

Town of Scarborough

Planning Board

October 3, 2011

On October 3, 2011, the Planning Board members will meet at the Municipal Building at 4:30 P. M. and proceed to a site walk at 388 Black Point Road to review the site of the Black Point Resource Management application.

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (September 12, 2011)
4. The Lighthouse Inn, Peter and Nicholas Truman request an advisory opinion to the Zoning Board of Appeals for a Miscellaneous Appeal for a nonconforming use at 366 Pine Point Road\*
5. Scarborough Gallery, LLC requests planned development and site plan review for 6,000 square foot retail/restaurant building on Lot 9 at Gallery Boulevard\*
6. Elizabeth Lane, William and Vicky Gelinis request waivers of Roadway Design Standards for private road off Broadturn Road\*
7. Black Point Park at Scarborough Beach, Black Point Resource Management requests site plan review for a Commercial Outdoor Recreation Facility at 388 Black Point Road  
*(Focus of the meeting will be on core site plan elements including, but not limited to, parking lot design, driveways, landscape requirements and buffers, architecture, stormwater management and utilities.)*
8. Administrative Amendment Report
9. Town Planner's Report
10. Correspondence
11. Planning Board Comments
12. Adjournment

\*Public comments will be allowed on this item.

NO NEW ITEMS SHALL BE TAKEN UP AFTER 10:30 P. M.

Town of Scarborough

Planning Board

October 3, 2011

MINUTES

Members Present

Mr. Bouffard  
Mr. Chamberlain  
Ms. Corthell  
Mr. Fellows  
Mr. Mazer  
Mr. Paul  
Mr. Thomas

Staff

Mr. Bacon, Town Planner  
Mr. Chace, Assistant Planner  
Ms. Logan, Recording Secretary  
Mr. Parkinson, Town Attorney

1. Call to Order

Mr. Paul called the meeting to order at 7:00 P. M.

2. Roll Call

The Recording Secretary called the roll; all members were present.

3. Approval of Minutes (September 12, 2011)

Mr. Mazer moved to approve the minutes of September 12, 2011; Mr. Thomas seconded.

Voted 5-0

4. The Lighthouse Inn, Peter and Nicholas Truman request an advisory opinion to the Zoning Board of Appeals for a Miscellaneous Appeal for a nonconforming use at 366 Pine Point Road\*

Mr. Chace explained that the applicants wanted to convert and expand their existing inn from 22 motel units to 12 residential units including the present office building. He noted that there had been a question of an appeal for reduced setbacks but the proposed third story was stepped in to meet the required setbacks. Mr. Chace noted that, at the request of a Board member, he had provided Planning Board and Zoning Board minutes from the 2005 proposal for conversion. He noted that if this request were approved by the Zoning Board it would come back to the Planning Board for site plan review.

Attorney Gene Libby, who represented the applicants, explained that this was a change from a nonconforming commercial use to a nonconforming residential use which would minimize the impacts. He stated that they proposed 12 year round condominium units and there were no setback reductions requested. Mr. Libby noted that many changes had occurred since the 2005 proposal, including conversion of area motels to condos, the land swap with the town, the beach park and the Beachwalk Subdivision. Mr. Libby stated that the question was whether this would have substantially different impacts on the neighborhood; he stated that they were reducing the density of the use by about 45%, therefore reducing the amount of traffic. He stated that there would be a homeowners' association.

Mr. Libby stated that the Board also needed to consider the Special Exception criteria with regard to visual impact; he showed an aerial photo of the area and noted that the motel was smaller than its abutters and the addition of three stories would be 30 feet high with the other structures at 34 feet. He stated that

this would not be disproportionate to the homes. Mr. Libby stated that the 22 parking spaces would remain and the Town's beach access would serve as the access for the condominiums. He showed the rendering of the new building and stated that the materials would be cedar shingles; he also displayed the rear of the building with the dormers and sky lights and noted that the third floor would be set in from the second story of the existing building to meet setback requirements .

Mr. Libby stated that the Board needed to compare the existing and the proposed; he read responses to the Special Exception criteria and stated that this use would be more conforming in the residential R-4A Zone. He stated that the concern of unsafe vehicular or pedestrian problems was alleviated by the fact that the entire site was on one parcel; he stated that there was an existing fire lane which was satisfactory to the Fire Department. He stated that, with the third story, the building would conform to the abutters.

Mr. Paul opened the meeting to public comment and asked that people keep their comments to five minutes or less. Ms. Judy Shirk, of Avenue Three, stated that her concerns were of density; she stated that a three story condominium building was too dense for the half acre of land. She stated that the current use was a six month operation with a busy season of only two months. She stated that she knew about rentals and there would be no limit to the number of people in a condo and this would be year round impact. Ms. Shirk asked about overflow parking. She stated that she did not agree that there would be less impact on the Town because there would be more traffic and children in the schools year round. She stated that there was hardly any taxable land involved; she stated that the neighbors had lost most of their view and wanted to save a little bit of what was left. Ms. Shirk stated that they were open to change but not of this magnitude.

Ms. Suzanne Perrino, of 23 Driftwood Lane, stated that she also thought this project was too dense and using the Beachwalk Subdivision as a comparison was not appropriate because it was a far different development. She stated that suggesting that the new proposal was less nonconforming on half an acre than the subdivision on three acres was not satisfactory because it would be much denser; she stated that the office should never be counted as a living unit. Ms. Perrino stated that there were many unanswered questions that needed to be addressed.

Ms. Moira Erikson, of 288 Pine Point Road, agreed that 12 condo units on this amount of land was tight and that there would be a lot of activity during the summer and all seasons. She stated that she thought 12 units was too big and the project should not be approved before everyone saw the plan.

Ms. Susan Bayley, business owner at Pine Point, stated that she wanted to speak in support of this project. She stated that a condominium project was the proper use for this property; she stated that her concern was that if 12 units were not allowed the Trumans may not change the use at all and if it were sold as a motel it could be rented all winter. She stated that the applicants took good care of their property and she thought this was a positive use.

Mr. Richard Lemieux, an abutter at 7 King Street, stated that he agreed that condominiums would be preferable but this density was too high; he stated that currently there were two floors for 20 feet of height and he wondered what the third floor would add. Mr. Harold Hutchinson, of 47 King Street, stated that his issues were similar to the others. He stated that if the new proposed changes in zoning went through, parking issues would be significant when each condo owner had a holiday party. He stated that he was also concerned about the number of units proposed which he thought was unreasonable on this size lot. He stated that he was in favor of the condominium use but not the numbers and the configuration of the building. Mr. Hutchinson stated that there should be compromises that all could agree on; he stated that there would be a dramatic increase in traffic when this site was used year round.

Mr. Dan Wilson, of 4 East Grand Avenue, stated that he abutted the Beachwalk Subdivision and that only two of the homes were owner occupied and one was rented frequently. He stated that the three acre parcel included the beach grass so there were 3,500 square foot houses on 10,000 square foot lots. He stated that his point was that this proposal would be much more conforming and compatible than what was there currently. Mr. Wilson stated that the design looked better than the current motel and the proposal would benefit the neighborhood. He stated that there were a number of people who were in support of this but did not come out to speak. He stated that the applicants were trying to improve the neighborhood and he supported the proposal.

Mr. Paul read a letter from Larry Forcier, abutter at 5 King Street, who felt that conversion to condominiums would be more compatible to the residential area depending on the execution of the project. He stated that he was concerned about building height, privacy at the rear of the structure, noise from air conditioners and the architecture at the rear of the building. Mr. Paul closed the public comment segment.

Mr. Paul noted that the site plan issues would come back to this Board if the conversion were approved by the Zoning Board; he stated that tonight the Planning Board should only determine whether there was a substantial change in use and impact and address the Special Exception criteria.

Mr. Fellows asked whether the homeowners' association would govern rentals; Mr. Libby replied that he did not know at this point but the documents would be consistent with its size and location for rentals. To a question from Mr. Fellows, Mr. Nicholas Truman replied that the two bedroom units would be  $\pm 1,150$  square feet; he stated that they would use the existing bearing walls and the third story would be dormered into the roof so it would not be a full three stories at 33 feet. He noted that the abutters' homes were at the limit of 35 feet. To a question from Mr. Mazer, Mr. Truman replied that the present roof line was 22 feet high with a 4.5 foot mansard front; he stated that the back of the building was 20 feet high. To a question from Mr. Fellows, Mr. Libby replied that there was nothing to prohibit the motel from being open year round. Mr. Bacon stated that the current use needed to meet the hotel/motel rules which limited the stay of occupancy so they could not be year round dwellings. Mr. Fellows stated that he did not see this as being substantially different or of greater impact than what is existing and thought it would be more consistent with the area. He stated that he understood the concerns about density but this would go from 22 to 12 units and the impact would be fairly minimal.

To a question from Mr. Thomas, Mr. Chace replied that the original approval was that the office could not be used as a motel unit but that did not bind this Board from moving away from the proposed change of the entire use. Mr. Truman stated that the Planning Board had been concerned about the new office building and did not want it to become another motel unit. Mr. Thomas stated that he would recommend that the Board give a favorable opinion to the Zoning Board.

To a question from Mr. Mazer, Mr. Bacon replied that 12 units on this size lot did not conform and that was the reason for the appeal. Mr. Libby noted that this lot was three-quarters of an acre. Mr. Truman noted that they already had one or two clients interested in purchasing double units which would mean fewer units; he stated that the third floor would be dormered living area. Mr. Mazer noted that there was limited parking and asked where visitors would park; Mr. Bacon replied that the town required two parking spaces per residential unit and this project would meet the minimum requirements. Mr. Mazer stated that he was opposed to rental units and the association documents should address that issue; he asked that there be architectural details on the back of the building. Mr. Mazer stated that he thought there was agreement that the conversion was in order.

Mr. Chamberlain stated that this plan was a lot more pleasing than the motel. He stated that his concern was with parking and traffic was an issue because every family had at least two cars; he stated that most condominium projects had an inner road where guests could park but that was not the case at this site.

He stated that he could envision cars everywhere but, otherwise, he thought this was a good project. Mr. Bouffard stated that the Special Exception criteria had been properly addressed and his opinion was favorable. Mr. Bouffard noted that he thought there would be a mix of rentals and homeownership.

Ms. Corthell stated that she agreed that the change was more consistent with the neighborhood but she had a real problem with the density and did not believe that changing from 22 seasonal units was a reduction of intensity of use by turning them into 12 year-round units. She stated that there would be a lot more issues with parking and traffic and snow removal. She stated that she did not agree that the impact would be reduced and would have a real problem with allowing rentals. She stated that without some answers about intensity and impact she would not be favorable at this time.

Mr. Paul asked whether the applicant envisioned the units for rental or for personal residences; Mr. Truman replied that almost every house on the block was used for rental and about 50% of the homes in the area were rented and he felt he should not be singled out by not allowing rental of these upscale condos. Mr. Libby stated that the units would not be built to attract owners who lived away but for year round residences.

Mr. Paul stated that the irony was that he was being asked to provide his judgment to say that this was not substantially different and by going to private residences it would substantially change the use. He stated that he thought the proposed building was extremely attractive but because he was told that the use was changing he thought it would be a substantial change. Mr. Paul stated that the changes would not allow him to be in favor as he was not here to decide whether it was a positive change rather if it was a substantially different change and therefore he was not in favor.

Mr. Paul stated that the majority of the Board was in favor but there was not unanimous support. He stated that density, parking and traffic were on the negative side and on the positive side were the structure and the overall usage of the space.

Mr. Fellows stated that, given the seasonal variation of the use, there would be some higher level of intensity of use during the off season but that was offset by the fact that there would be much less overall use in the area. He stated that the net impact was not that substantial.

5. Scarborough Gallery, LLC requests planned development and site plan review for 6,000 square foot retail/restaurant building on Lot 9 at Gallery Boulevard\*

Mr. Chace noted that the Board had seen this item for sketch plan review for location of the building; he stated that this was in the B-2 Zone and the applicant had submitted the information needed for the Planned Development process. Mr. Chace stated that this was a lot in the Scarborough Gallery subdivision where many of the elements of Planned Development were reviewed for subdivision approval. He stated that the Board should determine whether the Planned Development process was satisfied and then address the site plan issues. He stated that the staff had questions about reduced setbacks and the Board needed to find that the overall use and rear elevation and building orientation presented itself to the streetscape. He stated that Bill Bray was satisfied with the impact fees.

Mr. Al Palmer, of Gorrill Palmer, stated that, following peer review, they had squared off the drive access across from the Wal-Mart driveway to improve circulation; he stated that the dumpster was moved to the other side of the parking lot. Mr. Palmer noted that the lighting fixture style and type was similar to that of Wal-Mart but these fixtures were smaller.

Mr. Lou Allevato, architect, stated that they had rotated the building, added more glass and storefront options, and showed the view toward the road. He noted that most stores needed rear space for service

and storage so one option would be to use opaque glass but that would make it dark at night or there could be a display wall behind the glass. Mr. Allevato stated that the building materials would be brick and concrete with fiber cement with synthetic trim and a black asphalt roof. Mr. Palmer noted that the building floor would be three feet higher than the road so passersby would be looking up at it.

Ms. Corthell asked what the windows in the rear would look like; Mr. Palmer replied that 4,000 square feet of the building would be a cellular phone store and the remaining 2,000 square feet would be a restaurant but there was no restaurant tenant at this time, and the area could come back as retail use. Mr. Bouffard asked what would happen if the tenant did not want display windows; Mr. Palmer replied that they believed the rear of the structure would be the service area of the restaurant with no seating and should be consistent with both uses. Mr. Bouffard thought the building was attractive.

To a question from Mr. Chamberlain, Mr. Palmer replied that there was no proposal relative to the abutting lot and they could move the dumpster to the other side if connection were ever necessary. Mr. Chamberlain stated that he was satisfied.

To a question from Mr. Mazer, Mr. Palmer replied that with the size of the tenants, their delivery trucks would be 30 foot single units which would unload in the morning in front of the building. Mr. Palmer stated that all of the Fire Department issues had been addressed. To a question from Mr. Mazer, Mr. Chace replied that the lights were slightly different but in the same family and it was up to the Board to determine whether they were satisfactory. Mr. Palmer stated that all the State permits were granted for the subdivision and all they had to submit to the DEP was an erosion control plan for which they received their permit; he stated that they had supplemented the landscaping which had not changed other than at the Spring Street side. Mr. Palmer stated that the setback under Planned Development would be reduced along Gallery Boulevard and they had listed it on the plan.

Mr. Thomas noted that the plan should be stamped. He stated that he liked the building rotated to give a better traffic flow; he confirmed that the storefront windows would be similar to those of Walgreen's at the parking lot side. To a question from Mr. Thomas, Mr. Palmer replied that the geoturf was to support fire trucks around the building. Mr. Thomas stated that he appreciated the changes. Mr. Fellows stated that this plan was well-covered and he was satisfied. He asked that there be the availability of connectivity to the abutting lot. He stated that the faux windows were well-intended but his preference would be to use screening and landscaping rather than the windows that looked fake.

Mr. Paul stated that he had issues with this and a dilemma for him was that the Planned Development requirements were for the building to be closer to the street and more attractive to the boulevard but this would be the back of the building on the main street. He agreed that the faux windows did not measure up and asked that the applicant think about the signage regulations before display windows were put in. He stated that until it was determined how that side of the building would look he was not ready for approval because that was a big issue. Mr. Paul stated that the applicant provided a nice connection to Spring Street but none to Gallery Boulevard. Mr. Palmer noted that there was a sidewalk on the WalMart driveway that led to the sidewalk so pedestrians would turn into WalMart where there was a crosswalk proposed to this site. Mr. Paul stated that this would be the only building that would not face Gallery Boulevard and it needed to look more like a storefront. He stated that the design standards on corner lots required some architectural significance at the corner of the building.

Mr. Allevato stated that the brick wall was an imposing element at the corner and there would be a large berm so the wall would stand out on its own and he did not think it looked like the back of a building but was treated equally as the front. Mr. Palmer stated that the window displays would be the measure of success of the back of the building. He asked whether there could be a condition for the display areas to come back to the Board for approval subsequent to site plan approval.

Mr. Paul reiterated that this felt like the rear of the building. To a question from Mr. Mazer, Mr. Frank Doherty, of Scarborough Gallery, replied that the cellular store would face WalMart. Mr. Doherty stated that he would appreciate approval before winter so some work could be started; he stated that he did not think the rear of the building looked like a back side because of the glass and other features but they could try to do more.

Mr. Bacon suggested that the Board issue site plan approval for the location of parking and the building but withhold the architecture so the site plan was not open for discussion; he stated that only the foundation permit could then be issued with the building permit following approval of the building. Mr. Chace stated that he prepared a motion for approval of the layout and for the next meeting he could prepare findings and conditions for the site plan review process.

Mr. Paul read the motion as follows: This finding recognizes the site in question was approved as part of the Scarborough Gallery Subdivision Plan on June 6, 2005 following the elements of the Planned Development review process. The Planning Board finds that the Site Inventory and Analysis Plan and the Master Plan submissions provide a clear understanding of the site. Further, the Board finds the Master Plan to be consistent with the Site Inventory Plan and reflects a reasonable utilization of the site. The Master Plan is consistent with the space and bulk standards for the Planned Development conditioned that the building architecture be enhanced to comply with the pedestrian-oriented design standards. In addition, the Planning Board grants site plan approval with the condition that the applicant returns for final architectural approval. Mr. Fellows seconded.

Voted 5-0

Mr. Paul called a recess at 9:25 P. M.; the meeting resumed at 9:35 P. M.

6. Elizabeth Lane, William and Vicky Gelinas request waivers of Roadway Design Standards for private road off Broadturn Road\*

Mr. Chace explained that the applicant wanted to create one or two new lots off Elizabeth Lane and did not need subdivision approval because the lots would be for family members, but the private way standards needed review and the applicant was asking for waivers. He stated that Mr. Wendel, the Town Engineer, had found the overall design would work with the requested waivers and that the Public Works Department agreed.

Mr. Peter Tubbs, of SYTDesign Consultants, described the roadway and the waivers requested as described in his letter of July 2, 2011.

The Board agreed that they had no issues and deferred to the engineers.

Mr. Paul moved to approve the waiver requests for Elizabeth Lane; Mr. Thomas seconded.

Voted 5-0

7. Black Point Park at Scarborough Beach, Black Point Resource Management requests site plan review for a Commercial Outdoor Recreation Facility at 388 Black Point Road  
*(Focus of the meeting will be on core site plan elements including, but not limited to, parking lot design, driveways, landscape requirements and buffers, architecture, stormwater management and utilities.)*

Mr. Bacon stated that there were three general topics that the Board would discuss at separate meetings:  
1. The site plan review design including the travel way, parking, the buildings, landscaping and storm-

water; 2. Traffic, traffic studies and analysis; 3. The Shoreland Zone, Resource Protection area, including the use and the path. He stated that tonight's discussion would focus on the site plan elements. Mr. Bacon stated that the Conservation Commission would meet on October 17, 2011 regarding the uses in the Shoreland Zone and Resource Protection items to give an opinion to the Board. Mr. Bacon stated that, following these discussions there would be a meeting dedicated just to public comment; he stated that anyone could comment in writing at any time. He stated that there would then be a break and the applicant could then get the State permits and return to the Board for additional discussion including the State approvals with possible changes to the plan. He stated that the Board should vote on the proposed plan for discussing the plan tonight and a determination of compliance of the application.

Mr. Bacon asked that the Board note the engineering comments and the staff memos and reports; he stated that there were letters from the public including a letter from Attorney Natalie Burns regarding the public comment process.

Mr. Mazer asked whether the Board could be flexible with the topic schedule; Mr. Paul replied that this was a guideline so everyone could be prepared on those items. Mr. Paul noted that approvals would be made at the end of the process

Mr. Mazer moved to accept the outline as presented for the topic discussions; Mr. Thomas seconded.

Voted 5-0

Mr. Paul moved that the site plan application of Black Point Resource Management LLC be found complete. The Board reserves the right to request additional information from the applicant as the review process continues based upon input from the public, staff or town consultants. Mr. Mazer seconded.

Voted 5-0

Mr. Paul noted that there were five letters from the public.

Mr. Terry DeWan, of Terrance DeWan Associates, stated that they would meet with the Conservation Commission regarding wildlife, wetlands, the pitch pine and dune grass areas. He explained that they had made the following revisions to the plan: the entrance way, wheel stops, signage, and waste. He stated that the Fire Department wanted the circulation at the intersection changed so they took out the landscape island. Mr. DeWan stated that Mr. Tubbs did not like the wheel stops but they would be separated from each other and stormwater would pass through them; he stated that there would be a fence on the other side of the parking so no one would go into the farmland. He stated that there would be berms and a wildlife path for animals to travel. He stated that the buffering would provide visual screening to the abutters and the applicant would work with them to ensure that their views would not be blocked. He stated that they suggested a well-landscaped detail for the berms. Mr. DeWan stated that the Scarborough Sanitary District thought it was unlikely that the project could tie into their 16 inch system on Black Point Road so they were looking at onsite disposal. He stated that there would be stop signs and directional signs for pedestrians. He stated that those were the only adjustments to the plan.

Ms. Corthell stated that she would like to know how the berms would be installed and with what materials; she asked what their effectiveness would be when they were mature. Mr. DeWan stated that the soil would be used from the excavation of the parking lot and not have to be brought in; he stated that the berms needed to look as if they belonged there and would be undulating and graded. He stated that the planting plan had been presented and showed heights; he stated that the berm would do the work but the plantings would have a dense look as they matured in 10 years.

To a question from Ms. Corthell, Mr. Peter Tubbs replied that the wheel stops would work as proposed with drainage passing through. To a question from Ms. Corthell, Mr. Les Berry, of BH2M, replied that there would be a septic tank with pumping to a leach bed 250 feet from the concession stand. Mr. Chace stated that the parking lot and buildings were not in the Shoreland Zone; he noted that the staff had not yet seen the septic plans. Ms. Corthell asked the carrying capacity on the beach; Mr. Chace replied that the submission of August 29, 2011 showed those figures. To a question from Ms. Corthell regarding the paving of the area around the concession for wheelchair use, Mr. DeWan replied that the area would be created with compacted stone dust and the concession was nearly adjacent to the dropoff area but they would consider paving the area. Ms. Corthell stated that she wanted to understand more about the grassed parking area regarding permeability and the kind of grass that would grow there. Mr. Chace stated that that was a zoning requirement and the offstreet parking requirements had to be met. Mr. DeWan noted that the soil was sandy and the grass would minimize stormwater runoff; he noted that the State Park used grass for parking. He stated that the area would be graded and a seed mixture planted and the grass would be allowed to take hold before it was used.

Mr. Bouffard noted that he was not at the October 3, 2011 meeting but had watched the entire DVD of that meeting. He stated that there was a lot of material and he would have to reserve question for the next meeting. He noted that at the site walk they followed the path to the beach and at the front dune the boardwalk would be moved to the south to take the traffic away from the abutter. Mr. Bouffard stated that he would like to see the whole path moved toward the pond to take all the traffic away from the abutter and the existing path could be reclaimed. Mr. DeWan stated that there were wetlands in that area and the impact would be substantial.

To a question from Mr. Chamberlain, Mr. DeWan replied that they may move to an average height of six feet for the berms and the trees would reach 12 feet. Mr. Chamberlain confirmed that the posts of the split rail fence would identify the parking spaces and would be 10 feet apart. Mr. Chamberlain asked about beach ownership; Richard Shinay, Attorney for the applicant, replied that the Ilers and the Devons owned to the low water mark subject to a right of crossing in favor of the Spragues and that the Spragues and Quimbys co-owned in front of the Quimby property to the low water mark. He stated that the intertidal zone had rights by the public to fish and fowl in the high and low tide areas. He stated that the Spragues owned out to the low water mark subject to public rights dating back to 1633. Mr. Shinay noted that there was a pending law suit challenging the Zoning Board's decision granting the Special Exception but not the question of ownership of the low tide mark. He stated that this information was based on full title analysis. To questions from Mr. Chamberlain, Mr. DeWan replied that they were conservative with the assessment of the width of the beach and possibly a couple of times during the summer there would be an extreme high tide when the beach would be full, but people usually checked the tides and would not go to the beach during a high tide.

Mr. Fellows asked what kind of permits would be required to traverse the dune; Mr. DeWan replied that there was an umbrella permit from the DEP that would cover many of their permits. He stated that the boardwalk would be taken down during the off-season. Mr. Fellows asked how well the traffic would flow with no one to direct it; Mr. DeWan replied that there would be fencing and specific circulation to mark the traffic flow. Mr. Fellows stated that he would like to see designated pathways to get to the boardwalk. Mr. DeWan stated that there were two walkways and a fence line. Mr. Fellows stated that he would have concerns about the septic system with regard to the intensity of use.

Mr. Thomas asked about utilities; Mr. DeWan replied that they saw no need for lighting though there may be emergency lighting on the building where the feed would be below ground. Mr. Greg Wilfert, Manager of the State Beach, stated that the hours of operation would be from 9:00 A. M. to 8:00 P. M. through August and to 6:00 P. M. in September and people would be asked to leave the beach at that time.

Mr. Mazer stated that he would like clarification on the covenants of the ownership of the Quimby property; Mr. Parkinson stated that Mr. Shinay should put together a letter regarding right, title and interest on the beach. Mr. Shinay stated that when parties were cotenants of land they each had equal rights but one could not make use so as to prohibit the other's equal rights. He noted that there was a letter of information in the package to the Zoning Board. Mr. Parkinson stated that it would be helpful if Mr. Shinay summarized the information. To a question from Mr. Mazer, Mr. DeWan replied that distance from the dropoff to the beach was 800 feet on an 8 foot wide boardwalk and path. Mr. Wilfert stated that they would transport anyone who could not walk that distance as they did at the State Beach and the width of the path was sufficient for their five foot wide vehicle. To a question from Mr. Mazer, Mr. Wilfert replied that there would be signs to facilitate the parking and they would direct parking if it were necessary. Mr. Mazer stated that he wanted more information on the architecture and wanted to make sure there were buffers now rather than plantings that would not be a buffer for several years.

Mr. Paul asked that the applicant reconsider the placement of the entrance and try to save the mature deciduous trees. He stated that if the road were more to the north it looked as though the trees would not be impacted. To a question from Mr. Paul, Mr. DeWan replied that the parking was designed to Town standards and the landscaping in the parking lot would meet those standards. Mr. Paul stated that traffic flow was important. To a question from Mr. Paul, Mr. Bacon replied that there were no setback requirements for berms. Mr. DeWan stated that there were provisions for drainage from the berms. Mr. Paul stated that he would like to hear from a botanist who had walked the site to make sure there were no endangered plant species. Mr. DeWan stated that members of the Inland Fish and Wildlife Department would be attending the Conservation Commission meeting and a Planning Board meeting.

Mr. Paul stated that at the next meeting, he would like to start with a discussion regarding traffic and target an hour and a half to that topic. Mr. Paul stated that he would have questions regarding levels of service at major intersections as far as Oak Hill and other major arteries feeding this property. Mr. Thomas stated that he would like to know the sight line at the entrance to this site going south on Black Point Road.

#### 8. Administrative Amendment Report

There was no report.

#### 9. Town Planner's Report

Mr. Bacon stated that on October 18, 2011, the final design meeting for the Dunstan Corner improvements would be held at 6:00 P. M. in Council Chambers. He stated that the Long Range Planning Committee was working on Pine Point zoning and the Industrial Zone language. He also noted that the package for wayfinding signs at important intersections and gateways was being worked on by the Town staff.

10. Correspondence - There was no correspondence.

#### 11. Planning Board Comments

Mr. Mazer confirmed that the Conservation Commission would meet regarding Black Point Park at 7:00 P. M. on October 17, 2011 at the Town Hall.

Mr. Chace asked that the Board members either keep their Black Point Park materials with them or leave them in their packages.

12. Adjournment - The meeting was adjourned at 11:40 P. M.

