

Welcome



August 9, 2007

Agenda

Jack

Agenda

Chairing the Meeting: **Jack Callahan**

- Please sign in for the mailing list if you want
- Review of Agenda, Timetable for tonight
- Welcome members of the Press who are here
- Each person will present information on a topic and invite discussion

AGENDA TOPICS

- History: Overview of Issues Last Two Years (John)
- Future of Group, Leadership (All)
- Beachwalk Subdivision (Hutch & John Wiggin)
- Public Access on Depot Street (Judy)
- Town Ordinance Regarding Changes of Ownership Hotels & Motels (John)
- Conversion of Lighthouse Inn to 22 Condominiums (John)
- Area Fencing (Elaine)
- Ron Owens & Jeff Messer on “Mediation” (Jack)
- Other issues & Immediate Needs (Jack)
 - Town Council Public Hearing on Ordinance August 15th

History

John

The Issues

22 Unit Hotel to 5 Condos

Town Council Special Committee

Beachwalk Subdivision

Beachwalk Default – Summer Construction

Barricade to Depot Street

Condo Ordinance

22 Unit Motel to 22 Condos

Fence Construction

Successes

- Slowed the land swap process so the public could have a say
- Promoted fully opening Depot Street to the shore for the public
- Proposed alternative to the orange barrel barricade
- Urged a land donation to the Town from Beachwalk
- Suggested restrictive covenants for Beachwalk to preserve public views
- Removal of much of the new permanent barrier built on Depot St.
- Discovered 22 unit conversion plan at the Registry, alerted Town
- Discovered performance bond default at Beachwalk
- Worked with Homeowners Assn. and Town address concerns
- Contacted DEP, found inconsistencies in regulations on closed fences in the Coastal Sand Dune
- Brought to light problems in the Planning Board process regarding poor documentation of representations made by developers (Hollis)
- Kept 130 people on the email list informed, even if they are not a member of the group or agree with its positions, all were invited to join
- Avoided personal or aggressive tactics, but worked within the public process

Adopted Purpose Statement

THE RESIDENTS GROUP Pine Point



Position Statement
June 21, 2006

Residents Group Purpose & Disclaimer

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. 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. We do not release the addresses of members on the list unless requested or authorized to do so by our members.

Land Swap Motel Conversion

Lighthouse Inn Condominium Conversion Neighborhood Meeting 04-07-05



Existing Conditions

The building for this conversion is the 22-unit Lighthouse Inn motel on the corner of King Street and Pine Point Road. The current building is two stories and is approximately 34 feet wide and 144 feet long. Also on the site is a 20' x 35' Office/Maintenance building. Parking for the current motel consists of 27 spaces across Pine Point Road. Due to existing traffic problems, seasonal barriers are constructed to close off Pine Point Road. The site is currently zoned for a residential multi-family use (R4a), and the motel is an existing non-conforming use.



Condominium Conversion

This project is seeking to convert the motel to a 6-unit condominium use. The 22-unit motel units will be converted into 5 condominium units. The current Office building will be converted to the 6th unit. For this project to be successful, parking for the units will be moved inside to a garage on the lower floor. Therefore, the main living area will be located on the second floor, thus requiring a new third floor for the bedroom areas.

Although this project does not require a Parcel Exchange, a land swap was recommended by the Town and received preliminary approval from Town Council at the February 2nd meeting. The land swap would relocate the end of Pine Point Road 18 feet to the west. The parcel of land in front of the motel for an equal sized 18 foot piece of Pine Point Road. While this project does not depend on the Exchange and pedestrian circulation, remove the seasonal barricades, and re-align Pine Point Road.

To complete this project, approvals from the Zoning Board of Appeals, a Miscellaneous Appeal to allow the alteration of a non-conforming use, current setbacks. Approval from the ZBA is also required for the project. Approvals are also required from the Planning Board and City Council before City Council and then Planning Board for preliminary approval.

This project will create a more residential conforming use on this site by changing the existing commercial use to residential. The neighborhood will benefit from a much lower intensity of use including less traffic and noise in the summer. The parking and traffic problems associated with the motel and the summer access restrictions at the end of Pine Point Road will be abated. The character and residential integrity of the Pine Point area will be preserved long into the future.



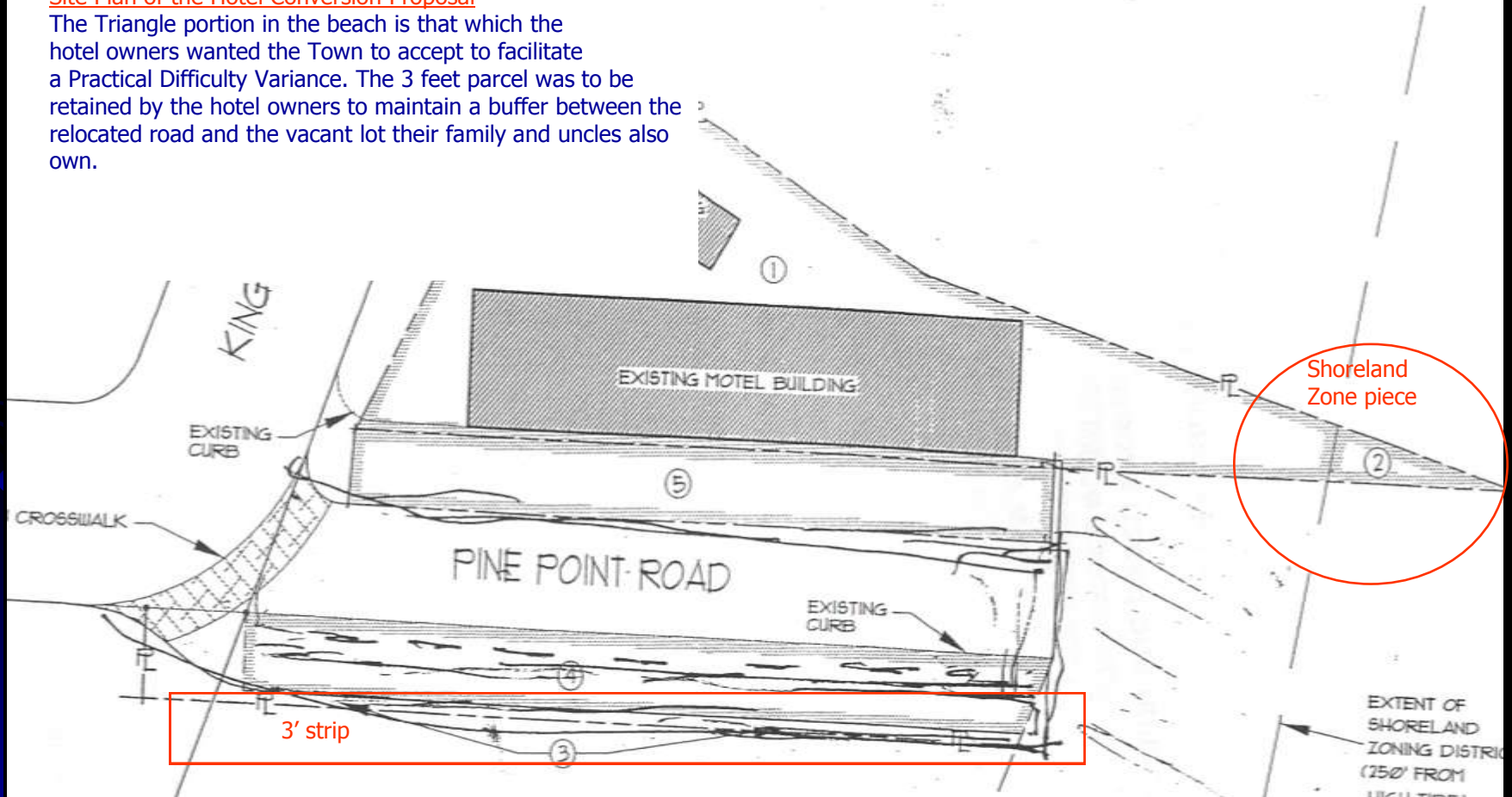
Land Swap

1st Motel Conversion

Site Plan Proposal

Site Plan of the Hotel Conversion Proposal

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



PLAN "D"



Site Plan - Scheme "D"

Scarborough, Maine

Lighthouse Inn - Condominium Project



Condo project seeks neighborhood meetings

Owners table planners action to seek citizen input

By Lucas Knowles
Staff writer

Two neighborhood meetings have been scheduled for next month regarding the possible conversion of the Lighthouse Inn to condominium units.

The meetings come after the conversion project has gone through two meetings with the Zoning Board of Appeals where the board tabled the appeals attached to the project.

Several members of the public, many from the Pine Point area where the Lighthouse Inn currently sits, have questioned the specifics of the project.

Many residents have asked if all Pine Point residents, including seasonal residents, be allowed their chance to speak about the project and have questioned whether the proposed conversion will keep the character of Pine



THE LIGHTHOUSE INN will be converted into condo units, if planners approve a special exemption for the project. Neighbors have been vocal about the conversion.

Point intact.

The Lighthouse Inn has existed in Pine Point since the late 1950s.

It currently houses 22 units and is located at the corner of Pine Point Road and King Street. The

business overlooks Pine Point Beach.

The items before the Zoning Board of Appeals called for the conversion of the main building into five condominium units, with a detached office building

becoming a sixth unit.

The motel is a non-conforming use in residential zone. Owners Peter and Nicholas Truman were appealing to the Zoning Board to convert the

business into another non-conforming use. The owners are also asking for a variance to build a third story onto the building.

The owners of the Lighthouse Inn have requested the Zoning Board of Appeals table any items associated with the project until further notice. A proposed land swap, where the motel owners would trade land located across Pine Point Road for town land next to the motel and a proposed transfer of a deed for a small strip of beachfront property to the town have also been tabled until further notice.

Zoning Board members and the public have taken issue with items such as the proposed height of the project, a driveway pattern that has vehicles backing out onto Pine Point Road and conversion of the detached unit.

Mark Chaloupecky of City Architecture, the designer of the proposed conversion, said the project is now back to "square one."

"We want to get input from residents and the Scarborough community," Chaloupecky said. "We want to go back, use comments and concerns, and come up with design that can accomplish what both the owner and the neighborhood would like to see."

Chaloupecky said a neighborhood meeting was held in Pine Point the night before the last Zoning Board of Appeals meeting, but that meeting was more of an "informational meeting" to "clear up some items." He said the next meetings will be more designed to "work with the community" and to have a "dialogue." He said any new design will depend on how much the community gets involved.

The neighborhood meetings are being scheduled for Wednesday, June 1 and Monday June 27. Both meetings will begin at 7 p.m. and will be held in the upstairs meeting room at the Pine Point Fire Station. The meetings will be open to the public.

Revised Lighthouse Inn design gets some support

By Ken Tatro
ktatro@keenejournal.com

The updated plans for the conversion of the Lighthouse Inn to condominiums were unveiled Monday night and addressed many neighborhood concerns, but some residents still felt the building was too tall.

Lighthouse Inn owners Peter and Nicholas Truman are proposing to renovate the current 22-unit seasonal motel in Pine Point into six condominium units. The building does not conform with existing zoning rules, and in order to move forward with the project the Trumans need several variances from the Zoning Board of Appeals.

The plans have been in front of the board twice and were tabled both times after board members requested additional information. During the meetings several neighbors also spoke out against the project.

In hopes of getting a better public response, Port City Architecture, which is developing the plans, scheduled two community meetings this month to discuss the project with neighbors and get their feelings on it.

Monday was the second meeting and the architects, Andy Hyland and Mark Chaloupecky, presented a new plan that they hoped would alleviate some of the neighborhood concerns.

The new plan contains six units. But rather than renovating the motel office, it would be removed and an addition would be added to the end of the motel nearest the ocean.

The removal of the office allows the developers to put four garages and a small parking lot in the rear of the building, allowing drivers to pull out onto King Street rather than directly onto Pine Point Road. This was a major concern during the zoning board meetings. In addition, the lot would contain a catch basin to better handle some drainage issues in the area.

However, due to the triangular shape of the lot, the developers had to keep the garages and driveways for units five and six in the front of the building, causing

those living there to back out onto Pine Point Road.

Currently the inn is two stories high, but in order to include a garage for each unit a third story must be added. Hyland said the garages will add market value to the units and could not say what would happen if the town did not allow a variance to add the third story.

"We're hoping the neighborhood supports the project and we won't have to go there," Hyland said, adding that if the project received neighborhood support, he hopes the zoning board would accept the proposal.

One of the major concerns throughout the entire process was the building's height. To help address the issue, Hyland presented a plan that broke up the roof alignment to create a building that gives the feeling of individual homes rather than a large condominium.

"That will break up the façade," Hyland said.

Neighbors seemed to appreciate the changes in the roof alignment, but many felt it was still too high and said the size of the building be reduced.

"I really believe this is going to be an unprecedented height in Pine Point," said John Thurlow. "To me it's going to be a monstrous structure that dominates the vista."

As presented during the meeting, the roof's height is technically at the town's maximum of 33 feet, but due to the way this figure is calculated the top of the roof is actually 42 feet off the ground.

Hyland said some changes to the roof could be made such as reducing the dormers and roof pitches,

which will help decrease the overall size of the building. He would not present a flat roof plan to the Planning Board because it would probably not be approved.

"There are still things we can do on that and be in conformance," Hyland said. "I think we could design a very beautiful, compelling piece of architecture."

Hyland said if the plan was getting close to what people wanted then he could further refine the plan and present it again to the neighborhood. However, there is only so far he could go and keep the project to six sizable units.

"If we're getting close we can probably bend a little more, but we can't bend a lot," he said.

Also included in the plans is the proposed land swap, or as the developers prefer to call it, a road relocation between the town and the Trumans.

The swap, which was proposed by the town, would involve the two sides trading about the same amount of land. It would allow Pine Point Road to move 18 feet away from the inn and provide enough room to add a small yard in front of the building. It also would allow the removal of the seasonal barricades.

"There are a lot of advantages to that, I think," Hyland said.

Another possibility being considered is somehow building a cul-de-sac at the end of Pine Point Road to allow visitors a better turn-around area. This would require cooperation from the town, which owns some of the land where it is proposed.

The architects will hold another community meeting during the summer, but the meeting has not yet been scheduled.

Scarborough Leader

June 30, 2005

**CARPET BINDING AND REPAIR
CARPET ALTERATIONS**

MODERNE RUG CLEANING

a full service carpet cleaning company
854-5311 • Route 25, Lower Main St.

The motel's “final” plan, known as “Plan D” which the Residents group endorsed:

Lowered the height

Broke up the roof

Moved parking

Eliminated the 6th unit in the back



Special Committee

Statement of the Residents Group Pertaining to the Pine Point Road Relocation

PRESENTED TO THE TOWN COUNCIL WORKSHOP SESSION AUGUST 10, 2005

Our group would like to thank the Council for meeting with us and for listening to our ideas. We respect your time constraints and appreciate your service to the Town.

We come before you as a group of citizens who have organized and adopted positions on a wide range of issues. We recognize there are many viewpoints and we respect those. The group of citizens we represent believed that forming a group would be an effective way to participate in the public process. We believe we have a good understanding of the complex issues surrounding this project and want to work positively to find the best solution possible.

Our Primary Goal Is to Study This Issue Carefully

Our primary goal is to encourage you to delay action on the proposed land swap at the end of the Pine Point Rd., and delay consideration of accepting a deed for a portion of the Lighthouse Inn's property, until a more thorough, thoughtful and public process is undertaken.

Our Appreciation

We want you to know we have worked very hard to become knowledgeable, communicate honestly, and treat everyone with respect through this process. There have been some strong feelings expressed over different issues, but it has been a positive process overall. We want to express our appreciation to the Zoning Board for listening to the public and asking the applicants to work with the neighbors. And we appreciate the neighborhood meetings held this summer, and the effort the Lighthouse Inn owners and architects made to respond to concerns.

Public Input is Essential

We also believe that the Town Council deserves to have as much information and public input as possible at this point in the process. This decision is a very important one and we want to encourage you to study it carefully and do whatever you can to involve the public. We have such a wonderful opportunity to do something very special for the Town of Scarborough at the end of the Pine Point Rd. And as you can see there is a great deal of interest by the public to participate.

Rights of the Inn Owners

We understand the owners of the Lighthouse Inn have a timetable for their project. But we also believe that this is not just an ordinary project. There are extraordinary circumstances which involve public property and we feel this calls for a different process before the Zoning Board considers the appeals.

Complexity of the Issues

It has been said the land swap is just a simple relocation of the road by moving it 18 feet, and it will improve both traffic flow and shore access. We believe this is an oversimplification. Many of us have been involved throughout this process beginning in February. We've had the benefit of hearing all the details and we assure you this is a very complex issue worthy of careful study. There have been many perspectives as well as some misunderstandings and confusion. But those can be resolved by slowing the process down and involving all interested parties in a truly cooperative manner.

Take Time for Thoughtful Study

Some people believe government works too slowly, but it can also work too quickly. In 1996 a proposal to develop the old golf course across from Ken's Place was made. This issue also involved public property and it became a complex and controversial issue. But through Council leadership and the work of a committed group of concerned citizens, a careful study was done and Scarborough now has beautiful 50 acre wildlife sanctuary there.

The Haigis Parkway, our new Memorial Park, the current Camp Scarborough study committee, even creation of the Industrial Park are all examples of products of careful study. The Haigis Parkway was a significant opportunity for the Town, but it was a long and productive process. In return for Scarborough's effort to vastly improve the value of the landowners' property, the Town asked for something in return; i.e. sharing the cost of the public improvements. This seems reasonable public policy. The whole Town will benefit from the Parkway, and so will the private landowners. The goals of all parties will be achieved through strong municipal leadership and a true spirit of cooperation.

The Pine Point Rd. is a small piece of public land and may seem inconsequential by comparison, but considering that public access to the shore is so valuable, it deserves no less study. The Pine Point Rd. is much more than just a dead-end street.

With all due respect, we believe the developers' timetable for their project is less important than the opportunity for the Town of Scarborough to improve a magnificent area for the citizens, landowners, and the public at large for many generations.

4 Primary Issues

Some may believe we are most concerned with the conversion of the Lighthouse Inn to condominiums. However, the residents group has focused primarily on the following four issues:

- The Value of Public Property on the Shorefront
- Public Policy Regarding Donations of Private Land
- Public Policy Regarding the Town's Role in Assisting Private Development
- What Precedents Might Be Established

1. We believe that the end of the Pine Point Rd. is extremely valuable public property. Any decision to alter it should:

- o Be made after careful study and public input
- o Be based on what is the best interest of the community
- o Seek to significantly enhance public access to the shore

2. We believe the Town should cautiously approach any request to accept private land if the purpose of the conveyance is to assist a private enterprise. The proposal for the Town of Scarborough to accept a deed for a portion of the Lighthouse Inn property lying within the Shoreland Zone is one such example. We believe the Town should keep in mind that conveying a portion of that property will reduce the size of the parcel and make it more non-conforming than it currently is. Also, conveying private property to the public makes it tax-exempt, and this property is shorefront land. Finally, the question as to whether this would establish a precedent should be considered.

Deed prepared and placed on the Council agenda... never accepted

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 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 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	

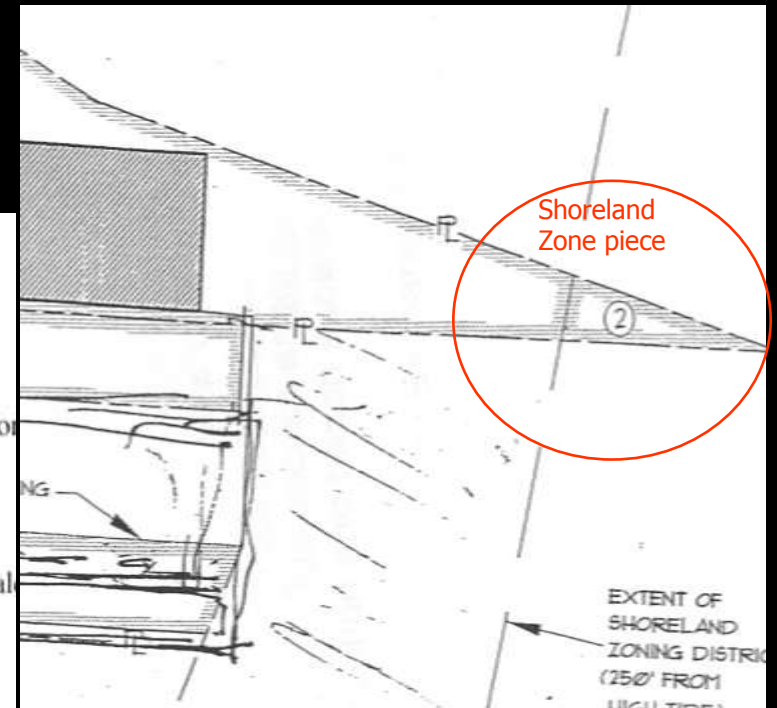
Item 4. Minutes: April 6, 2005. Motion by Chairman Messer, seconded by Councillor Babine, to move approval of the minutes of April 6, 2005, Town Council meeting, as written.

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.





Town of Scarborough, Maine

255 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE • 04075-0360

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

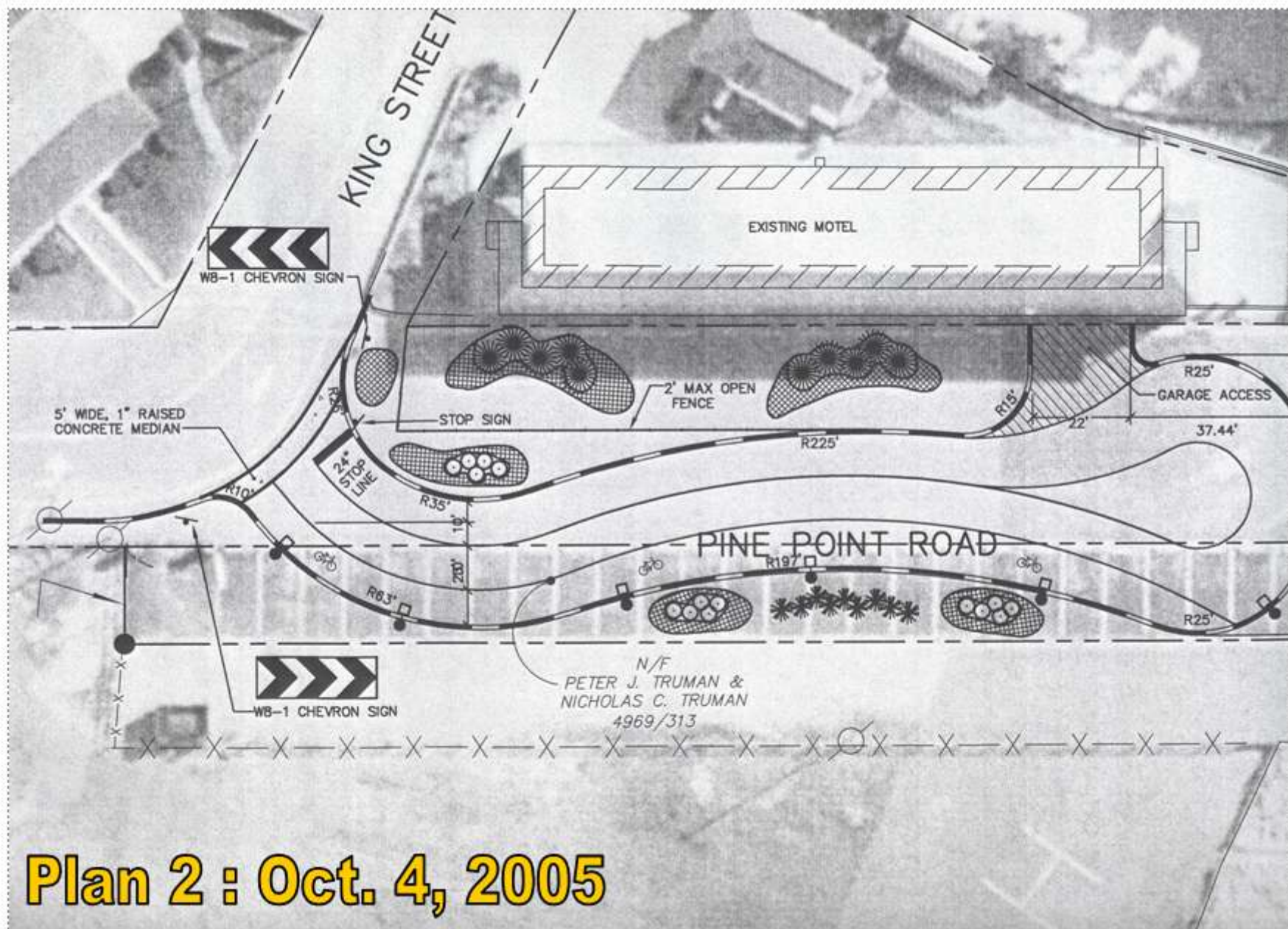
Sincerely,

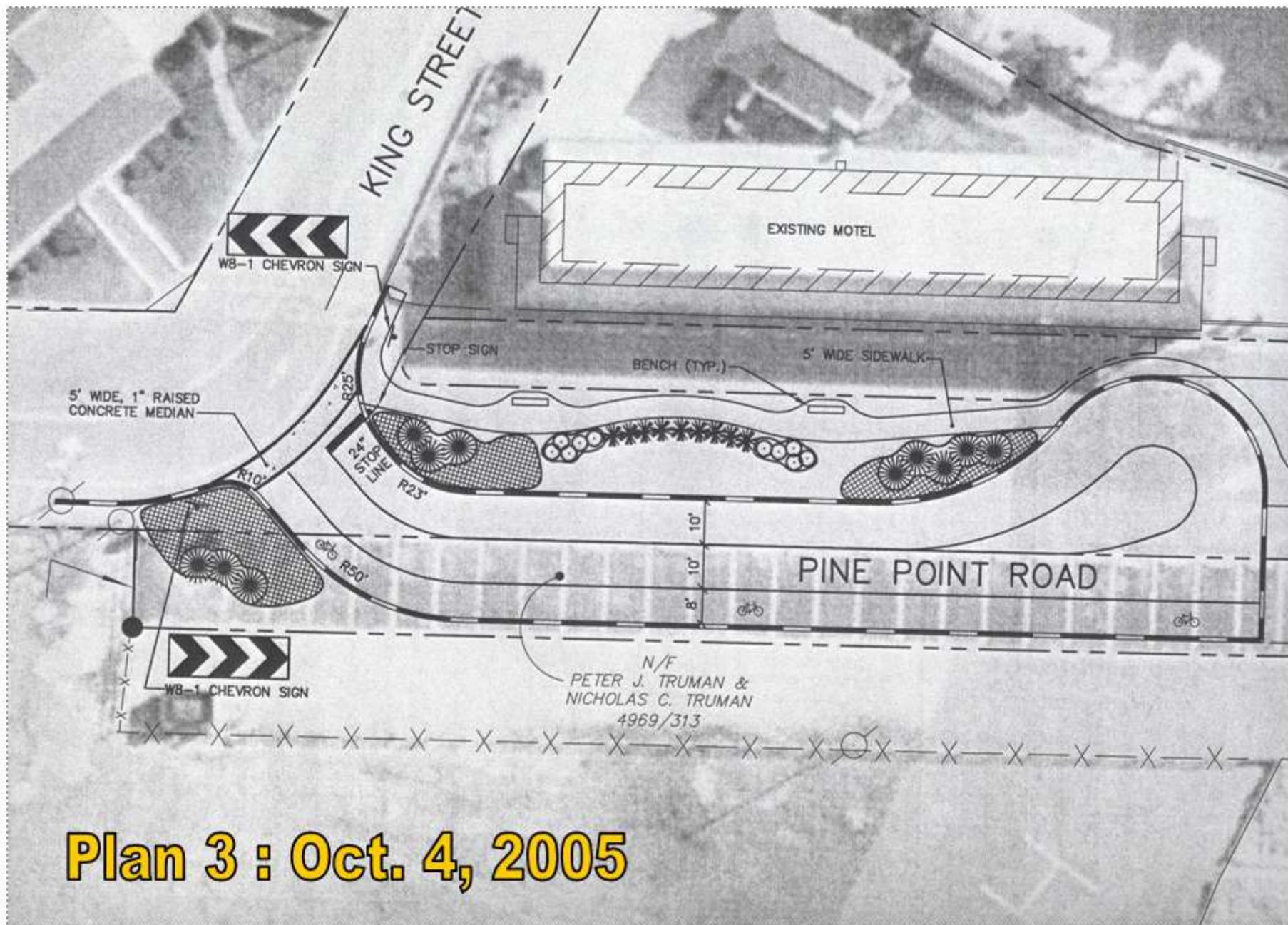


Ronald W. Owens
Town Manager

Cc: Town Council
Joseph Ziepniewski, Town Planner







Plan 3 : Oct. 4, 2005

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
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 motel 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

Verrill Dana_{LLP}
Attorneys at Law

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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:

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



Residents Group April 4, 2006

Dear Committee Members,

As you know, our group of citizens organized last August to speak with one voice on issues related to the Lighthouse Hotel conversion project, the Pine Point Rd. and the vacant abutting lot. We asked the Town Council to establish a study committee to examine the issues surrounding the project because of the very unique circumstances present there, and because we felt that the conversion, road relocation and future development of the vacant lot warranted careful study. We have always viewed this as a wonderful opportunity for the town and the private landowners to work collaboratively to negotiate an agreement that would satisfy everyone involved. We also felt this process would assist in addressing many issues in advance of normal regulatory reviews by Town boards.

The Residents Group and its leaders have been very invested in this process and believe it should continue. We recognize that the owners of the vacant lot chose not to participate at all, and learn now that the owners of the hotel will not be participating. But we believe that with Mr. Hollis's participation, a renewal of our mission as a committee, examination of our work process, and a commitment by the other Committee members, we can craft a comprehensive set of recommendations that will be ready when all parties are prepared to reach a formal agreement. We do not want all of the time and energy the members of this Committee have given to be wasted and we believe good work lies ahead for us.

We also believe that the Town Council and the public deserve a full report of our work, and that the latest communication from the hotel owners' attorneys should be responded to at the soonest possible time.

Thank you.

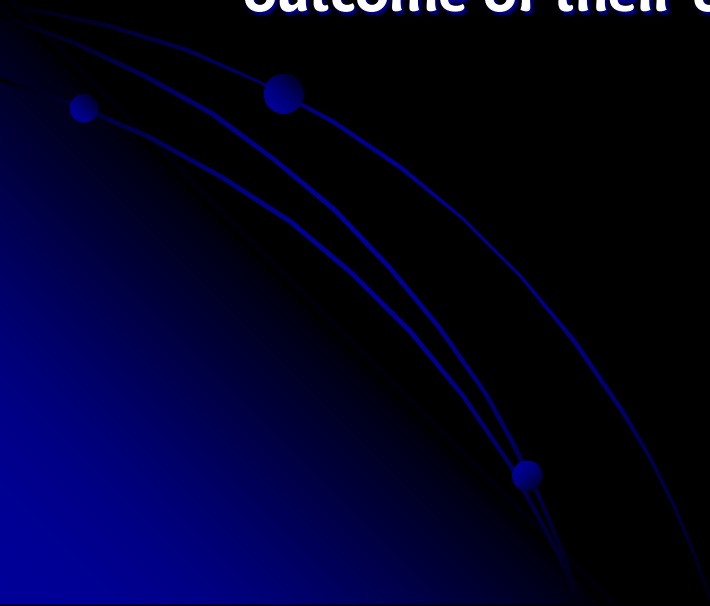
The Residents Group Leaders

Jack Callahan
Judy Shirk
John Thurlow

Our effort to continue the study was unsuccessful.

No documentation of any committee business exists except for the drawings

The Town Council, according to Chairman Steve Ross on April 9, 2006, has been given no report of the outcome of their committee.



Beachwalk Subdivision



316 US Route 1 • Suite F • York, ME 03909 • (207) 363-8681 • Fax (207) 363-0703

February 28, 2006

Resident's Group at Pine Point
C/o John Thurlow
1 Starpine Lane
Scarborough, ME 04074

Dear John:

Thank you for your letter and questions of February 17th.

Enclosed please find the answers to the questions sought by your group. As we have stated in the letter, and as is our normal way of conducting business, we are always eager to keep the communication lines open when it comes to discussing our projects.

We have a venue for our meeting with your Neighborhood Group. The date of the meeting is March 16, 2006 at 7:00pm at the Hampton Inn, Saco, Maine. We have placed ads in the Scarborough Current and the Scarborough Leader that will run twice before the meeting. We have placed an ad in the Forecaster that will run once before the meeting.

If you have any additional questions prior to our meeting do not hesitate to call.

Sincerely,

Paul C. Hollis

Att: Answers for the Neighborhood Group

Answers for the Residents Group Pine Point

QUESTIONS FOR PAUL HOLLIS ANSWERS FOR THE RESIDENTS GROUP

February 17, 2006
February 28, 2006

1. When do you foresee holding meetings for residents, and would it be possible to hold multiple meetings?

Answer: We are willing to be contacted the abutters who we are awaiting a response.

2. Could you hold meetings be

Answer: Absolutely. We are March 16, 2006. We hope will advertise and contact pe

3. If the hotel owners decide to explore possibilities with the Pine Point Road and public

Answer: Yes, as long as there are no proposed changes at the time. All proposed changes at the time have to be in the best interest of our project approvals. Any changes that we agree to build upon our project being approved.

4. Can you provide information to avoid impact on sensitive en

Answer: Yes. The immediate of the Department of Environment that our proposed shoreline they are laid out by the State go through the approval process for their comments. All concerns they may have.

5. We have questions about the proposed lots extend to the determined? How do you intend to manage the low tide zone and sandy beach? Do you project so that zone and the

Answer: By law properties are the public for fishing. Foully the property, and by deed, down to the low water mark. The high and low tide cooperation with Environmental Associates, and by the Maine

We are not interested in any land owners restricting the everyday use of the beach area. By deed to those owners, and by the use of an easement to the town, we will prevent it. The only common area of our property that will be exclusive to the Lot Owners of the development will be the roadway system itself.

6. Will you be building any homes yourself or just selling lots to private individuals, builders or investors? Your letter mentioned that you will make sure that the houses are "responsibly designed and sited so that they are in harmony with the character of the neighborhood," but we thought you were just subdividing and pre-selling the lots. Can you explain how you will be able to control those design and site decisions? Is it possible to see renderings of designs that might be constructed and a profile of the plan from the public way so we can see how the neighborhood will look?

Answer: As of now, my company will not be building homes. We will be selling the lots to private individuals.

The Restrictive Covenants, which are recorded at the County Registry of Deeds (in Deeds), will set the Rules and Regulations governing the Restrictive Covenants grant to me, as I will be placed, what style of house and type of shape of the house, etc. All factors inherent in it approved by me, and nobody else for a period handed over to the Homeowners Association.

The style and design of the homes will be built of the highest quality materials. A fence would not be allowed would be vinyl siding.

When a rendering of a house design is changed to it, and then bring the plan to our involvement our immediate abutters is the most that is in harmony with our abutters.

7. What is your intended time frame? When will approved, when do you intend to begin construction? Do you need other approvals? Please explain the answer questions.

Answer: Our intended time frame is to be at or April 3, 2006. From there we intend to be at We plan on beginning the infrastructure soon. We are not at the DEP yet, though we have an application to the DEP once we have final navigating through the approval process under challenges to any of the town ordinances. All our direct abutters and any other interested in on the entire process winding up sometime in

8. You mentioned that you are always open to suggestions which is very admirable. Do you have some idea of how much of the parcel to be conveyed to the Town final design?

Answer: In the past we have provided walk-in field; we have brought public water and sewer previous tied access to that type of service we have worked. Each time we have given to the town's needs. For me to give you an idea I believe your needs are something that we will

In looking at our design for countless hours, I'm not sure how we would be able to convey a portion of our parcel without affecting the viability of the project. If we were talking about 30 acres of land we would be able to work something out, but as it is, we are talking about 8 acres, where as, when you take out the road and the protected Dune area the usable portion of the parcel is reduced to approximately 4 acres. Add on high tide and the usable portion of the parcel shrinks to approximately 2.3 acres. The actual building envelope are only comprised of a total of 37,432 square feet, which is only 66% of an acre. When you spread this out over 8 lots there is really nothing left over to give. What we are willing to grant to the Town is a prescriptive right in perpetuity for access to the beach. We feel that this is a gift of great magnitude which should not be looked upon lightly.

9. Do you intend to have any open space within the development itself?

Answer: No. As was stated to our Answer in Question 6 we are looking into providing the Town of Scarborough with some form of an easement across the beach area for the benefit of the Residents of Scarborough. This easement will either be in the form of a recreational easement or in the form of an easement that is designed to grant full enjoyment for public use.

10. Could you explain why the road is proposed to be private rather than public? If it were to remain private, will this be a "gated" community?

Answer: All of our subdivisions are private, and the Town of Scarborough would not be interested in maintaining a brick roadway. A private road meets the conditions of the Town of Scarborough's roadway ordinances and we do not want to burden the Town with the added expense of maintenance that comes with the road being public. At this time the project is not proposed as a Gated Community.

11. Would the deed restrictions and/or covenants prohibit fences and high vegetation to view corridors for the public are maintained? What are other proposed deed restrictions, covenants or site-plan restrictions? Would the Town be able to enforce these in the future; for example, if fences or high growth landscaping were prohibited, could the covenants as proposed be enforced by the town or only members of the homeowners association?

Answer: Fences & vegetation would not be prohibited, but would be of the type of fence & vegetation that are limited in height so as to maintain as much of the view as we can provide to our abutters.

As we start to proceed in creating the Rules and Regulations of the subdivision we very much value the views and input of others so as to make sure that our development is built in a style and manner that the neighborhood can embrace.

Covenants are recorded documents which are enforced by the Home Owners Association.



316 US Route 1 • Suite F • York, ME 03909 • (207) 363-0681 • Fax (207)-363-0703

March 16, 2006

John Thurlow
1 Starpine Lane
Scarborough, ME 04074

Dear John,

On behalf of myself and my staff, I want to thank everyone who attended our 1st Pine Point neighborhood meeting. Nearly one hundred people attended and gave us their valuable time, as well as their thoughtful insight and questions which in the end will make our project even better.

On April 3rd, 2006 we will be before the Scarborough Planning Board to present our conceptual plan, the same plan presented to you at our meeting. We welcome everyone to attend. If we are fortunate enough to receive conceptual approval our company will sponsor a 2nd neighborhood meeting some time in mid April. The intent of this meeting will be to provide an update to all of you on important issues like; storm-water management, landscaping design, house design criteria and placement. It will also give us the opportunity to review with you a "draft set" of covenants that will place firm controls on the subdivision without restricting creation of a beautiful small community.

Talk to you soon.

Most Sincerely,


Paul C. Hollis
President

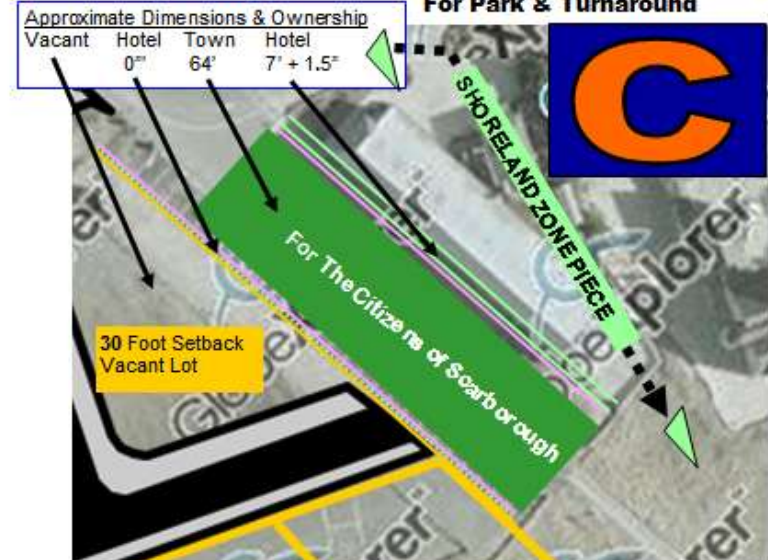
Planning a second neighborhood meeting in Mid-April with storm water plan, landscape design, house design criteria and placement, covenants draft.

Examples of Road Relocation and Property Exchange Scenarios Prepared by the Residents Group Representatives

A Existing Layout



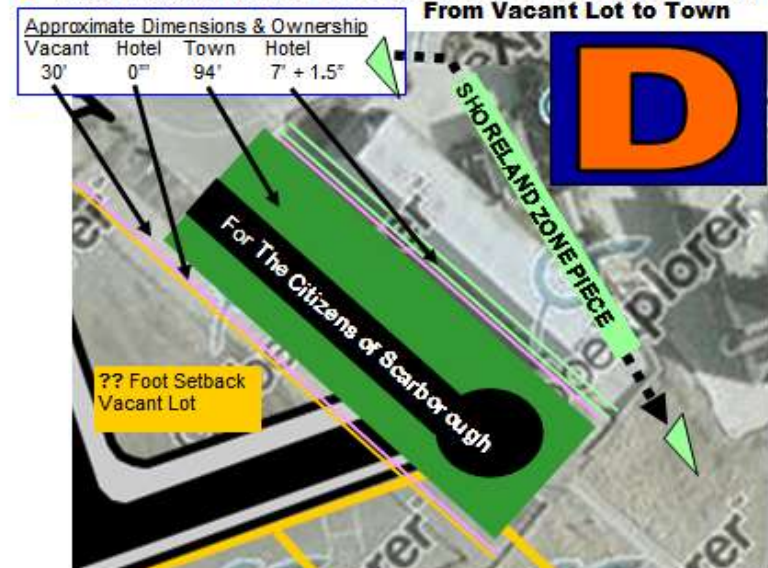
C Road Relocation with 14' of hotel land given to Town For Park & Turnaround



B 18' Road relocation (even swap) Hotel keeps 3' buffer

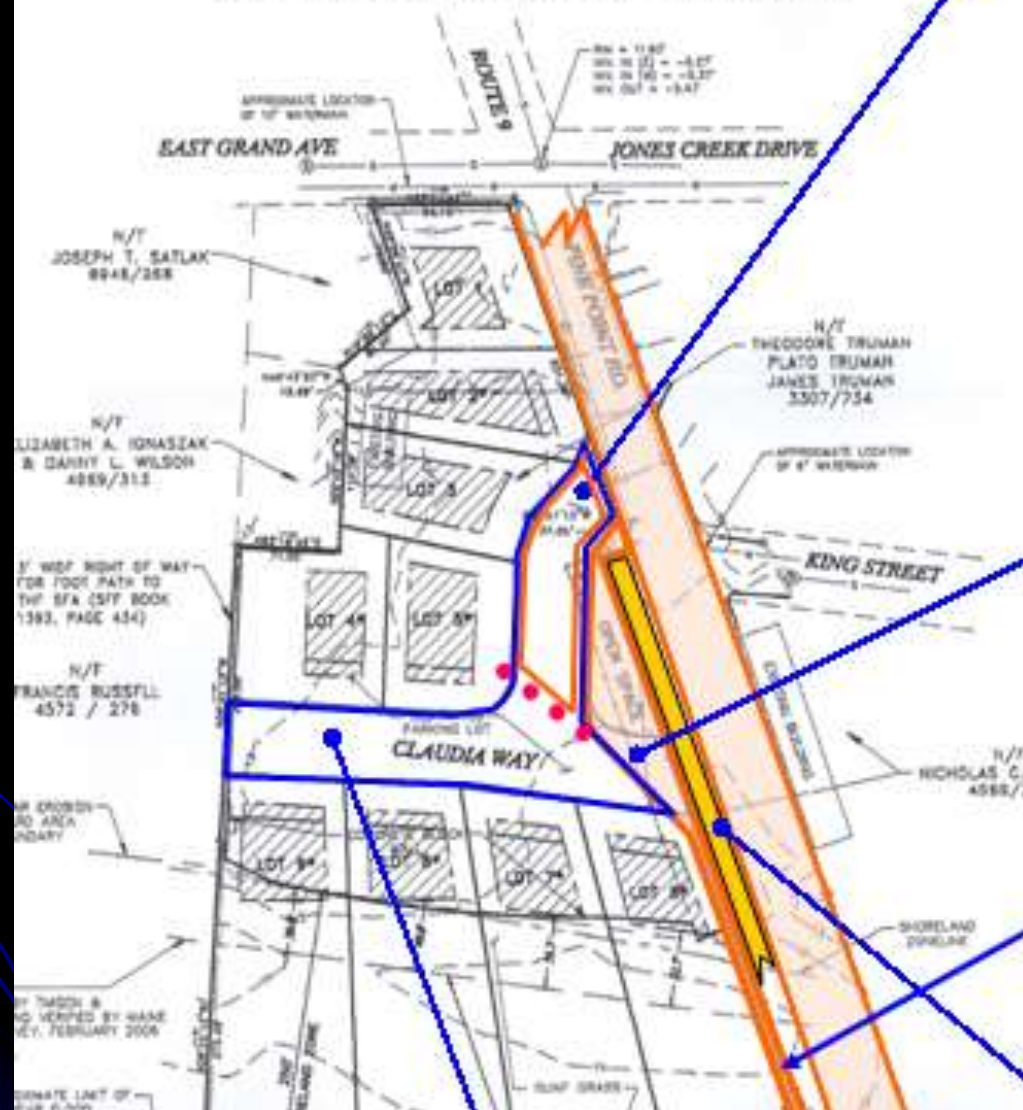


D Road Relocation with 14' of hotel land given to Town & 30' From Vacant Lot to Town





PINE POINT SUBDIVISION SCARBOROUGH, MAINE



DRAFT 06-13-06 (Not to be copied)

**DECLARATION
OF RIGHTS, RESTRICTIONS, COVENANTS & EASEMENTS
FOR**

Beachwalk at Pine Point Subdivision

Located at
Pine Point Road, Town of Scarborough, Cumberland County, Maine

Changes by First Step are in BLUE

Please note: Though we did not implement all of your suggestions, we feel that we did give a significant degree of consideration to your suggestions, and found most of them to be worth while changes that would enhance these covenants. We hope you are satisfied with the changes that were made to these covenants as a result of your comments.

After talking to Lee Allen at Northeast Civil Solutions it has come to my attention that the sidewalk is denoted on the Construction Plans, which is part of the entire subdivision plan that is signed by the Planning Board, but, we will also have it denoted on the front page of the subdivision plan. Additionally, before First Step is to receive Final Approval, they must post a bond for the construction of the sidewalk with the Town of Scarborough.

This Declaration of Rights, Restrictions, Covenants & Easements is made this ____ day of _____
_____, 2006 by **First Step Land Development, Inc.**, a Maine corporation with a principal place of business and mailing address of 316 U.S. Route One, Suite F, York, Maine 03909, (hereinafter the *Declarant*).

WHEREAS, the Town of Scarborough Planning Board has approved the development of the Subdivision into 9 residential building lots (hereinafter collectively referred to as the *Lots* and separately referred to as *Lot*), Open Space, and Claudia Way, and every other portion of the Subdivision that is not a Lot is hereinafter collectively referred to as the *Common Property, except for the area denoted as Area A, which is to be deeded to the Town of Scarborough*, all as more particularly shown on a plan entitled *Final Subdivision Plan, Beachwalk at Pine Point*, prepared by Northeast Civil Solutions, Inc. of Scarborough, Maine, said plan dated _____, 2006 and recorded in the Cumberland County Registry of Deeds Plan Book _____ Page _____ (hereinafter referred to as the *Plan*);

2.8. Boats, Recreation Vehicles, and Commercial Vehicles. No boats longer than 12 feet, camper-trailers or similar RV's, trailer trucks, and other vehicles in excess of 7,000 pounds gross vehicle weight, shall be stored on any lot unless garaged or view screened preferably with vegetation, from adjacent Lots and the Roads. *This view screening will be done in such a way as to protect the views of the abutting properties, shall not exceed a height of 4 feet except when 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 the view screening, to not unnecessarily obstruct any views to the ocean and beyond.*

2.11. Sanitation. Open burning of refuse, leaves and brush within the Subdivision is prohibited. Lot Owners must dispose of such items and trash privately. Trash shall be kept in sanitary containers and view screened from adjacent Lots and the Roads. Lot Owners may make arrangements for private pickup service. Trash containers may be left at the edge of driveways only on the day of scheduled pickup. *No trash containers/receptacles will be placed on East Grand Avenue, Pine Point Road, or King Street, except that Lots 1 and 2 will be allowed to place their trash receptacles on Pine Point Road for pickup service.*

3.3. S-16. Area "A" to be deeded to the Town of Scarborough for future Public Access Improvements, as is denoted on the *Plan*.

4.2. Building Height. Building height on each Lot shall be subject to the limitations imposed by the State of Maine Department of Environmental Protection Natural Resources Protection Act as stated in the Coast Sand Dune Rules, Chapter 355: No building greater than 35 feet in height, and no building greater than 2 ½ stories or covering a ground area greater than 2,500 square feet may be constructed in a coastal sand sue system unless the applicant demonstrates by clear and convincing evidence that the site will remain stable after allowing for a two foot rise in sea level over 100 years. Reliance upon an existing seawall is not sufficient evidence of site stability. When determining the height of the building, the measurement is taken from the existing, lowest natural elevation within the building's footprint if the lot is undeveloped, the lowest natural elevation is measured 5 feet from the corners of an existing building's foundation, or the elevation used by the municipality when determining compliance with local ordinances.

4.7. Architectural Design Review. No construction shall occur on any Lot until the Declarant has reviewed and approved in writing the Lot Owner's architectural plans depicting all of the proposed principal and accessory structures and improvements (including fences, in-ground pools and hot tubs; no above ground pools are allowed in the subdivision except for "kiddie" pools under 100 square feet in size) to be located on the Lot, which structures shall conform with the criteria set forth in this Article. Declarant's review and decision concerning plans shall be completed within thirty days of submission of a complete set of plans and specifications, and in the absence of a decision by Declarant within said 30 day period, said plans shall be deemed to be approved. Approval of such plans shall not be unreasonably denied, conditioned or delayed. The plans shall illustrate the physical dimensions of all structures, improvements, driveways and landscaping, including yard setbacks and elevations. The plans shall also include all exterior building material specifications such as color of paint or stain, windows, doors, trim, siding, and roofing materials

4.12. 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 4 feet 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, 4.12., cannot be changed by a vote of the Homeowners Association. *f*



Position Statement

June 21, 2006

DRAFT (not enacted)

Beachwalk at Pine Point Subdivision

We, the members of the Residents Group at Pine Point, take the following positions regarding the proposed subdivision by Paul Hollis of York, Maine.

1. The Residents Group acknowledges and appreciates the developer's excellent communication to the neighborhood and greater community throughout the design and approval process. He has invited input and acted upon it in his final plan.
2. We enthusiastically support the conveyance of 3,409 square feet (shown as area A on the subdivision plan), to the Town of Scarborough, deeded without restriction to the citizens for the public's enjoyment. This conveyance will expand the quantity of precious, publicly-accessible shorefront property in perpetuity.
3. We support the developer's plans to construct a four-foot granite curbed sidewalk from East Grand Avenue to the entrance of the subdivision, with a crosswalk across the private way entrance to the conveyed land, for the public to access and enjoy.
4. We support the efforts the developer, beyond what is required, to provide for the protection of Piping Plovers which are known to nest in the area. Signs, notifications and fencing of nesting sites and other efforts are commendable.
5. We support the developer's agreement to make 4 foot height restrictions of vegetation, fencing and screening within the development (both in the common areas and on each lot) a non-amendable covenant, and to have these restrictions also part of the subdivision approval so these important restrictions will be in place in perpetuity and will be publicly enforceable by Homeowners Association or the municipality beyond the developer's period of control. The developer's promise to preserve the public's views of the Atlantic Ocean is commendable. We support adding the language in covenant 4.1.2 to the Subdivision Notes consistent with Mr. Hollis's willingness to preserve public views in perpetuity.

For these reasons, we recommend and support final approval of the subdivision plan by the Scarborough Planning Board.

For the Residents Group,

John Callahan, 38 King Street

Judy Shirk, 6 Avenue Three

Harold Hutchinson, The Gables

John Thurlow, 1 Starpine Lane

Beachwalk
Default

Default

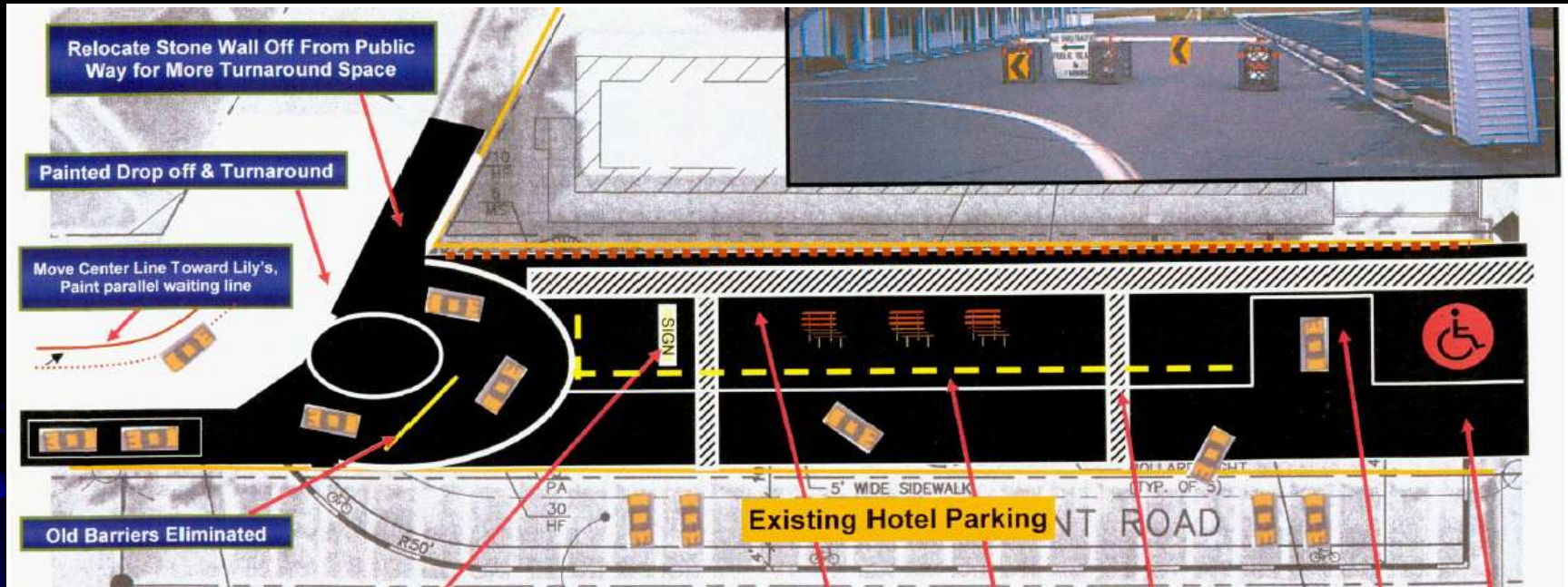
- Paul Hollis Defaults
- Performance Bond Not Paid in full
- Lot owners modify covenants regarding construction schedule – begin June
- Group asks Town to intervene
- Town's response, it can't legally
- Summer construction – water main, disruption
- Town manager asks group to reach agreement with Mr. Wiggin
- Concern other agreements won't be honored

Barricade
Open Space



Ideas Presented by Representatives April 19, 2006

INTERIM PLAN FOR SUMMER 2006



May 23rd Email from Town Manager with his “current concept” for the control of Depot St.

From: Ron Owens <ROwens@ci.scarborough.me.us>
Date: Tue, 23 May 2006 11:29:07 -0400
To: John Thurlow <john@thurlow.com>
Cc: Jack & Janet Callahan <galwaybay1@aol.com>, Judy Shirk <jshirk@maine.rr.com>
Conversation: Ideas for Barrier Alternatives at Pine Point
Subject: RE: Ideas for Barrier Alternatives at Pine Point

John, Jack and Judy,

Attached is our current concept for controlling access to Depot or Pine Point Road Extension not only during the summer but year round. The width of the opening would allow two cars to pass and permit snow plows, PW Equipment and Public Safety Vehicles to have access. Signage will also be included discouraging vehicle traffic but encouraging pedestrian traffic and showing this a beach access point.

We have also developed a plan with Paul Hollis that will allow for a transfer of some of his property to the Town to used as part of a reconfigured roadway with pedestrian sidewalk when we are able to acquire the strip of land owned by the Truman's. The Planning Board will be presented a conceptual layout of the roadway that we discussed in our meetings to show how the property Paul is deeding will ultimately become part of the roadway and not open space.

Ron

Mr. Owens's position is that the parcel Hollis is deeding to the Town will not be used until the motel question is settled. We disagreed and believe it is a Town Council decision.



Depot Street - Public Access

Conceptual Plan - 05/12/2006



**First Plan from
Ron Owens on
May 23, 2006.**

**Planters
Pedestrian Walk**

June 1, 2006 Email from Town Manager

A new plan. This was presented to the Town Council on June 7th for their approval.

From: Ron Owens <ROwens@ci.scarborough.me.us>
Date: Thu, 1 Jun 2006 15:32:24 -0400
To: John Thurlow <john@thurlow.com>
Cc: Jack & Janet Callahan <galwaybay1@aol.com>, Judy Shirk <jshirk@maine.rr.com>
Conversation: Ideas for Barrier Alternatives at Pine Point
Subject: RE: Ideas for Barrier Alternatives at Pine Point

John, Jack and Judy,

Please view the roadway and notice the markings. What we now plan is a slightly raised curbed berm (8-10") filled with stones and with signage and reflectors. This will replace the barrels, keep the view more open, direct traffic and look a little more finished. It will remain in place year round. The opening will be at least 24' and at the opening we will post signage that says something like, "Public Beach Access." The cost of removing this in the future when we can do more with the roadway will be minimal but in the meantime it will eliminate the appearance that this is exclusive for the hotel.

Ron



Depot Street - Public Access

Conceptual Plan - 06/05/2006 (A)



First Plan from Ron Owens on May 23, 2006.

**“Raised Berm”
Pedestrian Walk**



June 7, 2006 Email from Town Manager

From: Ron Owens <ROwens@ci.scarborough.me.us>
Date: Wed, 7 Jun 2006 09:28:57 -0400
To: John Thurlow <john@thurlow.com>
Cc: Judy Shirk <jshirk@maine.rr.com>, Jack & Janet Callahan <galwaybay1@aol.com>
Conversation: Response to Latest Plan for Barriers
Subject: RE: Response to Latest Plan for Barriers

John, Judy and Jack,

Here is another view which I think gives one the impression that the street is a local street in that it is more open and does not appear restrictive but traffic traveling through that area is directed to keep left and continue on King Street. Anyone looking to drive down the street would not be prohibited. It has the view of any other side street in the area.

Ron



This was the
only
response to
our plea for
more
information.

We informed
him that this
perspective
was really
not
applicable
since it was
an aerial
view.

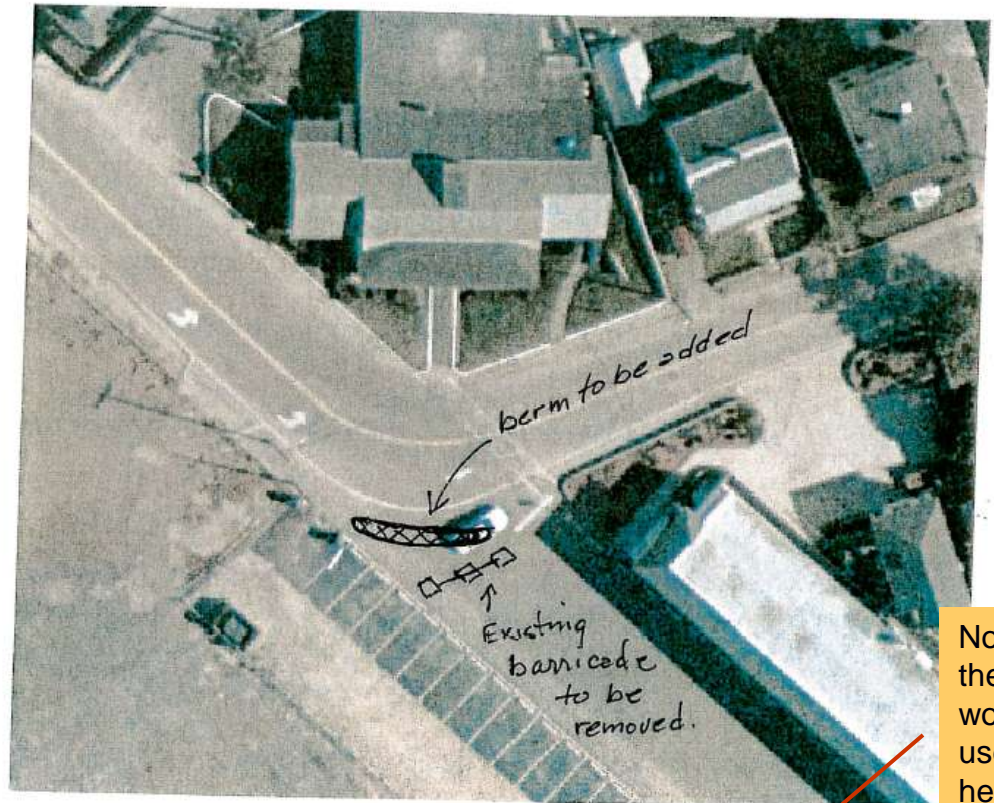
AGENDA

SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JUNE 7, 2006
REGULAR MEETING – 7:30 P.M.

Order No. 06-66. Move approval on a revised plan
Depot Street and the Light House Motel.

This is the agenda item for the Town Council which the Town Manager said was placed on the agenda on June 5th. As stated, he did not mention that this was going to the Council for action; we found out from Steve Ross, Council Chairperson, on Friday the 9th.

This visual was in the official Council packet online along with the visual we made for our group (which we provided to the Town Manager to confirm his plans). Note that the Council was being asked to vote on this plan while it was already underway as evidenced by the photos in their Council packet which we provided (next slide).

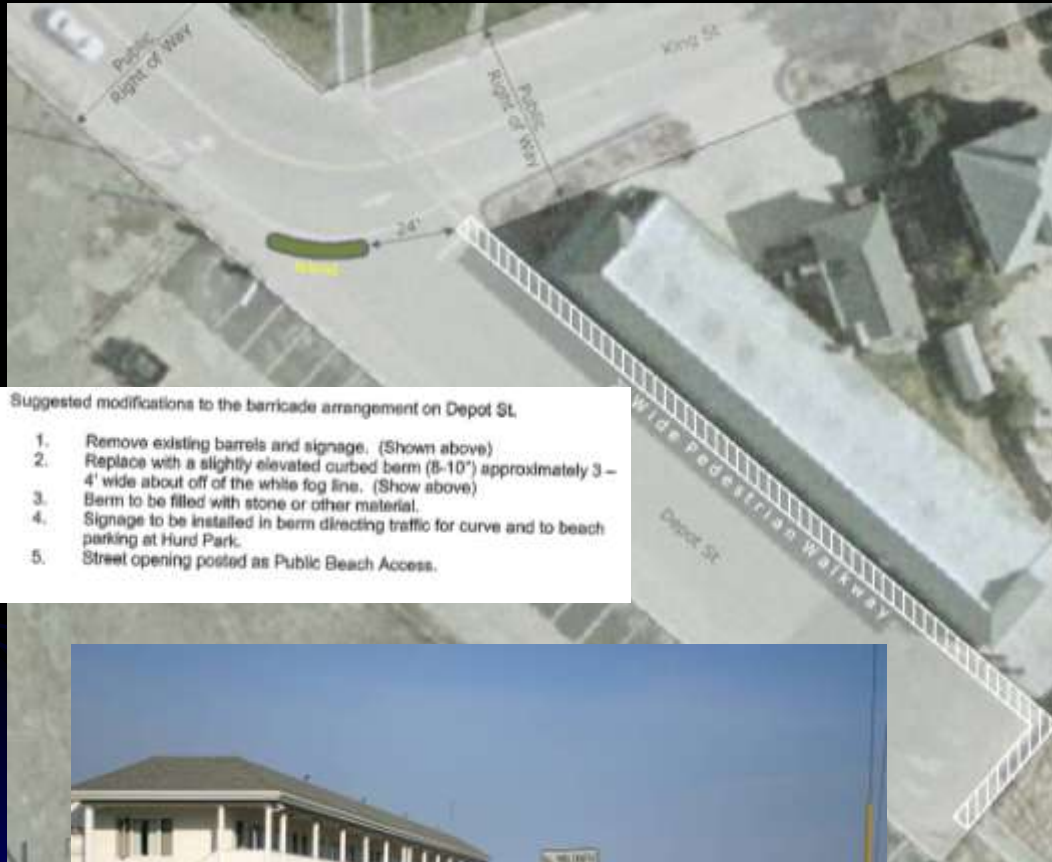


Notice
the
words
used
here

Suggested modifications to the barricade arrangement on Depot St.

1. Remove existing barrels and signage. (Shown above)
2. Replace with a slightly elevated curbed berm (8-10") approximately 3 – 4' wide about off of the white fog line. (Show above)
3. Berm to be filled with stone or other material.
4. Signage to be installed in berm directing traffic for curve and to beach parking at Hurd Park.
5. Street opening posted as Public Beach Access.

Approved Plan vs. Constructed Plan



Suggested modifications to the barricade arrangement on Depot St.

1. Remove existing barrels and signage. (Shown above)
2. Replace with a slightly elevated curbed berm (8-10") approximately 3 - 4' wide about off of the white fog line. (Show above)
3. Berm to be filled with stone or other material.
4. Signage to be installed in berm directing traffic for curve and to beach parking at Hurd Park.
5. Street opening posted as Public Beach Access.



24 foot opening is only 15 feet from the edge of the walkway (two cars can not pass)

2 foot walkway is 5 feet

Reflectors added at ends of curb were not on plan, make the opening 14 feet.

Sign is 8.5 feet high (we're told it is being replaced by another lower one).

Curb is painted yellow, not beaded (not painted on the ocean side)

Berm not filled with stone, all paved

Street opening posted with 12 inch sign at walkway, not at "street opening."

Crosswalk added across King Street and across Jones Creek, not on plan (we were told no crosswalk could go from the motel parking strip to the motel for guest safety)

Depot St. street sign added to King St. sign, King St. sign inside the motel's rock wall removed.

Construction is permanent, not seasonal

Turning radius for guests to hotel into closest spaces is impossible.

June 15, 2006



June 23, 2006 Barrier – New Sign



Public Road Sign

This sign was
removed as
part of this
project



Summer Activity Samples Need A Study

4th of July Issue



Lighthouse Motel

22 rooms to 22 condos

Proposed Ordinance Regulating Non-conforming Hotels and Motels

Why an Ordinance

- Lighthouse writes to Town's code enforcement officer last winter asking if permits are required if they change ownership
- Town says it's a change of use, must go to Zoning Board
- Lighthouse converts anyway without Zoning Board approval (see documents)
- Town files document in response to declarations
- Ordinance draft proposed before conversion
- Others have approached the Town
- Town Manager said Code Enforcement needs more direction
- Other coastal towns are governing these changes

Targeting Lighthouse?

- No
- Lighthouse request likely precipitated need for direction to Code Enforcement
- Fairness to all owners
- Other properties going through process of ZBA (Sun & Sand)
- Case by Case review fair, like all changes in non-conforming properties
- Some conversions benefit to neighborhood, others might not.
- Not an “anti-condo” debate, debate is how to regulate change of use from commercial to residential
- If the Holiday House or Higgins Beach Inn, for example, asked the Town to convert without ZBA review, same issues

DANIELSON & GONZALEZ
ATTORNEYS AT LAW

ROBERT E. DANIELSON*
ADAM N. GONZALEZ
*ALSO ADMITTED IN WA AND NY

TWO CANAL PLAZA, SUITE 401
P.O. Box 543
PORTLAND, MAINE 04112-0543

TELEPHONE: (207) 879-1337
TELECFAX: (207) 879-1579
E-MAIL: rdanielson@optlaw.net

July 2006 Letter To Town

July 25, 2006

David R. Gryskiewicz
Scarborough Code Enforcement Officer
Scarborough Municipal Building
P.O. Box 360
Scarborough, Maine 04070-0360

Re: The Lighthouse Inn at Pine Point, 366 Pine Point Road, Scarborough, Maine

Dear Dave:

Thank you for meeting with me on Thursday, July 20, to discuss The Lighthouse Inn at Pine Point. As I indicated to you, I have been retained by the owners of the Inn to review whether a change of ownership triggers the requirements for any permit by your office.

The Lighthouse Inn is a twenty-two unit motel contained in a two-story building. The property is located in the Pine Point district and therefore is subject to the Pine Point Zoning Ordinance.

The owners of the property intend to sell the units individually for sale. The sale would be for no more than 186 days in any 365 day period by the same individual as required by the Zoning Ordinance. I have reviewed the Scarborough Zoning Ordinance and found nothing that would prohibit such a change of ownership. All renovations will be consistent with the existing layout and operation of the building and the work will be done to improve the quality of the units rather than change or expand any of the facilities.

I note that the property is also in the same R-1 condominium district and restrictions regarding hotel/motel according to that district may apply. However, the Pine Point Zoning Ordinance is the controlling ordinance for this property.

The owners of The Lighthouse Inn would like to renovate the property and offer the units individually for sale to the general public as hotel/motel units (meaning that the occupancy would be for no more than 186 days in any 365 day period by the same individual as required by the Zoning Ordinance). I have reviewed the Scarborough Zoning Ordinance and found nothing that would prohibit such a change of ownership. All renovations will be consistent with the existing layout and operation of the building and the work will be done to improve the quality of the units rather than change or expand any of the facilities.

Any statements in this communication regarding tax matters are not intended or written by us to be used, and may not be used by any recipient of this communication, for the purpose of avoiding penalties that the Internal Revenue Service may seek to impose. The Internal Revenue Service has issued requirements regarding the formality and level of detail required in written analyses to be relied upon to avoid penalties. This communication does not meet those requirements.

**DECLARATION
OF
THE LIGHTHOUSE INN CONDOMINIUM**

ARTICLE I

SUBMISSION

Section 1.1 Submission of Real Estate. Peter J. Truman and Nicholas C. Truman of Scarborough, Cumberland County, Maine (collectively, the "Declarant"), hereby submits the land, rights, appurtenances and easements together with a certain 22 unit motel/hotel building (the "Building") and other improvements situated thereon, located within the Town of Scarborough, Cumberland County, Maine, and more particularly described in **Exhibit A** attached hereto (the "Property") to the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes Annotated, as amended (the "Act"), and hereby creates "The Lighthouse Inn Condominium" (the "Condominium"). The Property is shown on the condominium plat and plan identified as "Survey and Floor Plan Lighthouse Inn Condominium, King Street & Pine Point Road, Scarborough, Maine, Made for Peter Truman" (the "Plat") prepared by Cullenberg Land Surveying dated March 14, 2007 to be recorded herewith in the Cumberland County Registry of Deeds and attached hereto as **Exhibit B**.

The Property is conveyed and declared subject to:

- (i) Terms, covenants, conditions, restrictions, rights and easements set forth in instruments duly recorded in the Cumberland County Registry of Deeds.
- (iii) Easements, Conditions, Covenants and Restrictions as shown on the Plat and the Plan.
- (iv) The easements, covenants, restrictions and reservations contained in and created by this Declaration, said Plat and the Plan and the Bylaws of the Association.

Section 1.2 Defined Terms. The terms used in this Declaration, the Bylaws of the Association and the Plat and Plans generally shall have the meanings specified in the Act, except as otherwise defined herein.

ARTICLE II

ASSOCIATION

The business affairs of the Condominium shall be managed by a non-profit and non-stock corporation to be organized under the laws of the State of Maine and to be known as the "The Lighthouse Inn Condominium Association" (the "Association"). Each condominium unit owner shall be a member of the Association. Membership shall be appurtenant to each unit, and the transfer of title to a unit shall automatically transfer the membership appurtenant to that unit to the transferee(s). The owner or owners of each unit shall be entitled to the voting rights in the Association as described in Section 4.2 below. The granting of a mortgage by a unit owner, however, shall not transfer membership in the Association unless and until foreclosure or transfer in lieu of foreclosure. The Association shall have all the powers set forth in section 1603-102 of the Act and as set forth in the Bylaws of the Association, attached hereto as **Exhibit C**.

Declarations Filed March 19, 2007 22 Units

EXHIBIT D

PERCENTAGE INTEREST
OF UNITS IN
THE LIGHTHOUSE INN CONDOMINIUM

<u>UNIT #</u>	<u>PERCENTAGE INTEREST</u>	<u>VOTES</u>
Unit 1	4.54545	1
Unit 2	4.54545	1
Unit 3	4.54545	1
Unit 4	4.54545	1
Unit 5	4.54545	1
Unit 6	4.54545	1
Unit 7	4.54545	1
Unit 8	4.54545	1
Unit 9	4.54545	1
Unit 10	4.54545	1
Unit 11	4.54545	1
Unit 12	4.54545	1
Unit 13	4.54545	1
Unit 14	4.54545	1
Unit 15	4.54545	1
Unit 16	4.54545	1
Unit 17	4.54545	1
Unit 18	4.54545	1
Unit 19	4.54545	1
Unit 20	4.54545	1
Unit 21	4.54545	1
Unit 22	4.54545	1
TOTAL	100%	22

Received
Recorded Register of Deeds
Mar 19 2007 03:37:42P
Cumberland County
Pamela E. Lovies

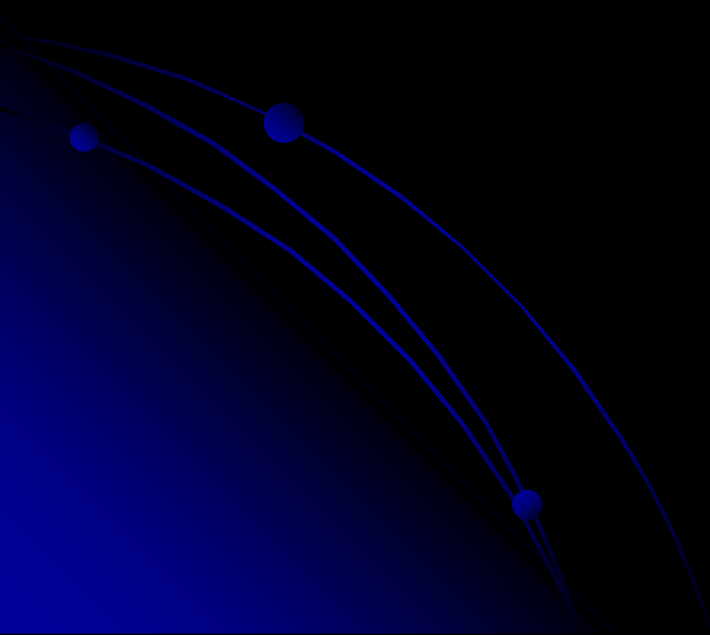
Process

- Town Council refers to its Ordinance Committee (Most, Rancourt) who refer it to entire Council
- Council refers to Planning Board, They Held Hearing August 6th
- Planning Board discusses, sends feedback to Council
- Council to hold Public Hearings August 15th and in September
- Enactment in September possible, retroactive to “pending” projects if that language is included.
- If not retroactive, pending projects would be grandfathered

Fence Construction

Solid Fence

- Fence installed along Beachwalk property line
- Views from Depot St. Southwest are lost
- Town has no regulations



Before



After

