

GENE R. LIBBY, ESQ.
glibby@lokllc.com

August 8, 2011

Scarborough Zoning Board of Appeals
c/o David Grysk
Scarborough Municipal Building 259
U.S. Route 1
Scarborough, ME 04074

Re: Application of Peter and Nicholas Truman, Owners of
The Lighthouse Inn At Pine Point, LLC for Miscellaneous Appeal
Pursuant to Section VB4 of the Town of Scarborough Zoning Ordinance

Dear Sir:

I represent Peter and Nicholas Truman, the owners and operators of The Lighthouse Inn at Pine Point, LLC. The Trumans are submitting a miscellaneous appeal to change the use of the Lighthouse Inn from a commercial motel/condominium in the R-4A zone to twelve (12) residential condominiums. This letter is intended to supplement materials filed with the Town by Peter Truman in the month of July.

In support of the miscellaneous appeal, you will find enclosed (10) copies of a Plot Plan showing a proposed 3-story wood structure, a boundary survey of the property and the Lot size and configuration after the recent land swap with the Town. You will also find attached (10) copies of a document captioned "Special Exception Criteria."

Subject of Appeal

The Trumans seek to convert an existing nonconforming 22-unit motel/condominium into (12) residential condominiums/townhouses. In order to accomplish the change from commercial to purely residential use, the application proposes the construction of a third floor, as depicted on the amended Site Plan. There would be (11) 3-story townhouses in the main building of the motel and (1) unit in the existing office building. The configuration and footprint of the office building would not change. The addition of the third level would be within the Town's 35' height limitation.

The change in nonconforming use from commercial to residential would be consistent with the changes in the neighborhood since the construction of the Beachwalk subdivision. Changing from commercial to residential will be consistent not only with the Beachwalk subdivision, but also the residential development of the entire area over the last decade. The area around the motel has been significantly enhanced since the land swap with the Town. The addition of a landscaped public access would be entirely consistent with the residential uses on both sides of the public access.

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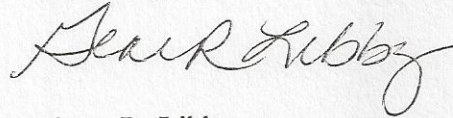
The proposed change in use contemplates retaining parking in the existing parking area. The proposed reduction from (22) units to (12) units would decrease density by approximately 45%.

If the change of use is approved by the Zoning Board, an additional miscellaneous appeal would be filed seeking limited reduction of yard size related to property setbacks. The original building was constructed in 1958.

The proposed change in use from commercial to residential would be consistent with the recent development of R-4A zone, and would greatly enhance the neighborhood and the Beach Walk Subdivision. The architecture of the expanded building would reflect the character of new home construction in the area and those directly adjacent to the Inn. The total volume of the expanded Lighthouse condominiums would be equal to only three homes in the adjacent Beachwalk Subdivision and therefore consistent with the size and nature of development in the area. Changing from commercial to residential will also greatly reduce traffic to and from the Lighthouse Inn since it will be fully dedicated to year-round residential living.

The Trumans look forward to working with the Zoning Board of Appeals in addressing their appeal.

Sincerely,



Gene R. Libby

GRL/eb
Enclosures

cc: Peter Truman
Nick Truman

STANDARDS FOR SPECIAL EXCEPTIONS

Application of Peter and Nicholas Truman

08/08/11

a. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.

Response: Conversion of the non-conforming use from commercial to residential will decrease demands on the town's sewage disposal and thereby enhance or leave unchanged any concerns related to air or water quality. The reduced use of the facility will also spill over to the reduced use of the beach and accompanying shoreland areas.

b. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

Response: Vehicle and pedestrian traffic conditions were greatly enhanced with the development of the public way to the beach, creation of a turn-off for beach traffic, and reconfiguration of King Street and Pine Point Road surrounding the Inn. Vehicle and pedestrian safety would, in fact, be enhanced because of the reduced use of the residential structures versus commercial activity related to the motel.

c. The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree in municipal fire or police protection than existing uses in the neighborhood.

Response: There would be no public safety problems. During the land swap, a review was done by the fire department and other safety agencies. There would be no additional public safety concerns that were not currently addressed and now satisfied in the land swap. Again, with the decrease in use, the demand on municipal fire and police protection would be reduced as well.

d. The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies.

Response: There will be no increase in sedimentation or erosion. Drainage from the added third floor will be handled consistent with the Town's Building Code.

e. The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development.

Response: The new townhouse/condominiums would be similar in size and visual impact as surrounding homes. The intensity of use would be decreased and be

similar to the new residential structures in the Beachwalk subdivision. Measures will be taken to enhance the existing structure to make it more visually pleasing and residential in appearance. See the conceptual design submitted with this package. There would be almost a decrease by half of the density of the proposed conversion, all of which is consistent with other structures in the R-4A zone.

f. If located in a shoreland zone as depicted on the Town of Scarborough Official Shoreland Zoning Map, the proposed use will comply with all of the requirements of the Town of Scarborough Shoreland Zoning Ordinance. (8/5/92)

Response: The property is located in the shoreland zone will need a limited reduction of the yard size to address setback issues. This request will be filed as a separate miscellaneous appeal if the change in use is approved by the Board. The building itself is not located within the 100-year flood plane.

g. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

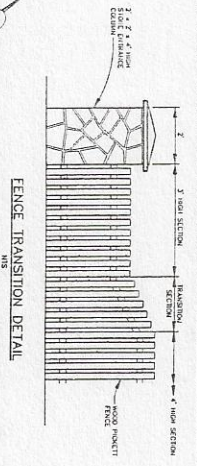
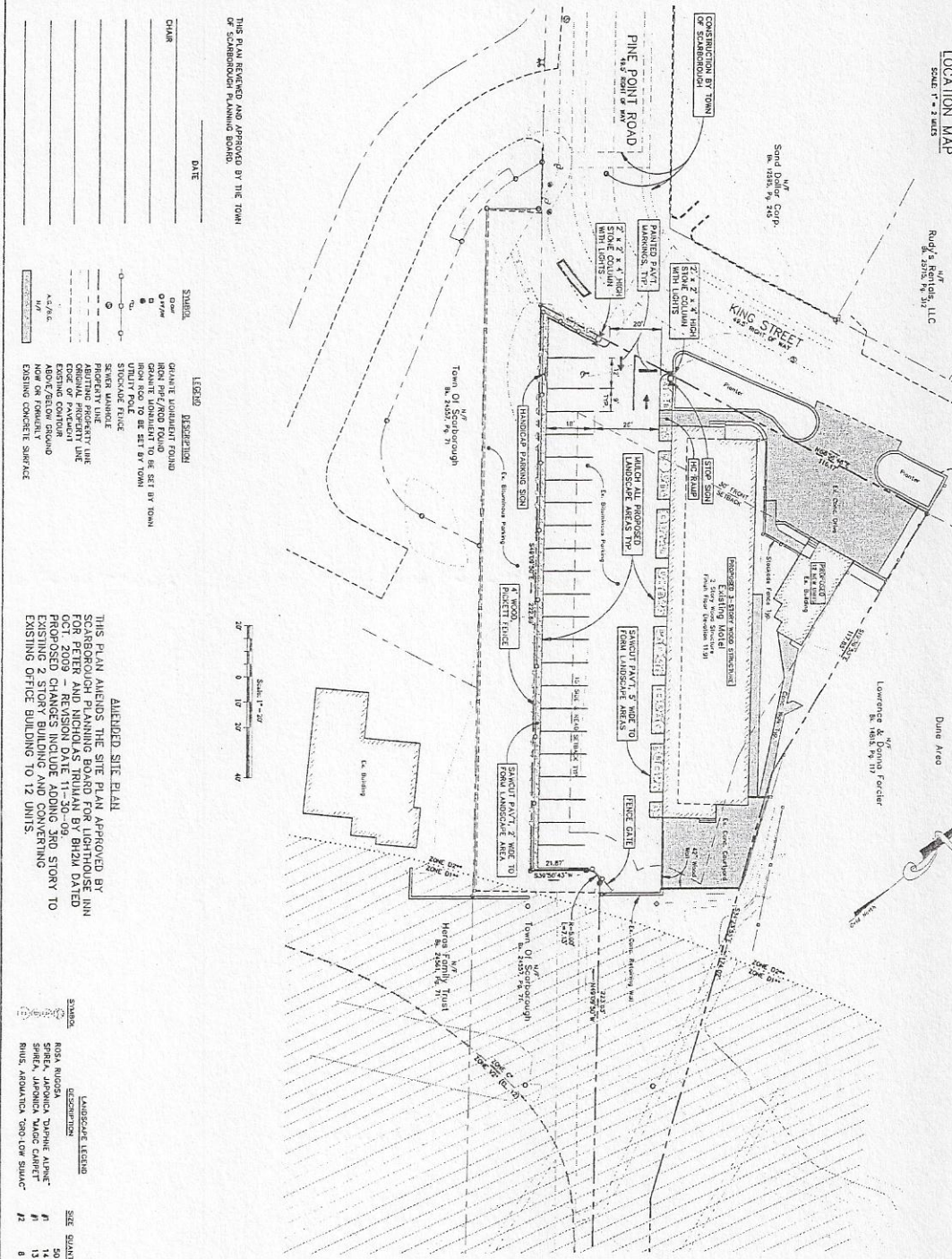
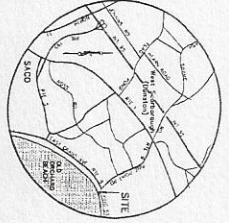
Response: The Trumans are owners of the property as evidenced by recent deeds exchanged between the Town and the Trumans in the land swap. The deed is for the property recorded in Book 4969, Page 313 at the Cumberland County Registry of Deeds.

h. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board of Appeals pursuant to subsection 5 of this Section.

Response: The Trumans have the technical and financial ability to meet the standards proposed by the Zoning Board of Appeals, as evidenced by their recent cooperation with the Town in the land swap and reconfiguration to the entrance of the motel.

i. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

Response: The change from commercial to residential will be compatible with all other residential uses in the neighborhood. With respect to noise and hours of operation, all will be reduced since high-volume commercial activity will be eliminated.



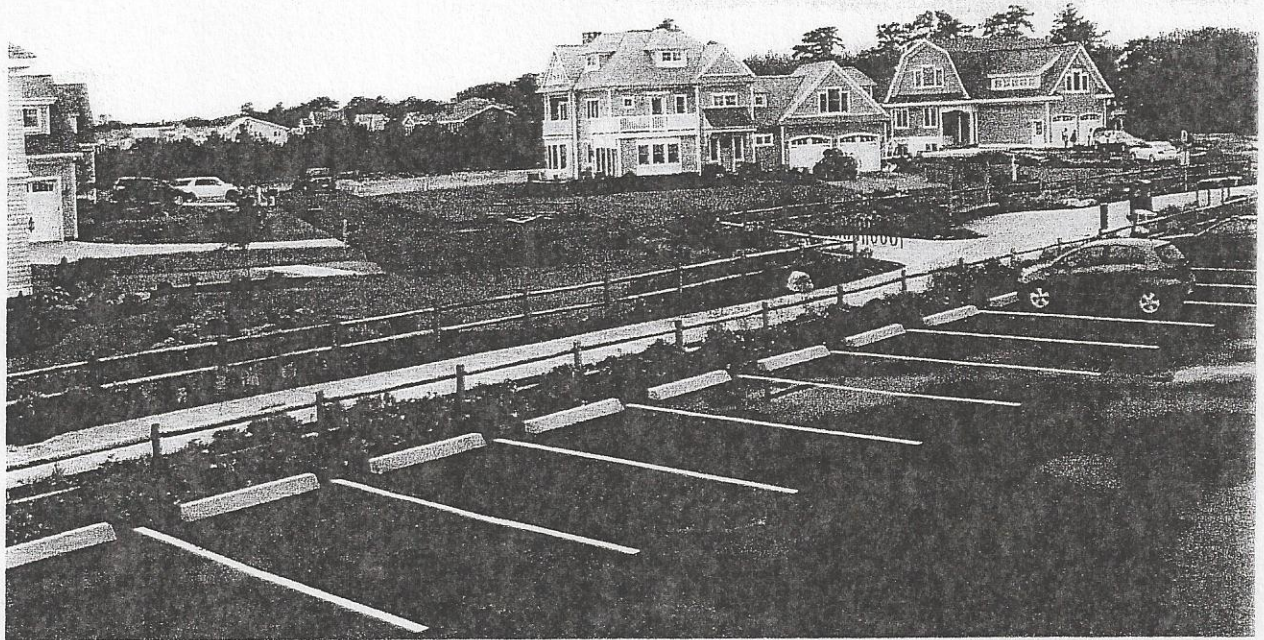
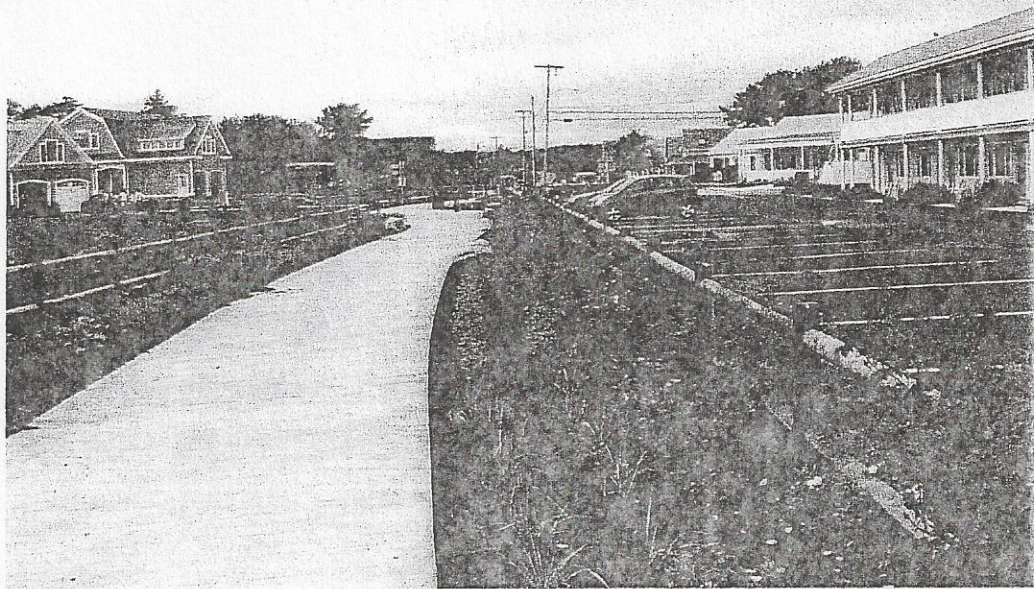
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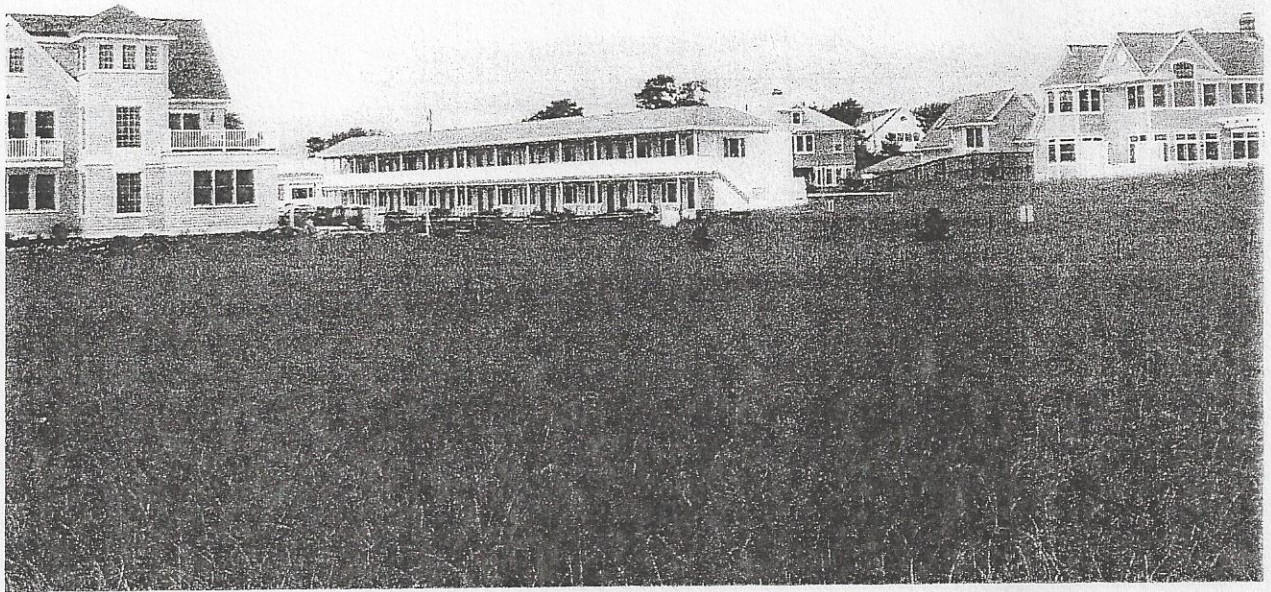
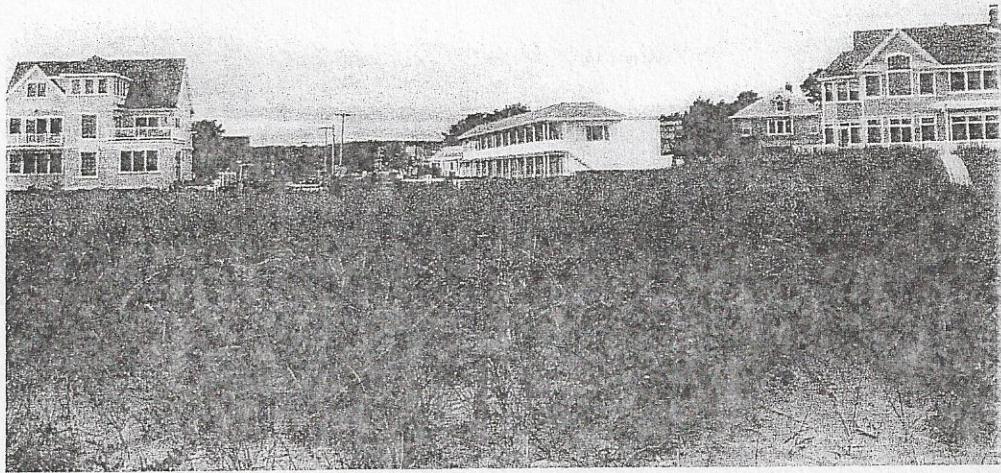
- OWNER/APPLICANT: PETER & NICHOLAS TRUMAN, 378 FINE POINT ROAD, SCARBOROUGH, ME 04074
- ENGINEER: LESTER S. BERRY, PE #2341, 20 STATE STREET, CORVALLIS, MAINE
- SAWYER: ROBERT C. LIBBY JR., PLS #2190, BHM
- DEED REFERENCE: BK. 489, PG. 213
- TAX MAP REFERENCE: MAP U22, LOT 108
- ZONING: R4A
- PROJECT AREA: ORIGINAL PARCELS - 14,092 SF (NORTHERLY) & 13,190 SF (SOUTHERLY) AFTER LANSWAP W/ TOWN - 25,709 SF, BHM
- PROPOSED USE: HOTEL
- SEWER SERVICE: PUBLIC
- WATER SERVICE: PUBLIC
- ELECTRIC/TELEPHONE: OVERHEAD
- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE MAINE EROSION SEDIMENTATION CONTROL ACT, LATEST VERSION.
- SPACE & BULK REQUIREMENTS: MIN. LOT AREA - 10,000 SF; MIN. FRONT YARD - 15'; MIN. SIDE & REAR YARD - 15'; MIN. FRONT YARD - 30'; MIN. SIDE & REAR YARD - 30'
- PLAN REFERENCE: A. PROPOSED VARIOUS SHEDS, DISSEMINATED FINE POINT ROAD, SCARBOROUGH, MAINE, FOR TOWN TRIBUNAL DATED AUG. 5, 2009 BY NORTHEAST CIVIL SOLUTIONS.
- PLAN OF PROPERTY, KING STREET, CORVALLIS, MAINE, MADE FOR PETER TRUMAN, DATED FEB. 13, 2008, BY BERRY & LIBBY, INC. (1243 (MAY 08)).
- REMARKS: HAVE REPRESENTATIVE OF TRANSPORTATION DEPARTMENT STEPHEN ELDON (1243 (MAY 08)).
- SPACES PROVIDED: 27 SPACES @ 22' x 10' AND 1 HANDICAP SPACE @ 12' x 16'
- PARKING: 27 SPACES PROVIDED: 27 SPACES @ 22' x 10' AND 1 HANDICAP SPACE @ 12' x 16'
- NO OCCUPANCY FOR RAIL OR RAIL OCCUPANCY SHALL BE ISSUED BY PLANNERS OR THEIR DESIGNEE AND SIGNED THAT THE PROPERTY HAS MET THE CODE REQUIREMENTS FOR RAIL OCCUPANCY UNTIL THE TOWN ENGINEER, TOWN PLANNERS OR THEIR DESIGNEE ARE SATISFIED THAT THE PROPERTY HAS MET THE CONDITIONS OF APPROVAL, OR THAT THE TOWN HAS RECEIVED A LETTER FROM THE MAINE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY (DTPS) WHICH A FORMAL OCCUPANCY PERMITS FOR RAIL OCCUPANCY MAY BE IN THE FORM OF A SIGNATURE FROM THE MAINE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY IN A FORM AND FROM AN ISSUER ACCEPTABLE TO THE TOWN ENGINEER, OR THE TOWN ENGINEER OF HIS DESIGNEE, FOLLOWING THE SUBMISSION OF COST ESTIMATE BY THE APPLICANT AND SHALL BE IN AN AMOUNT AT LEAST EQUAL TO THE TOTAL COST OF THE REMEDIATION WORK TO BE COMPLETED.
- THE PROPERTY SHOWN ON THIS PLAN MAY BE DEVELOPED AND USED ONLY AS DEPICED ON THIS APPROVED PLAN. ALL EASEMENTS AND RIGHTS AS SHOWN ON THIS PLAN ARE SUBJECT TO THE TOWN ENGINEER'S REVIEW BY THE APPLICANT CONCERNING THE DEVELOPMENT AND USE OF THE PROPERTY WHICH PERTAIN TO THE PLANNING BOARD FINDINGS AND APPROVAL. IS REQUESTED UNLESS ALLOWED BY ORDINANCE OR AN AMENDED SITE PLAN IS FIRST SUBMITTED TO AND APPROVED BY THE PLANNING BOARD.
- SITE RESTRICTIONS: A. FOR THE PURPOSE OF MAINTAINING A PUBLIC VIEW CORRIDOR, NO STRUCTURES (INCLUDING WALL AND WITH THE EXCEPTION OF LAND MARKS) BE LOCATED WITHIN THE INTERVAL ZONE.
B. THE TOWN SHALL RETAIN THE RIGHT TO CLEAN, MAINTAIN AND PARK THE SAND BEACH AND THE INTERVAL ZONE.
C. THE PUBLIC HAS THE RIGHT TO USE THE INTERVAL ZONE FOR RECREATION AND OTHER PURPOSES.
D. NO FENCES, BARRICADES OR ANY OTHER IMPEDIMENTS TO PUBLIC ACCESS SHALL BE INSTALLED IN THE INTERVAL ZONE OR ON THE SAND BEACH.
E. DUNE GRASS SHALL NOT BE REMOVED OR DISTURBED.
- THIS PLAN ILLUSTRATES THE PROPERTY LINES PER THE LAND SURVEY CONDUCTED BY THE TOWN ENGINEER AND THE TOWN OF SCARBOROUGH FOR DETAILS OF THE EXCHANGE. SEE PLAN 057-154

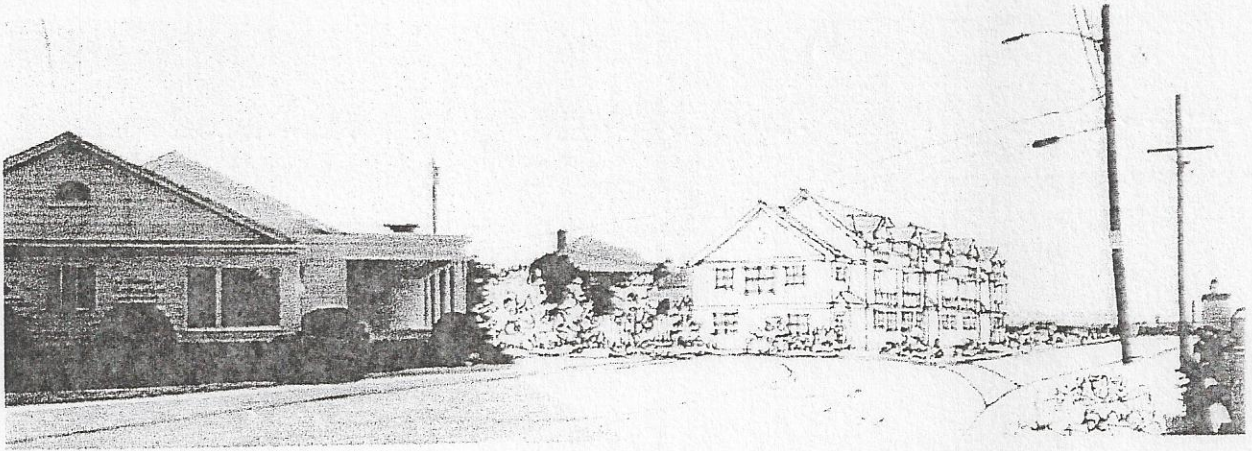
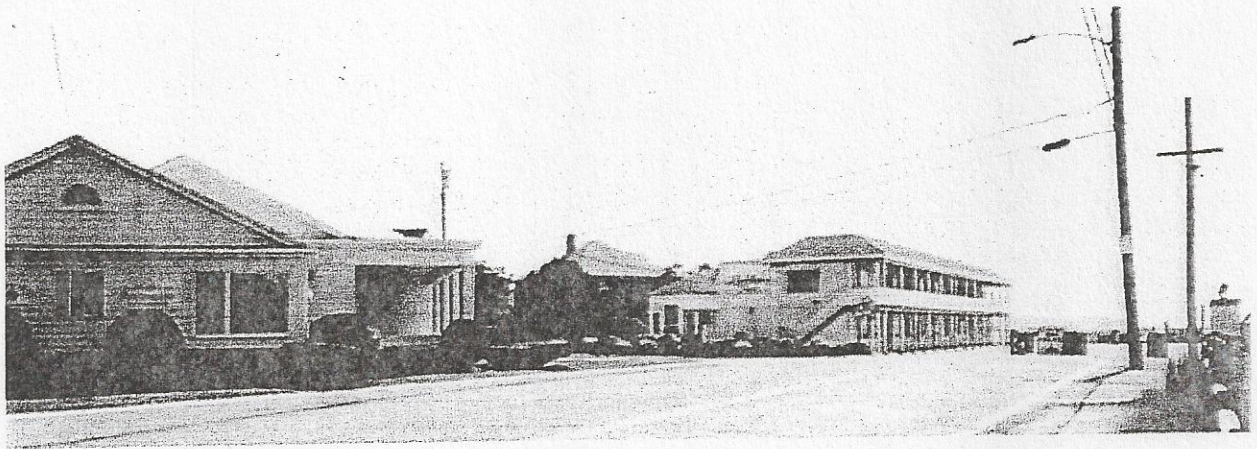
REVISION	
NO.	DATE
1	11/20/09
2	07/28/11

AMENDED SITE PLAN LIGHTHOUSE INN LAB OF PETER & NICHOLAS TRUMAN 378 FINE POINT ROAD SCARBOROUGH, MAINE 04074		FOR Peter & Nicholas Truman 378 Fine Point Road Scarborough, Maine 04074	 Berry, McDonald, Milligan Inc. Engineers, Surveyors 26 State Street Corvallis, Maine 04601 Tel. (207) 838-3771 Fax (207) 838-8220
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For conceptual purposes only.
Not final design.