

Pine Point Residents Association



**Residents' Comments Concerning
Beach Access Plan
Pine Point
For Planning Board Consideration
March 15, 2010**

BEACH ACCESS PLAN FEATURES

FENCE

1. A three-foot high open, round, rail fence was overwhelmingly desired to protect views and establish “openness” on what is now much smaller public property at the shore. The Concept Plan calls for 40 inches which should be the top of the posts from the grade with rail height of 36 inches.
2. This style is consistent with the character of the neighborhood, DEP and Comprehensive Plan, and is the same as Hurd Park.
3. Planning Board members supported a rail fence style when it reviewed the Motel’s site plan. The Motel is required by the Board to use the same style fencing as the Town adopts. This will ensure openness.
4. Vegetation growth can become a de facto fence. We urge the Board to recommend a vegetation height limit of 24 inches so plantings do not overtake the fence. Plants choices should be consistent with this low-growth limitation.
5. Plantings should be maintained by the Town at that height to preserve openness. The Association stands ready to assist maintaining the area not unlike what residents do during the twice-annual beach and marsh clean up efforts.
6. The Town Council should be encouraged by the Board to draft a fence ordinance for scenic areas to establish guidelines on fencing and prohibit high plantings creating de-facto fences and visual obstructions in scenic areas.
7. Beachwalk subdivision owners have indicated they may plant trees and install privacy fencing along the property line. This could be a violation of Planning Board conditions. Any effort to amend their subdivision plan for any reason related to fencing and vegetation height should be soundly rejected. The subdivision was approved and investors purchased their lots with full knowledge that the Town-owned land could be used for “recreational purposes” as documented on their final plan.
8. The use of “mesh,” attached to a rail fence, an earlier consideration of the Task Force, should be rejected as a visual obstruction and aesthetically unsightly, and not consistent with the character of the neighborhood. It is unclear if this proposal was withdrawn, so the Board is asked to make this determination.
9. The Town has no responsibility for protecting private property owners with fencing or mesh. The owner of the only home abutting what used to be the Lighthouse Parking lot, now Town property, was aware of the nature of the abutting land and also of the Beachwalk restrictions on fencing and vegetation height.



Excerpts from Recorded Plan November 2006

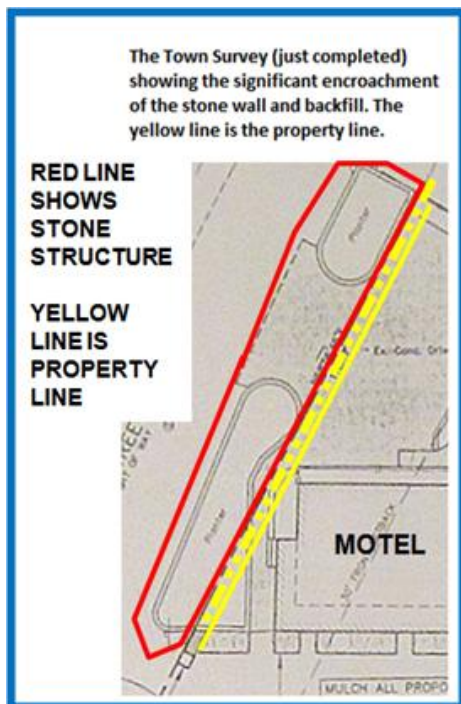
- S-27. A PART OF ALL COMMON SPACE (AREA "A") MAY AT THE MUNICIPALITY'S OPTION BE ACCEPTED IN DEDICATION BY THE MUNICIPALITY AND OPERATED AS A MUNICIPAL RECREATIONAL FACILITY. AREA "B" TO BE DEDICATED AS OPEN SPACE BENEFITING THE TOWN OF SCARBOROUGH.
- S-31 VIEW CORRIDORS: ALL PLANTINGS AND FENCING WITHIN THE PERIMETER OF THE SUBDIVISION ("WITHIN THE PERIMETER OF THE SUBDIVISION" INCLUDES ALL AREA LOCATED ON INDIVIDUAL LOTS), SHALL NOT EXCEED A HEIGHT OF 42" TO PROTECT THE VIEWS OF THE ABUTTING PROPERTIES, EXCEPT FOR PLANTINGS IN THE FRONT OF EACH HOME WHEREAS, THE HOME ITSELF ALREADY LIES WITHIN THAT VIEW CORRIDOR. DECLARANT WILL WORK DILIGENTLY WITH ABUTTERS AND LOT OWNERS OF THE SUBDIVISION WHEN CONSIDERING PLANTINGS AND FENCING, TO NOT UNNECESSARILY OBSTRUCT ANY VIEWS TO THE OCEAN AND BEYOND. THIS SPECIFIC COVENANT CANNOT BE CHANGED BY A VOTE OF THE HOMEOWNERS ASSOCIATION.

DROP OFF

1. The drop-off is less than what people wanted (an off-street turnaround has been sought for many years) but is still an important element of the plan.
2. Preserving vehicle access to the shore, particularly for seniors and persons with handicaps can be partially achieved by a place they can pull over and catch a glimpse of the beautiful bay.
3. If the drop off is eliminated there will be absolutely no place to stop except for the travel lane, which people will do, as they do now.
4. The lure of that view or need to drop off beachgoers has for decades compelled drivers to stop wherever they chose.
5. The safe maneuvering of vehicles from the drop off should be facilitated by the removal of the stone wall encroachment which was almost entirely constructed in the public right of way. Please refer to the graphic below.

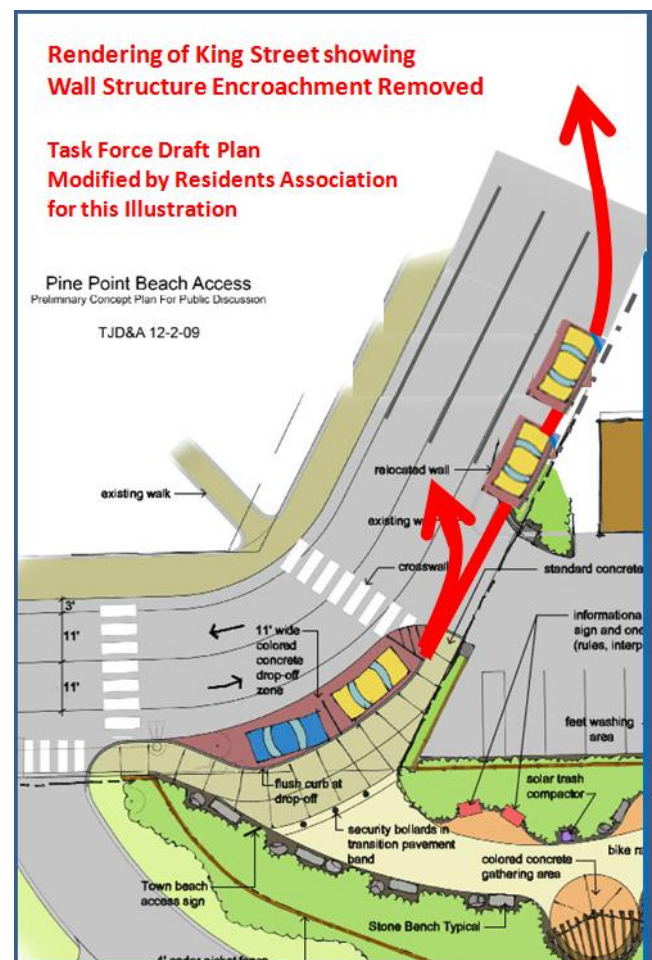
STONE WALL STRUCTURE ENCROACHMENT

1. Residents have had safety concerns about the stone wall structure built by the motel since it was installed many years ago.
2. The structure requires pedestrians and cyclists to use the travel lane at a heavily traveled area just beyond a curve.
3. It is NOT a typical encroachment common in the Town's rights-of-way. This structure is not a tree or bush, a small picket fence or set of mailboxes. It is a stone wall, backfilled and landscaped... almost entirely on Town Land. It held lighting and signs which obviously violated the setback requirements.
4. Recent surveys finally presented the undeniable fact this very large structure lies almost entirely on town property.



5. Residents worried the engineer brought on late in the process would endorse the Town's long-held position and suggest the stone wall remain. His recommendations are unclear. Common sense, however, should prevail. If engineers were infallible there would be no need for Task Forces or Planning Boards.

6. The Planning Board also expressed concerns about the wall when they reviewed the motel's parking lot site plan last month. It must go. That was overwhelming resident sentiment. It is a matter of safety, equity and fairness.



IDENTITY AND SIGNAGE

1. Residents advocated for an identity for the beach access area (an appropriate name at the very least) and clear signage which invites and promotes its use by the public and visitors.
2. A recent rendering by the landscape architect labeled it "Ocean Gateway," a name used in the 2005 Town study. The Town should now avoid that name because the Trumans chose to use it for their condotel after pulling out of the 2005 plan.
3. Residents support the suggestion to ask students at the high school to come up with some names and design a sign for the area reinforcing the fact this area is a town-wide resource as Depot Street once was.
4. The Town Manager's question about naming it for an historical person from Pine Point was not supported because of the obvious difficulty determining who deserved such recognition.
5. Residents support an informational kiosk on the site with historical information and perhaps information about the natural resources there.
6. Signage which made it clear that beach parking was available at Hurd Park was agreed upon (the use of the name "Hurd Park" on the current sign was probably not clear enough to visitors).

BENCHES

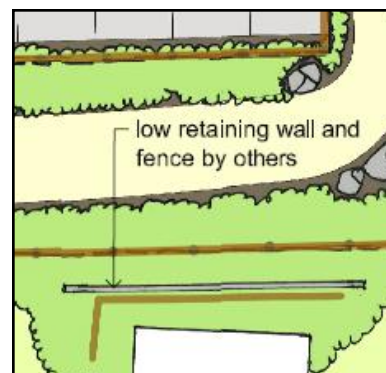
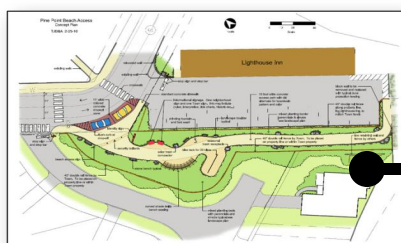
Agreed, although the height should vary to accommodate seniors.

BLOCK WALL REMOVAL

Residents agreed the white cement block walls constructed on the dunes by the motel owners years ago (on Town property) should be removed (see insert). These are not to be confused with the large stone wall in the street.

PRIVACY FENCE BY NEW HOUSE

1. The Plan is unclear what "low retaining wall and fence by others" means (see graphic below).
2. Residents strongly opposed a previous draft plan feature showing a privacy fence at this location.
3. The Beachwalk lot owners are prohibited from erecting fences over 42 inches.
4. The purpose of this restriction was to protect view corridors.
5. Investors should have been aware of the Planning Board's approvals and developer's representations prior to making their investment.
6. The lot owner should have participated in the land exchange debate to oppose it if there was a concern.
7. Future efforts by the Association to amend its approvals for fencing and tree planting should be soundly rejected by the Board.



BIKE RACK

The location of the bike rack indicates that there will be both pedestrian and bike movement along the beginning of the path or trail. The Board should consider ways to prevent conflicts in the name of safety.

ARBOR

The design proposed does not appear to provide shade as earlier plans contemplated. The obstruction of views, vandalism and maintenance were concerns. The necessity of this was questioned.

PLANTINGS

1. No sensitive species such as dune grass be included which would later limit any changes to the area by DEP or other rules.
2. There should be generous amount of grass, kept mowed, to encourage a park-like environment to encourage use by the public. The proposed esplanades will have grass, so maintenance will be easy.
3. The proposed planting plan would prevent park-like activities; vegetation should be used on the perimeter and sparsely in the open area.

LIGHTING

Some provision for low level lighting should be included for safety, security and for off-season use when days are very short.

WINTER ACCESS

1. Provisions should be made to maintain a clear path during the winter (perhaps the way sidewalks are cleared).
2. Depot Street was always plowed so residents could drive to the shore year-round. Winter access is highly valued by year-round residents and a surprising number of visitors during the off season.

PATH MATERIAL

1. When pavement is removed from this site, any future consideration of restoring impervious surfaces may not be possible due to the site's location in the frontal dune and more and more regulation as time goes by.
2. Since the entire portion of the site which was once the Motel's parking strip is currently impervious, it was strongly suggested that as much pavement as possible be retained for the trail or walkway, bike rack area, arbor area and other areas not devoted to plantings and simply resurfaced.

FORCE OF ORDINANCE

1. The final plan for this public area should be put in the form of an ordinance like that for the Scarborough River Wildlife Sanctuary.
2. This would provide more permanence and the force of local law to ensure the plan is not easily altered and the specific requirements are enforceable.

THE TOWN'S RECORD OF COMMENTS AT THE PUBLIC FORUMS

This list of issues from the three public forums was published. While it may have informed the Task Force, we hope the summary of residents positions you are reading now will provide more detail concerning residents views. Since attendance at the forums was very poor, we also have surveyed others on these issues so you have a better sense of public sentiment. Please be reminded that many residents are away this time of the year.

PINE POINT BEACH ACCESS Public Comments on Preliminary Concept Plan

Comments on Concept Plan & Gateway Idea Gallery:

# of Comments	Comments and/or Similar Comments Made
1	This one handicap - [in drop off area]
1	Regular Trash Cans
3	Split Rail? [pointing to fence]
1	Real Shade - like with a gazebo with benches
1	Connect and make a one way [double arrow pointing between walkway and drive at end of white house]
3	Dog Poop bag stand
3	Round rail [on fence]
1	How about raised boardwalk?
1	Opposed to this - keep at 4 foot round rail [bullet on far right of plan block wall to be....]
2	Dune Fencing
1	No boulders on benches ... kids play on them and "hop"... Big accidents!
1	More shrubs and evergreen plants, less flowers and mulch.
1	Too open - Gazebo style w/roof for shade
1	Love the foot Shower! But maybe also drinking fountain?
4	Yes and higher seating or variety of heights - higher for older people [pointing to bench on idea gallery - upper left corner]
2	Handicapped accessible - can wheelchairs get past this down to the water?? [folding bollards]
1	How about perennial geraniums
3	No to this [American Dune Grass]
2	Winter access by sidewalk plowed
2	My preference - 2 rails only [pointing to rail fence]
2	Use low planting - close to ground [pointing to pathway plant borders]
1	What will sign look like?
4	3' foot high fence
1	Sign that says No Dogs on Beach
3	No 6' transition
1	No to stamped concrete with boardwalk patter and color
1	Winter Access
2	Too invasive [rugosa rose]
2	Hammerhead [drop off area]
2	Define beach access sign - minimum size 4x8 nicely designed sandblasted sign - feedback from public find alternative - safer [pointing to drop off]
1	No arbor
1	lawn grass
1	year round access to beach
1	fewer 5 -10 [pointing to bike racks]
1	no to switch grass
1	no to plans that will "take over"
1	Lighting? consistent w/low level
1	Landscape architect put "Ocean Gateway" Who decided that?
1	"On The Point" sign - do not move
1	Who owns block wall?
1	seasonal or permanent? [gazebo]
1	setback? [between the gazebo and fence]
1	Trees 8 - 9 feet as buffer to parking lot
1	Wonderful & beautiful amenities * want open fencing
1	Need enough time to have people w/mobility issues to unload and pushed to beach
1	lots of boulders would be great
1	trolley would mitigate decreased access [mobility]
1	No privacy wall

Response to Mr. Bray's Report to Task Force: Sign Removal

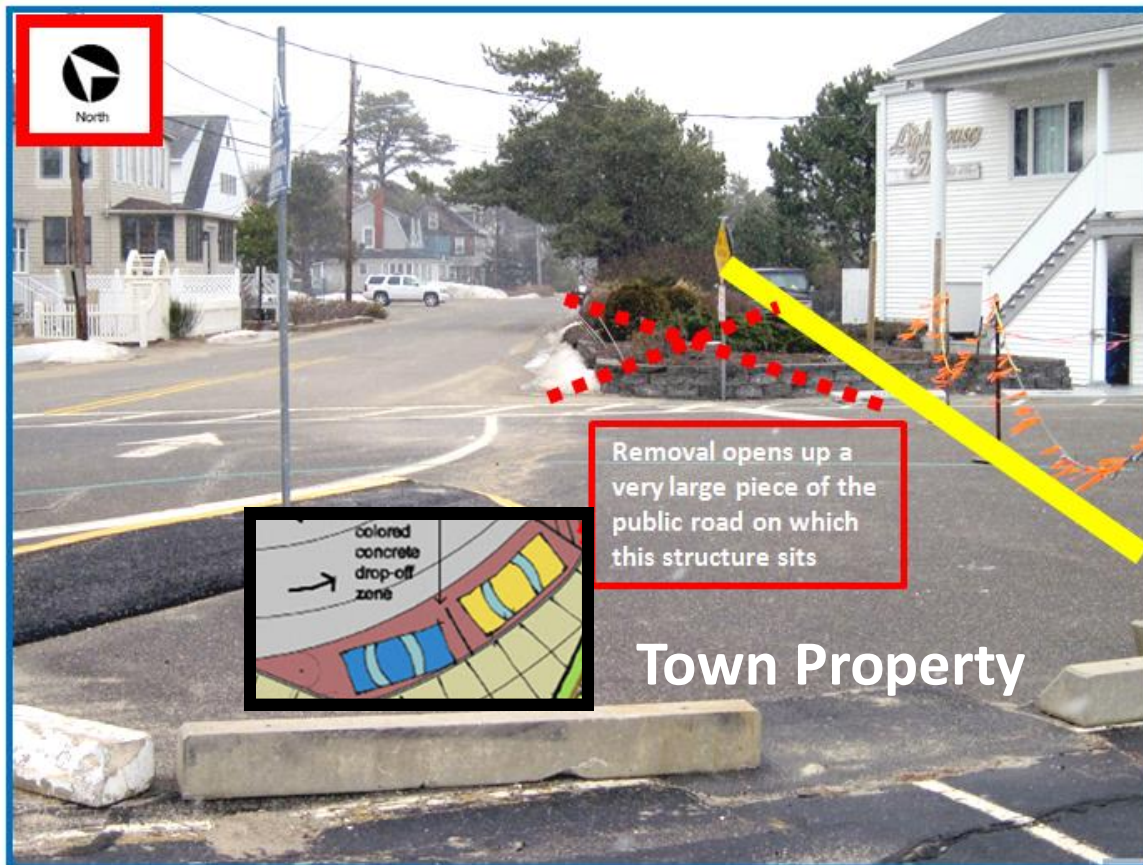
The Association published this response to traffic consultant Bray's memo to the Task Force dated January 17, 2010 which he produced after the public forums.

Association leaders and members reviewed the report and concluded Mr. Bray did not specifically address the questions posed by members of the public at the forums regarding removal of the encroachment of the stone wall structure in the right-of-way. Several residents' positions were that removal of the encroachment would enhance pedestrian safety regardless of any other improvement in this area because its presence forces pedestrians to walk in that section of King Street just after the curve. Bray's reference to "visual delineation aids" is unclear, but the question from residents related to the extent to which removing the encroachment would make for a more practical and safer drop-off plan as shown later in this report.

Residents believe removal of the structure would open up a significant area of the right-of-way and provide safer drop-off and maneuvering back on to King Street (see red arrows showing the wall gone and a more gradual return of cars on to King Street. It also affords the opportunity to continue the sidewalk-esplanade design.

The removal of the structure is clearly tied to the Task Force's work given the challenges presented by a drop off.

Furthermore, Mr. Bray's recommendations #1, #2 and #3 were "enhancements" to two already-approved Site Plans (the Beachwalk Subdivision and the Lighthouse Condotel's New Parking Area on Depot Street). Those are Planning-Board approved plans, private and presumably not part of the Task Force's scope to include in the plan.



Residents repeat long-stated objections to the absence of a thorough traffic study during the summer prior to design and construction of any new infrastructure. Mr. Bray conducted a four-hour study of this area 20 years ago. Clearly more data on vehicle and pedestrian behavior is called for when engineering this unique area, yet none have been collected other than by residents.

Finally, Bray's conclusion (#5) regarding the business parking sign across from the Truman's stone wall encroachment (see graphics) just reinforces residents' opinions. He wrote "**King Street is a somewhat narrow roadway;**

Removal of Stone Structure From the Street to the Property Line (yellow line) will open a large area of the right-of-way which has forced pedestrians into the street for years. It will also facilitate a safer drop off and potential for extending the sidewalk-esplanade design.

Response to Mr. Bray's Report to Task Force: Sign Removal

on-street parking on either side of the streets... certainly has a negative impact on both vehicle circulation and roadway safety." Since this sign is directly across from the stone wall encroachment, it begs the question why Mr. Bray would recommend removal of a sign for short-business parking (which has existed for many years) but not removal of a substantial structure, 90% of which is within the right-of-way and causes the "narrow roadway" he is concerned about. It is also very unfair to penalize one business while allowing another to benefit from using public land for private purposes.

Engineers have advantages over lay persons, but common sense must prevail. As stated earlier, there would be no need for committees or Task Forces or Planning Boards or Town Councils if engineers' recommendations were the final word.

Bray's Recommendation #5

5. An existing sign located along the northwest side of King Street implies that short duration business parking is allowed. It is suggested that the sign and parking designation be eliminated. King Street is a somewhat narrow roadway; on-street parking on either side of the street, even for short periods of time, certainly has a negative impact on both vehicle circulation and roadway safety.

Survey Pins

The orange flags are placed on the property line which was pinned by surveyors, should there be any question as to the actual encroachment on public property.



Survey Pin

Unlike the motel, the Sand Dollar Inn's modest stone wall (curbing) is on its own property, and the Business Parking sign is inches in to the right-of-way.

Response to Mr. Bray's Report to Task Force: Possible Alternative



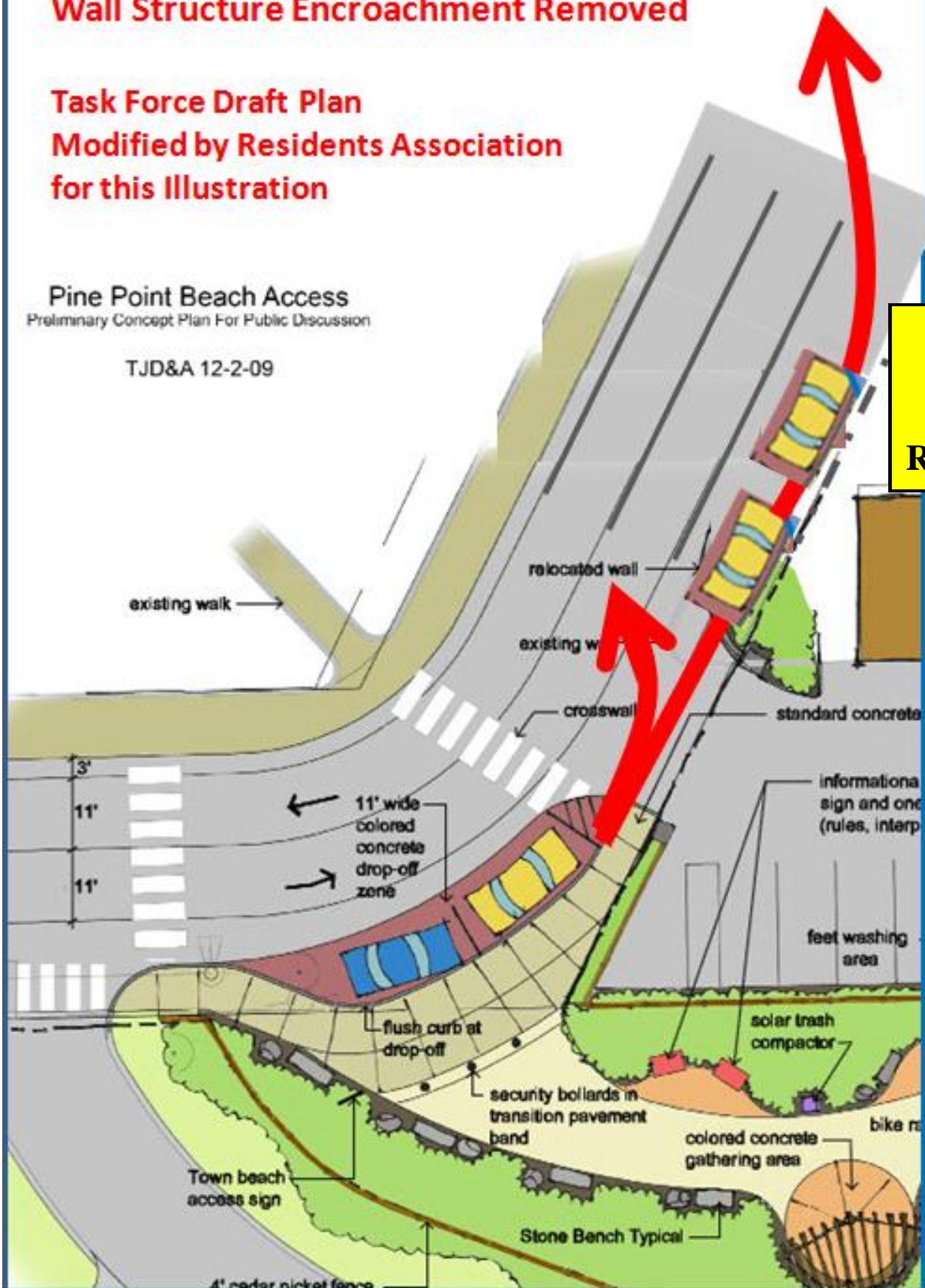
Rendering of King Street showing Wall Structure Encroachment Removed

Task Force Draft Plan
Modified by Residents Association
for this Illustration

Pine Point Beach Access
Preliminary Concept Plan For Public Discussion

TJD&A 12-2-09

**WALL
IN
ROW
REMOVED**

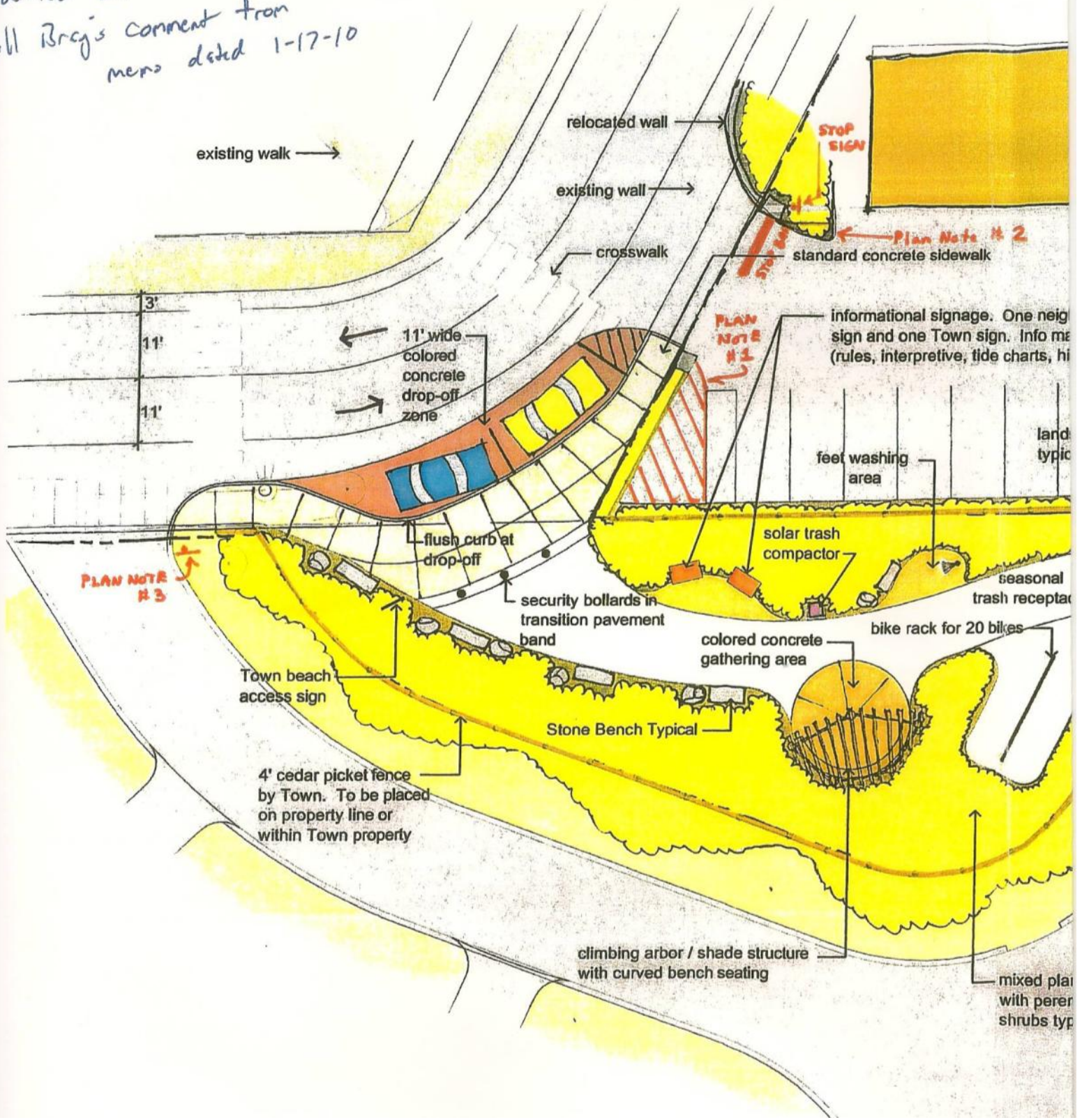


Pine Point Beach Access
Preliminary Concept Plan For Public Discussion

TJD&A 12-2-09

Bill Bray
Notes in Red

modified w/
Bill Bray's comment from
memo dated 1-17-10



William J. Bray, P.E.
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Portland, Maine 04102
Phone (207) 774-3603
trafficsolutions@maine.rr.com

MEMORANDUM

TO: Tom Hall, Scarborough Town Manager

FROM: Bill Bray, P.E., Traffic Consultant *Bill*

DATE: January 17, 2010

CC: Dan Bacon, Scarborough Town Planner
Jim Wendel, P.E., Scarborough Town Engineer
Jay Chace, Scarborough Assistant Town Planner

SUBJECT: Pine Point Beach Access Improvement Plan

Pursuant to your request, I have completed a thorough review of the proposed Pine Point Beach Access Improvement Plan. The documents used in the conduct of that review include: 1) 12-2-09 Preliminary Concept Plan and, 2) reduced scale copy of proposed roadway improvement plans prepared by DeLuca-Hoffman for a portion of Pine Point Road/King Street. The project site was field checked determining roadway speeds, vehicle sight distance, existing roadway geometry, existing traffic signing and pavement markings. The following comments and recommendations provide a summary of that effort:

1. It would be most desirable if the Town can influence three changes to the parking area fronting the Lighthouse Inn: A stop sign and stop bar should be added at the entrance of the parking lot controlling exiting movements from the lot. Additionally, immediately upon entering the parking lot from Pine Point Road the triangular area bordering the concrete sidewalk and the handicap parking space buffer area within the Lighthouse Inn parking lot should be defined as a no-parking area, preferably as a raised landscaped area or, at minimum, with flush/colored concrete to insure this area isn't used for parking. I have labeled this area on the attached marked up plan as note #1.
2. Proposed modifications to the existing landscape wall that fronts the Lighthouse Inn property along King Street, in combination with the proposed painted "fog" line that extends through the horizontal curve connecting Pine Point Road to King Street, are critical visual delineation aids for motorist traveling between the two streets. It may be desirable to soften the curb radius at the entry point to the parking lot. Refer to note #2 on the attached plan
3. A standard stop sign should be installed at the intersection of the private residential street and Pine Point Road. Refer to note #3 on the attached plan.

4. Motorists utilizing the proposed parking drop-off area, in circulating to/from these spaces, will delay traffic traveling along Pine Point Road/King Street for short periods of time simply because of the narrow widths of both roadways. Although, the length of delay should be very minimal and have limited impact on traffic circulation throughout the neighborhood. Clear parking space markings should be included as a feature of the design to ensure that no more than two vehicles are parked at any given time. A third vehicle attempting to park within the designated area would likely encroach on either of the two pedestrian crosswalk areas, from a safety perspective, an undesirable result. Predictable enforcement of the defined parking regulations for these spaces will ensure the success of their utilization by the public.
5. An existing sign located along the northwest side of King Street implies that short duration business parking is allowed. It is suggested that the sign and parking designation be eliminated. King Street is a somewhat narrow roadway; on-street parking on either side of the street, even for short periods of time, certainly has a negative impact on both vehicle circulation and roadway safety.

In summary it would be my professional opinion that the proposed Pine Point Beach Access improvement plan carefully considers and appropriately includes design features that fully integrates the necessary improvements of all users (i.e. motorists, pedestrians, beach users, businesses, etc.) This review memorandum has identified a few plan enhancements that, with implementation, will provide further clarity and safety to the proposed plan.

If there are questions or you desire further clarification regarding the comments presented above, please contact me at 400-6890.