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# PINE POINT Residents Association

## MINUTES FROM THE AGENDA FOR AUGUST 21, 2008

The Pine Point Residents Group met on August 21, 2008 for its annual meeting. The meeting was held at the Town-owned parcel we had helped to acquire from the developer of the Beachwalk Subdivision, off Claudia Way. 34 residents were in attendance.

### AGENDA ITEM & ACTION

1. Approve Sue Perrino, Judy Mushial and Elaine Richer as additional representatives of the group (and any others nominated and willing to join the leadership team) **The group unanimously approved.**
2. Approve Elaine and Jack to serve on the Town Council's committee (an at-large resident was added by the Council who will be). **It was clarified that Jack and Elaine agreed to share our one position on this committee because only one individual could participate in the discussions and no one was able to attend all meetings. Everyone was reminded that our request for meetings to be held in open session was granted by the Council so any member who wanted could attend. Indeed, anyone can attend. The group unanimously approved Jack and Elaine to represent our single member.**
3. Reaffirm our previous positions on the issues of: The Barricade on Depot Street, the proportional Land Swap between the Town and Lighthouse Motel, Access to Depot Street, Covenants & representations made to the Planning Board. **The group unanimously approved reaffirming our previous positions regarding the many issues we've become involved with over the past three years. These include the condotel matter, barricade on Depot St., agreements made by the original developer of the Beachwalk, fate of the Town-owned parcel, open and enhanced access to Depot St., maintaining rights-of-way to the shore in Pine Point, the traffic speed problem on the main roads in Pine Point, and the fence erected in the public view areas on Depot St.**
4. Consider and approve changing our group's name to "**Pine Point Residents Association**" because of the continuing and apparently unavoidable confusion over the years. There is no Pine Point Association; it is now called "The Friends of Pine Point" and it is a social and community service group. Changing our name will hopefully avoid misunderstandings. **Unanimously approved.**
5. Taxes - looming revaluation: consider establishing a committee to study Pine Point's tax base and the impact of new development on values during the next revaluation. **Harold Hutchinson gave a report on some of his findings regarding tax assessments. It was unanimously agreed to form a small subcommittee to examine assessments in detail and report back to the group. Sue Perrino, Kevin Delehanty and Hutch agreed to serve on the committee.**
6. Rights of Way: several members have asked that we study the rights of way throughout Pine Point due to some misunderstanding of which are public, for example, you might remember people asking about Dunefield Lane across from Avenue Three. The town, we learned, put up a sign stating "No Beach Access" and we were asked to look into it. We learned that Dunefield is a public road which connects directly to a fifty foot Town Right of Way known as Avenue 4 Extension (a path which runs parallel to the Municipal Parking Lot at Hurd Park). This is an example, then, of the Town making an error when it installed a sign essentially restricting access. We will propose another committee to look into Easements and rights-of-way in Pine Point. **Jack Callahan contacted Mike Shaw but no reply had been received until after the meeting. Mr. Shaw 9Public Works Director) did write that he would look into the matter.**
7. Report on Speed Issues and establish a team to explore speed tables or other alternatives to make Pine Point safer. **We discussed the need to be more assertive and attempt to deal with dangerous rates of speed in the neighborhood. A committee was proposed to look at ideas, such as speed tables which are becoming more popular elsewhere, or one-way streets, and report ideas back. Pat Corea agreed to serve and Judy Shirk said she would contact Steve McCall (a member who first addressed this with the group two years ago) and Paul Kirby (a member who has had concerns about East Grand**

Ave. for years) to see if they would participate. If others are willing to help, please let Judy or one of the other representatives know.

8. New Pier status: report on engineering and funding. **We received the following message from Jim Fisher of Northeast Civil Solutions regarding the pier status. Our group has taken no position on this; we have just been monitoring the situation.**

*From: Jim Fisher [mailto:jim.fisher@northeastcivilsolutions.com]  
Sent: Thursday, August 21, 2008 12:49 PM  
Subject: Re: Pier Pine Point*

*"Not much has happened of late on this project. We have worked with the town and state to do the survey work, initial engineering design of the pier (not including the marine engineering), and the permitting work. This work was completed, and the remaining engineering design is in the hands of a Boston-based marine engineering company.*

*Pending available funds and the final design by FST (the marine firm), the pier will essentially be in the same location as it is now, it will be wider and much sturdier than what currently exists, and about the same length. It could have, pending the budget available, a small crane at the end to assist in the loading and off-loading of cargo, fish and lobster crates, etc. for the fishermen (currently they do it by hand). There will be additional temporary tie-up berths to accommodate off-loading, so commercial activity will flow a bit more smoothly than it does now. Overall, it is a relatively small endeavor that should have a significant positive impact on Scarborough's ability to serve and preserve its small commercial lobster and fishing activity.*

*Plans have not yet been completed (as far as I know) and finally approved by the town, so I don't know if any plans are yet available for public review. But the final result will be a huge improvement over what is there now. Again, however, it all depends on budget.*

9. Report on the condotel status and legal action opportunities. **John reported on the Town's reversal of its position on condotels and the Council's decision not to enact an ordinance. He explained the Town attorney advised the Code Enforcement Officer the Lighthouse Motel's conversion no longer represented a "change of use" because the owners modified their Condo Declarations to his satisfaction. While it is a complicated set of issues, the bottom line is the promise made to the community last fall by the Council ("our existing ordinances are sufficient to control these – meaning they would require Zoning Board Approval) was not to be realized. We responded to the news rather assertively but were informed the Town could do nothing about it. Details are available on the website. An attorney who was contacted said the group could ask for a written ruling from the Code Enforcement Office and appeal his decision within 20 days to the Zoning Board. In order to do so it would have to incorporate. Otherwise, abutters such the Lemieux and Forcier families, or owners of the Beachwalk subdivision, or Sand Dollar Inn (for examples) can do the same as affected parties.**
10. The "Fence" abutting the Town parcel erected by the owners of the Lighthouse Inn. Legality, DEP. **A brief discussion occurred about the fence. People stated they could not believe the owners would install a fence which blocked ocean views while trying to sell condos, 320 square foot rooms for \$230,000. It is believed that the fence will eventually come down. If not, there are other options related to any contemplated land swap.**
11. Ideas from Group member for the use of this parcel for the representatives to bring to the Town Council committee. Information from John Wiggin on an approved landscape plan we just learned about. **The group brainstormed ideas to have Elaine and Jack present to the committee. These include; clearly marking the right-of-way and the parcel itself with signs, including some benches, picnic tables or other features so it is viewed as an active use rather than a passive one, opposing the installation of bathrooms, including a small play area for children of low-intensity playthings such as a sand box rather than swing sets, for example. Judy and John reported that John Wiggins mentioned - just before this meeting - that he had a plan approved for this parcel which essentially calls for it to be landscaped throughout. They will look into this. The Planning Board did require a plan be approved by the Town, but we've seen no plan nor any item on the Council's agenda for the development of this parcel. In fact, the minutes of the Council's August 20th meeting indicate the new committee will work on "a plan for the development of that parcel" (Order 08-111). It was clearly be part of the Pine Point Study Committee's charge as we had proposed.**
- A couple accompanied by Mr. Walsh, the real estate broker who represented the Trumans on the sale of the vacant parking lot to Paul Hollis and who is brokering the condominiums, stopped and listened to our discussion of this issue. The gentleman told the group that he had been told this parcel was going to be landscaped open space. He was informed that no decision had been made about the parcel and that a study was beginning to determine its use, and we clarified that it is public property and not part of the subdivision. It was recommended he address the misrepresentation with his broker.**
12. Comments about the road reconstruction plan mentioned above for the representatives to bring to the Town Council committee. **The group was given a report on this project. The Town manager notified us two weeks before the construction was to begin on a road improvement project from the intersection of East Grand/Jones Creek to the barricade on Depot Street (including another redesigned barricade). When we received his e-mail we immediately wrote to express concerns about another construction project this summer (late June it was planned for) and wanted questions answered. Part of this project (the sidewalk on the Beachwalk side) was the responsibility of the Beachwalk and had not**

yet been installed, and another part of this portion of the road was that which the contractor for the Beachwalk damaged considerable last summer when he broke the water main. The Town Manager suggested we meet with the Town Engineer and Public Works Director. We arranged a meeting on the afternoon of the Town Council meeting, found out the details of the plan, took no position and told the two gentlemen that we were gathering information for our group and would then contact the Town Council with our views on this project. We reminded them that we just learned about it. That evening the Town Manager told the Council "as you might expect we've not been able to reach any kind of consensus or buy in on any of the improvements..." suggesting that the four representatives who met with Mr. Wendel and Mr. Shaw were not in favor of it. We clarified with a follow up email to the Council to explain the matter because we did not want the Council or our neighbors to think we would attempt to stop what may be a wonderful improvement. We simply needed to gather information, particularly as to the timing. We then asked the Town Manager to put us on the agenda so we could present our views once we had polled the Residents Group. He denied it, but the Council Chairman overruled him, and we then presented the concept of continuing the Pine Point Study Committee Owens terminated two years ago. The Town Manager attempted to get the Council to limit the scope of the study to just the Wendel Project described above, but we urged them to expand the scope to include the Town-owned parcel (Wendel neglected to even have his sidewalk design go into that public property), and Owens in his draft motion tried to exclude any discussion on the elimination of the barricade by the committee. The Council did not agree with him, fortunately, and the new committee will examine the Wendel plan along with the Town parcel and the barricade issue. We were unsuccessful getting them to vote to include Depot Street and part of King Street because they wanted to keep the work of the committee focused. They did, however, add an additional representative from the community to the committee, another item we lobbied for.

The members present agreed our positions on these matters have not changed and our two representatives will bring those to the table. They will also poll the group when ideas are presented so they can represent the group's views. We are all hopeful that with the leadership of an impartial individual, this committee will function efficiently and effectively.

13. Any other ideas from the Group; issues affecting Pine Point (Ron Owens retirement and his replacement, Three Town Council seats open and our need for a candidate from Pine Point. The deadline for filing nomination papers is September 3rd. **ONLY** 25 signatures are required. **It was reported that the deadline for nomination papers is September 3rd and people agreed that we need a Council member from Pine Point. It has been decades since we have had someone from this area on the Council. Some members expressed a strong interest in helping anyone who decided to come forward.**
13. Member issues and non-member issues **None at this time.**
14. A Group photo at the New Town Land. **Several members indicated in advance they could not attend due to late notice or other commitments. So we will try for a photo in September if the weather permits.**