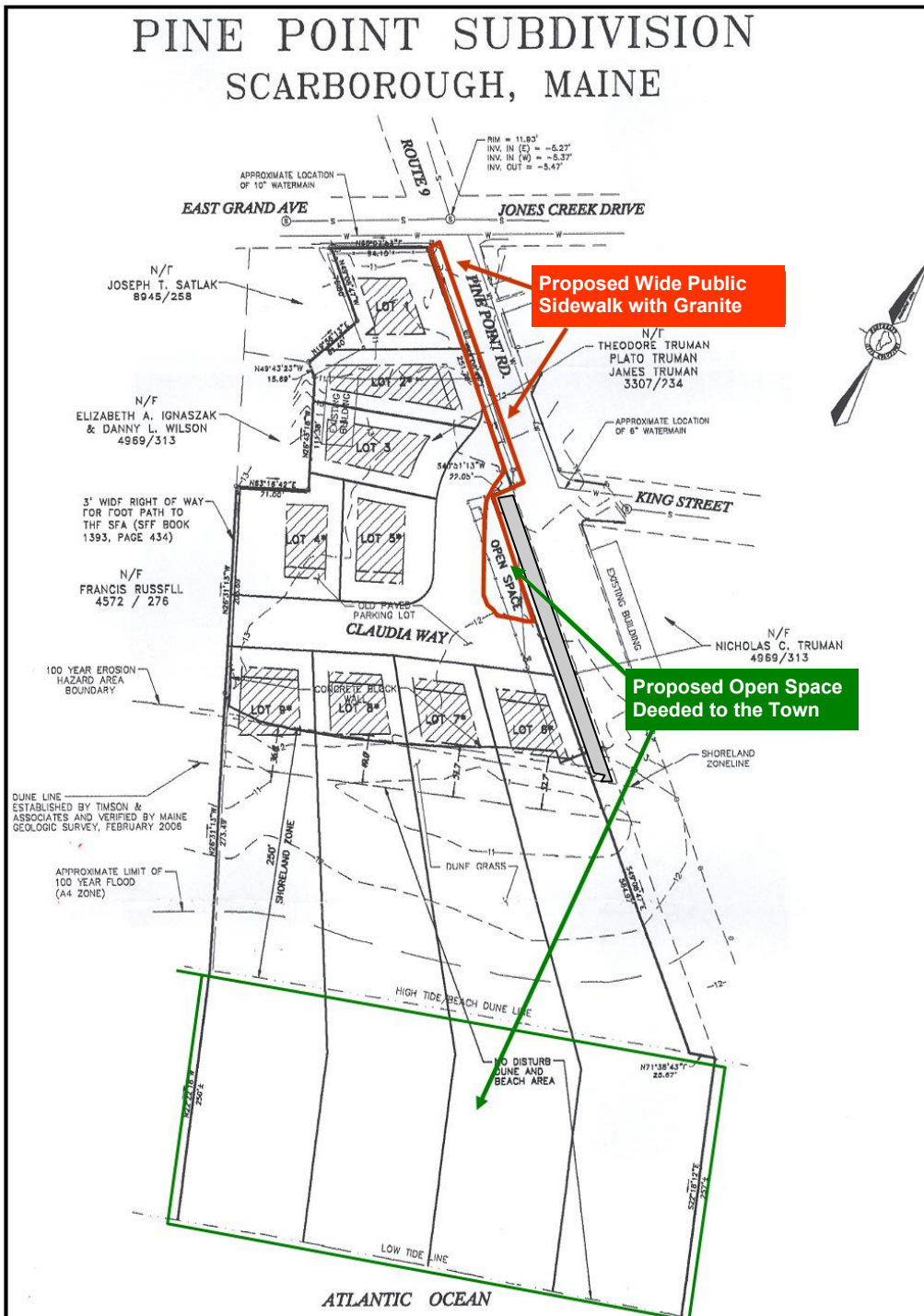
The Town Council's Special Committee met from October 2005 to April 2006 until the Committee was abruptly terminated. The goal of looking at this entire corner of Pine Point and coming up with a plan together was not achieved. We still feel the Town Council has a significant opportunity, particularly with the impending conveyance of the Hollis parcel to the Town of Scarborough, to accomplish a lasting legacy.





## Paul Hollis Subdivision

In January of 2006, as the Town Council's Special Committee was reconvening following a 9-week break, developer Paul Hollis contacted the Residents Group to discuss his plan to acquire and develop the vacant parcel across from the motel. He was interested in our views and expressed a desire to work with us from the very beginning of the process. Mr. Hollis met with residents many times, sent informative mailings and has consistently communicated with the citizens. We commend his efforts to involve the neighbors and community early in the process.



The Group informed Mr. Hollis of our positions regarding the condo conversion, and our goal of the Town expanding the public way. We explained that his proposed development, like the proposed condos, would benefit from a safe, attractive and accessible design for the public property between the two developments. We asked him to consider the same contribution of land we had proposed be donated as part of the motel condo conversion. Although his subdivision proposal required no special accommodations by the Town, he worked on a design with the Planning Department staff which ultimately included a contribution of precious land to the Town. His final approval by the Planning Board included the proposed conveyance of a 3,409 square foot parcel, construction of a public sidewalk, conveyance of the Intertidal zone to the Town, and restrictive covenants to protect public view corridors. Donating this land to the town will provide Scarborough a major opportunity to create an attractive Ocean Gateway and enhanced oceanfront public space for the future; a primary goal of the Town Council's Special Committee.



## The Barrier Issue

In 1989 a seasonal barrier was permitted to be placed in the public street following a study done by traffic engineer William Bray. The Bray Plan was adopted by the 1989 Town Council but not codified in Ordinance as was generally believed to be true. At the time, the Motel parking spaces were accessed through Depot Street (a right turn). Soon thereafter, as shown on the photo on the right, the Motel moved its parking blocks along Depot Street and guests then entered the vacant parcel to the right to drive around the parking strip and turned left into the spaces. It has been that way ever since. The barriers have

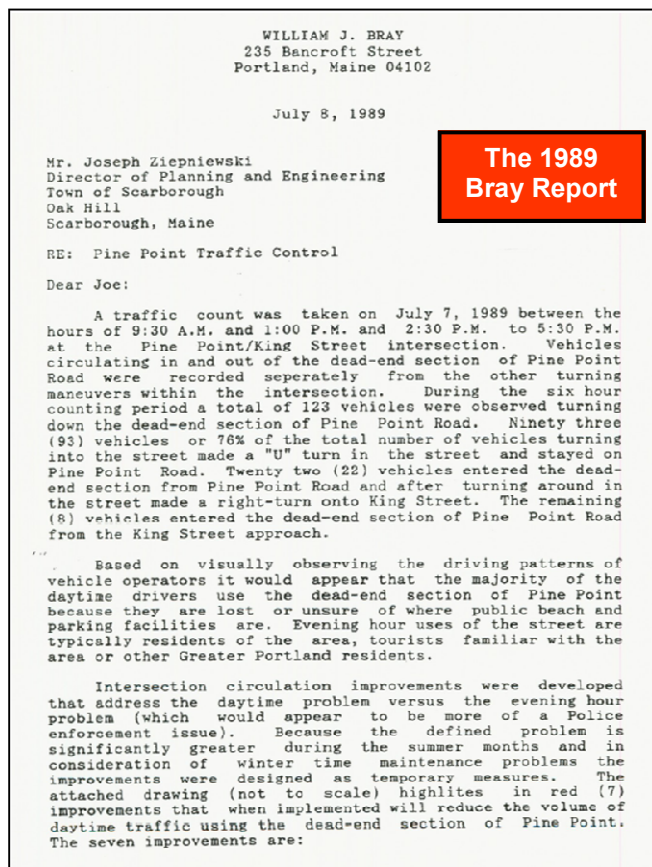


nevertheless remained in place every summer for the past 17 years and have been a source of frustration by residents for many reasons. The result of barricading the public street, in our view, has created the impression Depot Street is private property. While access is not prohibited, it is clearly discouraged by the barriers and signs.

An alternative to the barrier was one of our Group's goals throughout last year's study.

In the spring of this year, the Town decided to make changes to the barrier. The Residents Group asked to provide input and was given the opportunity to submit a sketch concept for public access which would remove the barriers while providing for safe traffic drop off, and pedestrian, bike and handicap access. The Town staff meanwhile developed a plan and ultimately constructed what our group believes is a more restrictive and permanent (year-round) structure. The Council approved it, although it was already under construction. It was ultimately built differently from the plan presented to the Council in June. The Residents Group was not aware the Council was going to vote on the plan and it was not posted on the agenda until two days before the Council's June 7th meeting. Had we known this important neighborhood issue would be acted upon by the Council, we would have provided our input to you directly. With all due respect, we believe the barrier issue that has troubled residents for 17 years deserves more study, public input and Council deliberation.

We are convinced there is a better alternative and any plan for Depot Street should be based on a careful study and a design for the public way should be done now along with the a plan for the Hollis property.



## Barrier Concerns

We believe the new barrier, while aesthetically more attractive than orange barrels, is more restrictive, less safe and continues to give the impression the public street behind it is private property. The Residents Group has always been concerned with public access, not just aesthetics. Furthermore, the crosswalk on King St. which was added after the barrier was installed (but not part of the approved plan) is in a dangerous location and promotes drop-offs at the 90 degree turn. These images below were randomly captured. A careful study would provide more scientific data to base decisions on.










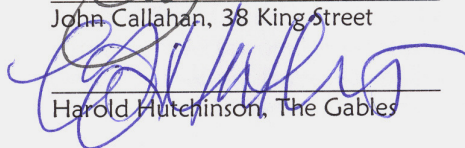
## THE RESIDENTS GROUP Pine Point

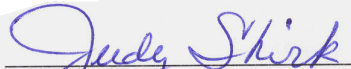
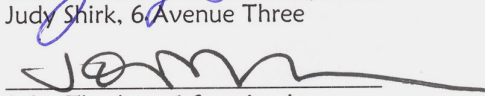


### In Conclusion

Thank you for considering the Residents Group proposal. As previously stated, this part of Pine Point is unique, highly visible, and treasured by the public. Recent developments have presented tremendous opportunities for both private landowners and the Citizen of Scarborough. We firmly believe positive, professional and collaborative work between landowners, Town officials and citizens will achieve the goals of all parties. Town Council leadership is essential and we look to you to facilitate this process by establishing a committee with clear direction and guidance.

Respectfully submitted by the Representatives of the Residents Group of Pine Point,

  
John Callahan, 38 King Street  
  
Harold Hutchinson, The Gables

  
Judy Shirk, 6 Avenue Three  
  
John Thurlow, 1 Starpine Lane



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THE RESIDENTS GROUP  
Pine Point



## Addenda





## The Residents Group Representatives Pine Point

To: Ron Owens, Town Manager  
From: Residents Group Representatives  
Date: April 19, 2006  
Regard: Ideas for Alternative to the Barriers at the Pine Point Rd.

Dear Ron:

Thank you for giving us the opportunity to present some ideas for an alternative to the barriers at the end of the Pine Point Rd. for this coming season. We believe that the citizens and visitors to Pine Point Beach are not aware of their right to access that public way because, for the past 17 years, the barriers have created an impression that the road is part of the hotel complex rather than a public street. We acknowledge that the barriers were placed there on the recommendation of a traffic study, but feel they actually provide less protection given the observable traffic patterns of the past decade we and others have personally observed (i.e., people drop off in front of the barriers, bottlenecks occur when cars and buses proceed around the barriers). We've also read Mr. Bray's 1989 report and the "traffic study" was extremely limited in scope.

Although the barriers were installed at a time when the hotel owners had their guests pulling directly out on the Pine Point Rd., the owners modified their parking procedures by utilizing the vacant lot as an access point. While this would appeared to have solved some safety issues the hotels owners have claimed existed, the barriers still remained. Now that the vacant lot may be sold, we understand that they will have to revert to the previous parking arrangement. That does not mean the need for these barriers will be even more important, we believe. Rather, an alternative should be examined that provides improved safety and better public access, without infringing on the hotel guests' use of parking spaces. Then a more thorough traffic study could be accomplished, perhaps.

The visual we are sending is self-explanatory. Again, we are not engineers, but imagined this concept, which perhaps could be adapted by engineers to achieve the goals we are promoting. We also wanted to keep municipal expenses low, and hope this will be a temporary design if the condominium project happens in the future and we can look toward the Ocean Gateway design you envisioned.

We have learned that the ordinance the hotel owners' attorney refers to in his March 31, 2006 letter to you was not enacted by the Town Council and is therefore not an issue. Perhaps he should be made aware of that in a response.

If you have any questions, please feel free to contact us.



**Lighthouse Motel Conversion  
Pine Point Rd. Land Swap Proposal  
Lighthouse Shoreland Parcel Conveyance to the Town Proposal**

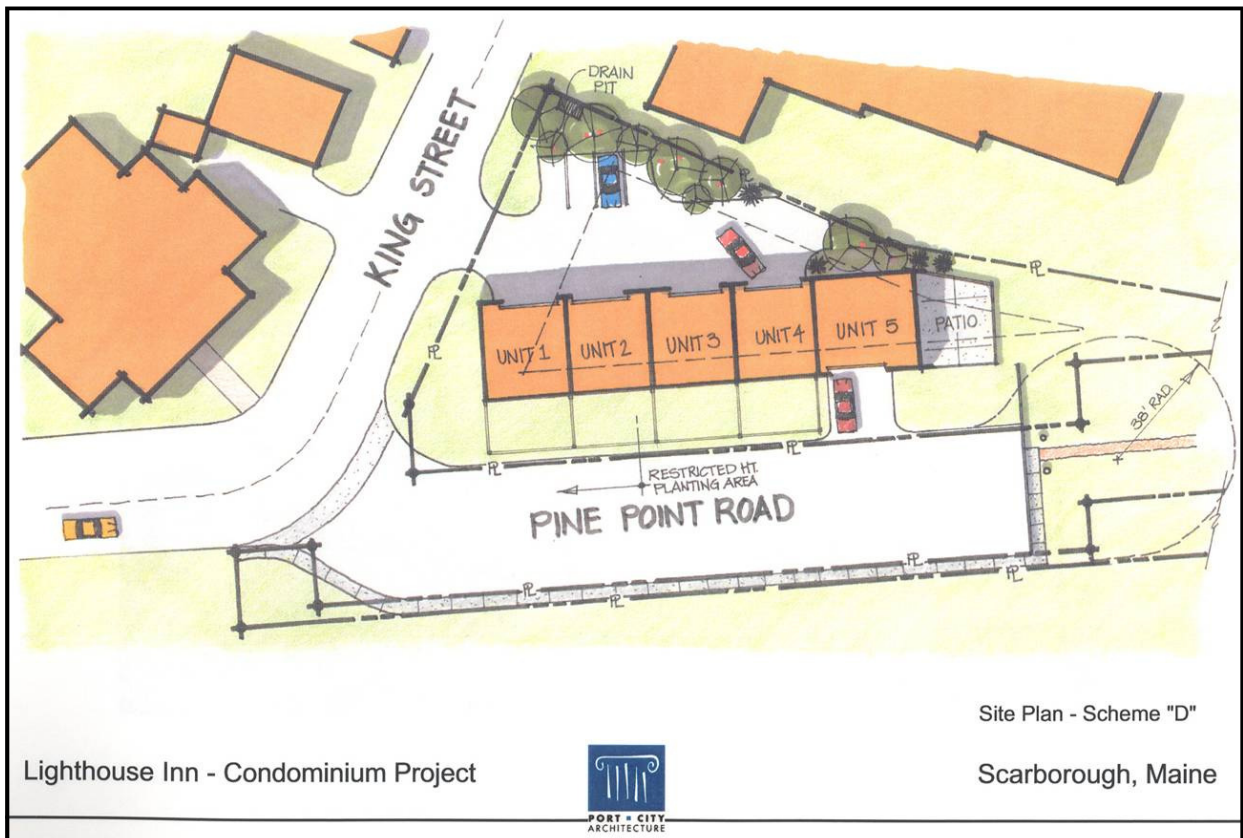
**Position Statement Concerning "Plan D" Presented by the Architects August 1, 2005**

*The following position statements were adopted by a Citizen Group on August 3, 2005 and will be presented to Town Officials by elected spokespersons.*

I. The Citizen Group represents those individuals who have chosen to join a collective effort to convince Town officials to delay any action pertaining to the Lighthouse Motel until the matter has been studied thoroughly by the Town Council and full public debate has been held. The following positions are adopted by this group pertaining to the details of the proposals by the owners of the Lighthouse Motel:

II. A conversion of the use of the Lighthouse Motel from a seasonal commercial enterprise to year-round condominiums would be a positive development but only if certain conditions are placed upon it by the Town. The Town, acting as an interested abutting property owner, should negotiate on behalf of its citizens to realize substantial and tangible benefits if it assists the owners in increasing the value of their property through land conveyance or deed acceptance. Substantial and tangible benefits could include design concessions, contributions, compensation, and/or additional property beyond what is conveyed to the Owners for enhanced public access to the shore.

We believe the following restrictions should be established at the appropriate points in the approval process (whether they are at the Town Council level, Zoning Board of Appeals or Planning Board site plan review process). The Town has heard from the owners and architects; it is time for residents to speak. We support the following:



- The motel should be converted to five or fewer condos (the group prefers the latest plan D over the other designs, but some modifications are presented below).
- The architectural design should be New England cottage style (the latest plan presented meets this restriction [the August 1<sup>st</sup> version]).
- The absolute highest point of the roof ridge shall not exceed **38** feet
- The rear roof dormers shall be lower than the front (the current plan meets this restriction) to provide privacy to the adjacent homeowner.
- The existing footprint of the building should not be exceeded (including eaves/overhangs).
- The office structure should be removed since its use was created for a motel which will no longer exist if the conversion occurs.
- All parking should be in the back of the building (either indoors or outdoors).
- No garage doors shall be on the front of the building.
- Substantial vegetation screening should be installed between the rear parking area and the home next door for privacy and aesthetics.
- The developer should address all drainage and runoff issues that exist or any which may be created because of the conversion.
- The town shall convey to the owners no more than **7** feet of public property along the front of the motel for front lawns, gardens, fencing.
- The conveyance of the **7'** parcel shall be deed restricted (and site plan restricted) to prevent landscaping or fencing which exceeds **2** feet in height, and subsequent conveyance of townhouse units shall convey these restrictions.
- Fencing along the front of the property will be identical for all units and will be an "open fence" design (not solid).
- The motel owners shall convey to the Town their entire parking area parcel currently used for motel parking (22' +/- wide)
- The 3' strip next to the vacant lot, proposed to be retained by the Trumans (with a proposed easement to the Town for a sidewalk) will be eliminated. No easement or right of way between the existing parking parcel and the adjacent vacant lot is to be retained by the owners simply to protect the abutting parcel from its potential status as abutting a road. The owners of that parcel should participate in negotiations with the motel owners and the Town since they are clearly an affected party who would benefit from improvements to the motel and public way. An additional 14' x 76' +/- of land from the vacant lot, for example, would be needed for the town to create a turnaround at the end of the public way (up to the beginning of the shoreland zone) and a conveyance could be negotiated with the owners of the vacant parcel. (14 x 76 = 1064 SF).
- The existing 22' parking area conveyed to the Town shall become part of the public road, but not necessarily all paved.
- The "new" road (formerly 50' +/- but expanded to 65' +/-) will be designed by the town with input from the residents to create and encourage enhanced shore access with potential for a turnaround/drop off area, landscaped buffer, emergency access to the beach, benches, etc. with unmarked parallel parking only from November to April.
- The existing retaining wall which sits on the public way shall be removed.
- The parking barriers shall be removed permanently.
- The proposed textured (brick) crosswalk across the redesigned road will be included
- The 1 foot proposed easement along the south front of the facility will be eliminated
- Signs to encourage public access to the street and shore will be erected as well as lighting.
- All costs of public improvements are borne by the owners.
- The Town to consult 2 independent surveyors to verify title and boundaries of the project.

#### **Vacant Lot (109)**

- The vacant lot is owned by related parties; the owners of the motel represent the interests of one of the three owners (according to statements made at the August 1, 2005 neighborhood meeting by the owners' representatives). They have a significant interest in the current project.
- The vacant lot owners would benefit directly from the conversion and improvement to the motel, particularly with removal of the parking strip abutting their parcel.
- The lot owners will benefit from improvements to the public way.
- The lot owners could convey enough property for the town to install a circular turnaround at the closest possible location permitted by the zoning in return for various concessions by the Town so as to not to significantly affect the parcel.



*Town of Scarborough, Maine*

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

August 23, 2005

  
Dear Interested Party:

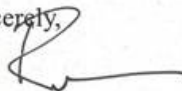
The Town Council has appointed the following individuals or entities to participate in a special committee to study the conversion of the Light House Motel into condominiums townhouses and the possible realignment of Pine Point Road East of King Street.

- ☐ 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





*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](mailto:rowens@ci.scarborough.me.us). Please type your letter here.

Sincerely,

Ronald W. Owens  
Town Manager

Pc: Town Council  
Joseph Zi

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

**MINUTES  
SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – APRIL 20, 2005  
REGULAR MEETING – 7:30 P.M.**

**Item 1. Call to Order.** Chairman Messer called the regular meeting of the Scarborough Town Council to order at 7:33 p.m.

**Item 2. Pledge of Allegiance.**

**Item 3. Roll Call.** Roll was called by Yolande P. Justice, Town Clerk. Ronald W. Owens, Town Manager, was also present.

|                              |                   |
|------------------------------|-------------------|
| Steve N. Ross                | Carol S. Rancourt |
| Sylvia J. Most, Vice-Chair   | Shawn A. Babine   |
| Patrick J. O'Reilly (Absent) | Robert E. Patch   |
| Jeffrey A. Messer, Chair     |                   |

**Item 4. Minutes: April 6, 2005.** Motion by Chairman Messer, seconded by Councillor Babine, to move approval of the minutes of April 6, 2005, Town Council meeting, as written.

Councillor Most noted that the motion to table the renewal of the Nonesuch River Golf Club had not been stated in the minutes.

Vote: 6 yeas.

**Order No. 05-49. Act on the donation of a certain parcel of land situated on the Pine Point Road as described in a Quit Claim Deed from the Truman Family to the inhabitants of the Town of Scarborough.** Motion by Chairman Messer, seconded by Councillor Babine, to table Order No. 05-49, to a time uncertain.

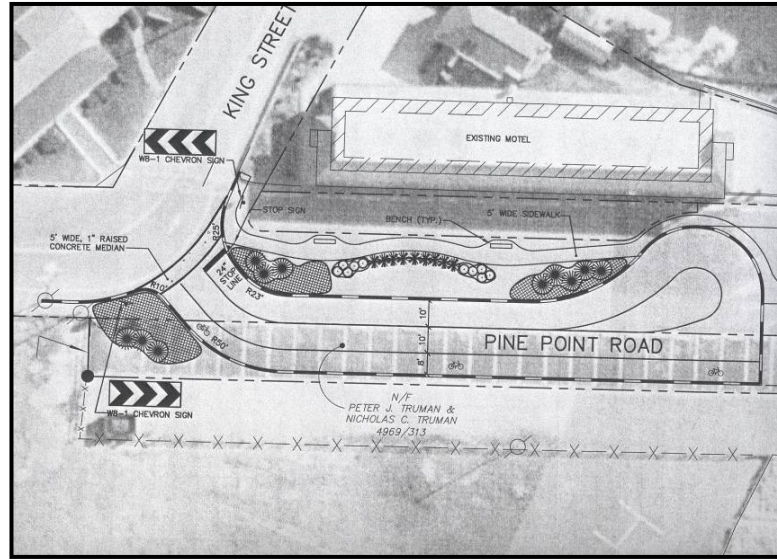
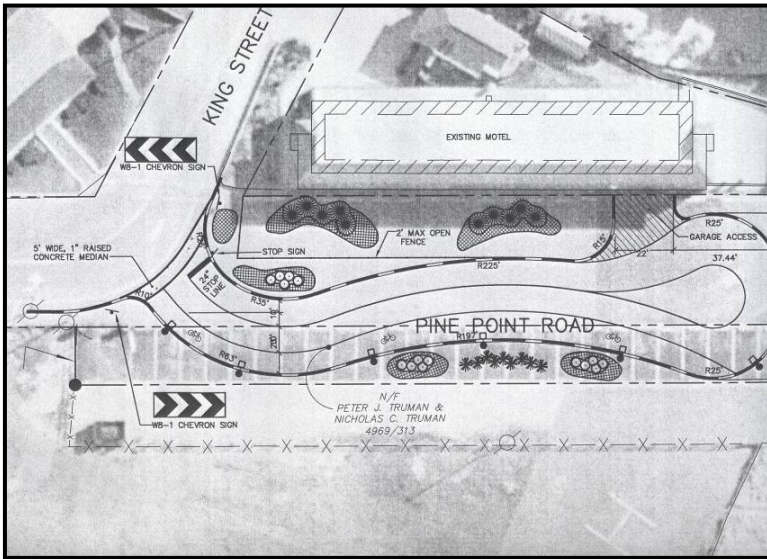
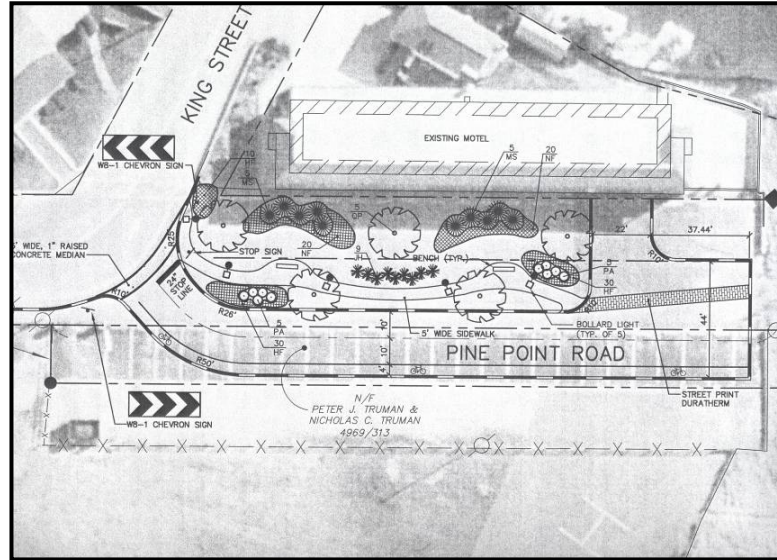
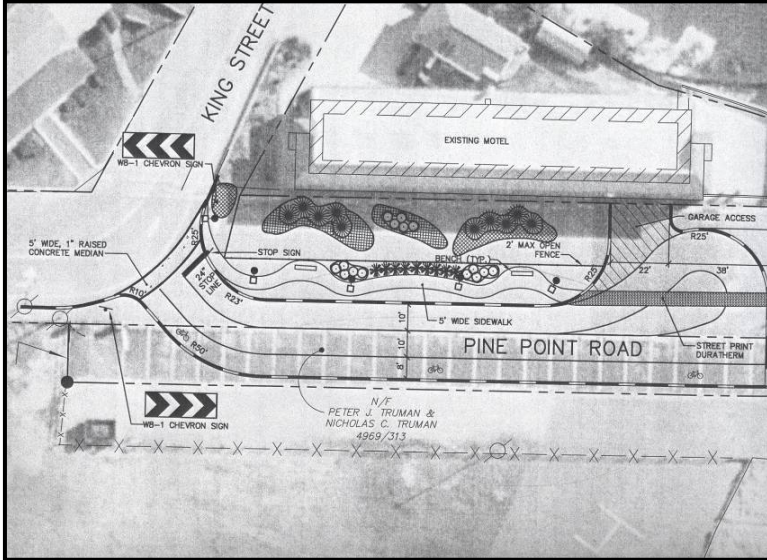
Vote: 6 yeas.

## Timeline of Events

|                 |  |
|-----------------|--|
| 12-01-04        | Town Council Adopts the Practical Difficulty Variance  |
| 12/01 – 05      | Town Council meets to discuss road swap with motel owners (can't find in minutes)  |
| 02-22-05        | Planning Board Meeting: Favorable opinion  |
| 03-09-05        | Motel Conversion project heard at Zoning Board of Appeals  |
| 04-13-05        | Second meeting of conversion at Zoning Board - tabled  |
| 04-20-05        | Motel owners try to convey deed to shoreland zone parcel to Town, Council tables   |
| Summer 05       | Neighborhood meetings with motel architects on conversion  |
| 8-10-05         | Residents Group representatives present to Town Council in workshop.<br>Present <b>Position Statement #1</b> on Conversion details and road issues<br>Council agrees to Residents Group's request to create a committee. |
| <b>9-10-05</b>  | <b>Special Committee Meeting #1</b>  |
| 9-21-05         | Residents Group presents <b>Position Statement #2</b> on details of the Road Design "Plan A" presented by Ron Owens on 9-10-05   |
| <b>10-04-05</b> | <b>Special Committee Meeting #2</b>  |
| 10-14-05        | Letter from Motel Owners' Architect to Ron Owens regarding road design<br>Concern stated about costs and timing  |
| <b>10-18-05</b> | <b>Special Committee Meeting #3</b>  |
| 10-31-05        | Town Council deadline for Committee Report   |
| 11-07-05        | Letter from Motel Owners to Ron Owens: Putting project "on hold"   |
| <b>11-08-05</b> | <b>Special Committee Meeting #4</b> (rescheduled from 11/1)  |
| 11-16/29-05     | Residents Group response to Motel Owners' letter of Nov. 7th<br><b>Position Statement #3</b> to continue the study; presented alternative plans  |
| 11-29-05        | Letter Motel Owners to Ron Owens: Financial information response   |
| <b>11-29-05</b> | <b>Special Committee Meeting #5</b> (rescheduled from 11/22)   |
| -----           | 9 week break   |
| <b>2-7-06</b>   | <b>Special Committee Meeting #6</b> Paul Hollis joins group  |
| <b>2-28-06</b>  | <b>Special Committee Meeting #7</b>  |
| 2-28-06         | Residents Group <b>Position Statement #4</b> regarding what the Group wants<br>Regarding contributions; requested by Ron Owens on 2-7-06   |
| 2-28-06         | Motel Owners "Possible Terms of Agreement" prepared and presented by Ron Owens on behalf of the owners.  |
| 3-14-06         | E-mail from Ron Owens with Draft of Memo of Understanding<br>Announcement of March 21, 2005 meeting of the Committee<br>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 Prout's 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 motel owners' Attorney; no longer pursuing project; Ron cancels meeting but will be there for anyone who wishes to meet.   |
| <b>4-4-06</b>   | Special Committee Meeting #8 cancelled on 4/3/06. Some members attend from the Residents Group asking to continue the study.   |



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



# Verrill Dana<sup>LLP</sup>

Attorneys at Law

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207-985-7193 • FAX 207-985-3957  
www.verrilldana.com

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

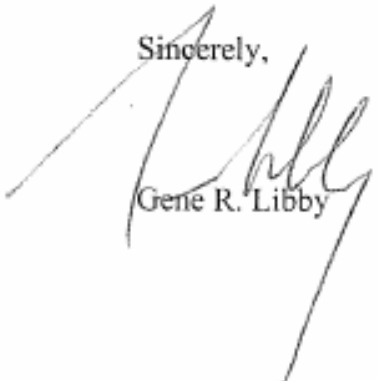
Ronald W. Owens  
Scarborough Town Manager's Office  
March 31, 2006  
Page 2

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



### Site Plan of the Motel Conversion Proposal

The Triangle portion in the beach is that which the motel owners wanted the Town to accept to facilitate a Practical Difficulty Variance. The 3 foot parcel was to be retained by the motel owners to maintain a buffer between the relocated road and the vacant lot their family and uncles also own.

Shoreland  
Zone piece

