

To the Zoning Board of Appeals

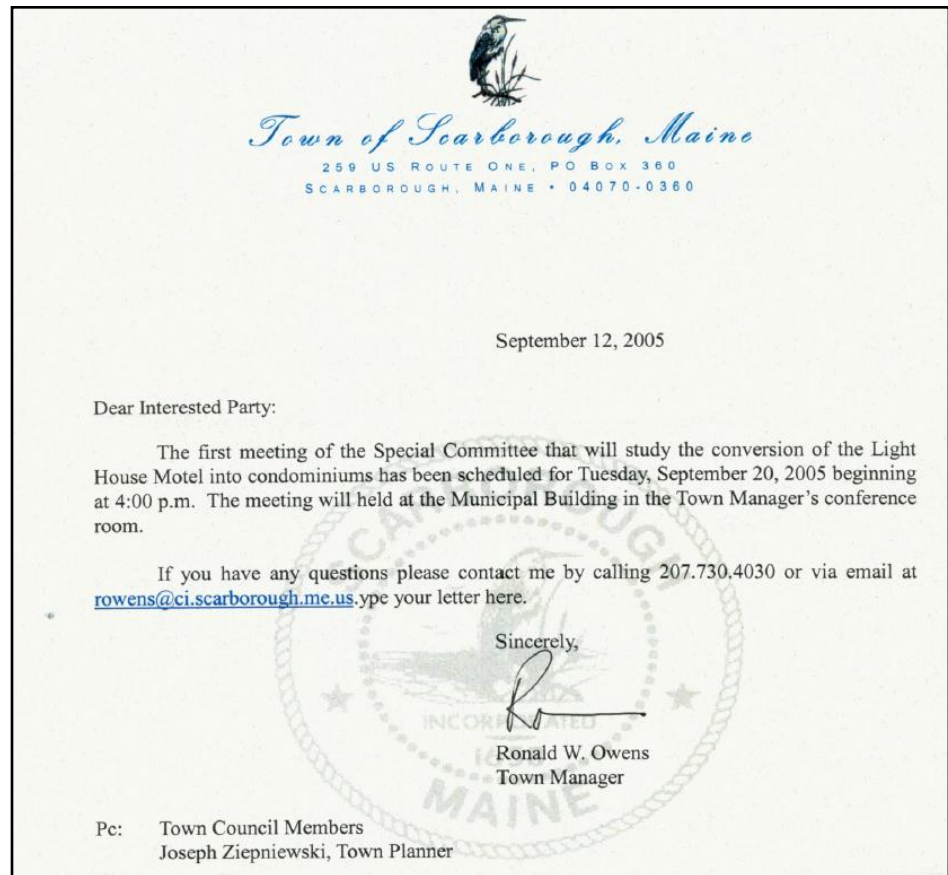
From Judy Shirk

Regarding the Appeals by the Lighthouse Inn - November 9, 2011

I am here to speak to you about this expansion and urge you to deny the change of use until a more suitable plan is presented, one that is more consistent with the character of the neighborhood.

The applicant is asking for a change of use to a more conforming use. The problem is that despite their assurances to the Planning Board, assurances that were not completely satisfying to the Planning Board members, this plan is simply much LESS conforming just as it was when it was proposed six years ago in a similar form.

I am not sure if any of you were here in 2005 when the applicants first proposed a major expansion of this seasonal motel, but if not I urge you to review the history. There is a comprehensive report done by Town Manager Ron Owens which outlined the results of the study committee's work with the applicants.



You may hear arguments that the previous proposal is irrelevant. Please reject that view. The Zoning Board had so many concerns back then that they directed the applicants to work with the neighborhood and come back later. That decision led to a series of four summer forums with the developer's architect where the neighborhood and greater community could learn more details and provide input, a right citizens have under the ordinance.

After four summer meetings, very well attended, and a study committee of the Town, residents and motel owners, a plan for five townhouses was overwhelmingly supported. The applicants, however, chose not to do it citing economic reasons in their letter. Imagine that. Here we are in the worst of economic times since.

You may have read or heard the neighbors didn't want the condos then and don't want them now. That's absurd. I don't know of anyone who would oppose converting that old motel to a few condos if it's done right. Twelve homes connected together with little parking and common space is simply too dense and certainly not more conforming. I will address why in a moment, but feel you should still be informed of their previous efforts because the same arguments still apply.

For example, are you aware that this motel is already 22 condos. It was converted in 2007. They were for sale too. Check out the ad and price. None sold, of course, so they are now all owned by the owners. They filed their Condo



## Lighthouse Inn *at Pine Point*

378 Pine Point Rd. Scarborough, Me. 04074 1-800-780-3213  
[lighthouseinn@roadrunner.com](mailto:lighthouseinn@roadrunner.com)

| Current Pricing |        |        |        |        |     |     |     |   |     |     |
|-----------------|--------|--------|--------|--------|-----|-----|-----|---|-----|-----|
| #22             | #21    | #20    | #19    | #18    | #17 | #16 | #15 | <div style="background-color: #00AEEF; color: white; padding: 5px; display: inline-block;">                     Pre-Construction Pricing<br/>                     Deduct 15%                 </div> |     |     |
| \$279,          | \$269, | \$269, | \$269, | \$269, |     |     |     |   |     |     |
| #1              | #2     | #3     | #4     | #5     | #6  | #7  | #8  | #9  | #10 | #11 |
| \$239,          | \$239, | \$239, | \$239, | \$239, |     |     |     |   |     |     |

One



324 SQ FT +/-

declarations in the Registry just days before the Town Council was giving a first reading to a Condomel Ordinance. This is all on the official record. Because of their conversion which they did not get approved by the Zoning Board, the Town actually had to file a notice in the Registry warning potential buyers. A deal was worked out that required a great many restrictions on this condotel which are in place today.

Doc# 19461 Bk:24975 Pg: 268

**TOWN OF SCARBOROUGH**

**NOTICE REGARDING THE LIGHTHOUSE INN CONDOMINIUM**

Condominium Declaration: "Declaration of Lighthouse Inn Condominium," dated March 19, 2007

Recording Data: Book 24934, Page 47

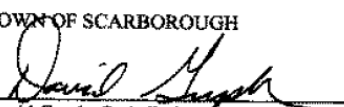
Property Owners: Peter J. Truman and Nicholas C. Truman

**To prospective purchasers of units in the above-referenced condominium:**

You are hereby notified of the requirements of Section IV(G)(1)(b) of the Zoning Ordinance of the Town of Scarborough, Maine, which reads as follows:

Prior to any change in the ownership or tenancy of a building or structure other than a single-family, two-family or multi-family dwelling, the owner of the building or structure (or the prospective new owner or tenant with the written authorization of the owner) shall obtain a new certificate of occupancy. The new owner or tenant shall not occupy the building or structure until it is brought into compliance with the requirements of this Ordinance and of any other applicable law, ordinance, rule or regulation for the use proposed by the prospective new owner or tenant.

TOWN OF SCARBOROUGH

By:   
David Grysk, Code Enforcement Officer

The restrictions on the Condotel included a six month period where they could not be occupied. The current proposal calls for year-round occupancy, which means winter rentals of course..

The major objection was the density which remains an issue now. 11 three-story dwellings and the use of the office for a twelfth unit would rest on the just less than half an acre. Yes, they have slightly more than that now after the land swap but the overall land amount is less than three-quarters of an acre. By

today's standards (which the Beachwalk was held to when it developed), that would only permit 2 dwellings.

More history is important for your consideration. The hotel office was restricted to no living quarters when it was built. The owners admit to using it for that purpose nonetheless. That aside, when they received approval for that structure it was because they had sold their office across the street and argued they needed an office for the remaining building. Now they intend to include it as the 12<sup>th</sup> unit. Why when no motel will exist. It should be removed if a change of use is ultimately approved. Ron Owens was clear to them that once they ceased being a motel, the office would go. That was the Town's position based on the public record.

Part of this property is in the Shoreland zone. The last proposal included a plan where they would deed a tiny piece of their land in that sensitive zone to the Town so they would not have to comply with the requirements of that restrictive zone. Why hasn't that been an issue this time? In fact, with the land swap there is a question about whether or not they have more land in the zone. Why is there no discussion of a Practical Difficulty Variance this time around?

On another subject, the town placed deed restrictions on height when they did the land swap. Is the Board aware of those because parts of this plan appear to violate those deed restrictions.

The Planning Board placed site plan restrictions on their parking lot, including the height and style of fencing and vegetation. This plan proposed to alter the Planning Board conditions.

When the public road known as Depot Street was closed as part of the land swap, people were very upset. That was an access road to the shore. One saving grace to losing the road was the fact that the Lighthouse Condotel would be closed half of the year.

This change of use will not only establish 12 privately owned homes on a tiny parcel, but it will remain a motel for all intents and purposes. These units will be rent out, there is no doubt about it. But there will be no central control like there is in a motel. The owners will do winter rentals which is an expansion of the non-conforming use since it now only has six month occupancy. You can ask for condo bylaws and covenants but we all know they are easily changed. For example, the Beachwalk, which the applicants like to compare this project to, had very restrictive covenants. One was no parking on the private road. Below is a photo of what now happens

routinely at the

Beachwalk.

Renters park

anywhere. There

is no

enforcement.



The applicant's efforts over the past seven years have worn down the community, I believe. And the timing of this application is no coincidence. The last time they wanted to build the massive structure shown in this flyer it was winter-spring. The summer meetings were very helpful. Now they begin the process in the fall and winter and have sought no public input. Please know there are many more voices out there who would be here as they were in tremendous numbers back then.

This corner is among the most visible in Pine Point. The public, through the Town's ordinances and the Planning and Zoning Board have rights to be

heard in this process and the Zoning Board in the past has been very sensitive to neighborhood concerns.

Abutters' property values are at stake. Imagine your home losing its sunlight or views by expansion, and quality of life. The character of the neighborhood is at stake. You cannot depend on condo declarations to ensure that this project will not become more of a motel than it is now. This town is not obligated to assisting private property owners maximize their profits.

### Lighthouse Inn Condominium Conversion

Neighborhood Meeting 04-07-05



**PORT = CITY**  
ARCHITECTURE

**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 6<sup>th</sup> 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 2<sup>nd</sup> meeting. The land swap would relocate the end of Pine Point Road 18 feet to the west. The Town would exchange an 18 foot parcel of land in front of the motel for an equal sized 18 foot piece of the motel's parking area across Pine Point Road. While this project does not depend on the Exchange, it would improve the vehicular and pedestrian circulation, remove the seasonal barricades, and remove the parking area across Pine Point Road.

To complete this project, approvals from the Zoning Board of Appeals are required for a Miscellaneous Appeal to allow the alteration of a non-conforming use, and to allow relief from the current setbacks. Approval from the ZBA is also required for the construction of a third floor. Further approvals are also required from the Planning Board and City Council. This project has already gone before City Council and then Planning Board for preliminary approvals.

This project will create a more 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.



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# Inn conversion request tabled again

By Ken Tatro  
Staff Writer

Citing the need for more information, the Scarborough Zoning Board of Appeals again tabled the Lighthouse Inn's request for two variances that would allow it to convert the 22-unit motel to six condominiums units and add a third story.

This is the second time the board has tabled the requests and asked for more information. This time the board asked the applicants, Peter and Nicholas Truman, to review three aspects of the plan and resubmit it to the board at a later date.

The three sticking points for the board were the proposed renovation of the freestanding office building located behind the motel, the proposal to build a third floor, and the parking garages that are proposed to enter and exit directly onto Pine Point Road.

The Trumans contend that although the condos do not conform to present zoning, the conversion will bring the motel, which also does not conform, more in tune with the current use of the area, which is primarily residential.

"This six-unit condominium is definitely more in the spirit and more in keeping with the residential character (of Pine Point)," said Andy Hyland, of Port City Architects, which is developing the renovation plans. "We think it's a less intense use."

But the board had concerns about

the proposed renovation of the freestanding office building behind the motel.

In 1996 the town approved an appeal that allowed the construction of the office and specified it could not be used as living space. If the current request were granted, the restriction would no longer be in effect, unless the board specifically said it could not be expanded or renovated. In addition, other board members did not like the design of the building, and wanted a proposed third story either removed or not used as a living area.

Another area of concern was the location of the proposed garages. As presented during the meeting, the garages would be on the building's ground floor in front of Pine Point Road. Each unit would have one garage. Hyland said the owners are trying to sell the units to high-end customers who want garages.

However, the board was concerned about the safety of allowing someone to back out of the garage directly onto a public road, and wanted it reworked, though Hyland said he has had a similar appeal approved in Portland.

Finally, some board members were concerned with the addition of a third story, saying it was increasing the size of a non-conforming parcel and making it more non-conforming than it was before.

Prior to the discussion, the board read a number of letters from residents and property owners expressing their views on the plan. Some

of the people were in favor of the project. Those who were not felt the process was moving too fast and was excluding summer residents.

Board Chairman Patrick Dryzga said the board has no control over the speed of the project. He said it is the board's role to hear and ultimately decide on an appeal the night it is discussed, unless it is tabled by the applicant or the board decides to table it for further information.

Still, residents were concerned about the overall appearance and construction of the inn. As part of his presentation, Hyland showed pictures of other three-story buildings at Pine Point. But residents said there were no examples of a three-story condo.

"The character of the neighborhood doesn't include multiplexes that are three stories high," said resident John Thurlow.

Many residents also cited a proposed land swap with the town as part of their concerns. But Hyland said the request has been dropped because it only complicates the issue. Part of the land swap included a small sliver of the Lighthouse Inn's property that is in the shoreland zone.

The permission to convert to condos cannot be given if the property is in the shoreland zone. In order to get around this problem, the Trumans have decided to deed the parcel to the town, although the Town Council has not yet accepted the deed.