

Town of Scarborough

Planning Board

December 9, 2002

MINUTES

Members Present

Mr. Dougherty  
Mr. Hanson  
Mr. Shinay  
Ms. Taylor  
Mr. Wood

Staff

Ms. Logan, Recording Secretary  
Mr. Wendel, Town Engineer & Asst. Planner  
Mr. Ziepniewski, Town Planner

1. Call to Order

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

2. Roll Call

The Recording Secretary called the roll; Ms. Auglis and Mr. Porada were absent. Mr. Shinay authorized Ms. Taylor to vote.

3. Approval of Minutes

There were no minutes available.

Mr. Hanson moved to take up Item 21 at this point in the agenda; Mr. Wood seconded. Voted 5-0

21. Upcoming Committee Meetings

Mr. Hanson noted that the subcommittee had discussed the review of the Sign Ordinance at its last meeting and would like some help from a professional such as Terry DeWan; Mr. Ziepniewski stated that he would talk to the Town Manager about getting money for that purpose.

Mr. Hanson moved to send the committee's comments to the Town Council; Ms. Taylor seconded.

Voted 5-0

Mr. Hanson stated that the Town Attorney had given the committee situations to examine and they agreed with four out of nine of them and would discuss them at the next meeting on Friday, January 10, 2003 at 12:00 noon. Mr. Hanson stated that the committee's priorities were to get involved in the lighting ordinance and the height of buildings.

Mr. Shinay noted that this was a standing committee to review various issues to provide subjects to the Town Council and the Ordinance Committee. Mr. Ziepniewski asked about the Design Standards. Mr. Hanson moved to forward the Design Standards to the Town Council; Mr. Dougherty seconded.

Voted 5-0

Ms. Taylor asked whether the committee should consider any of the Visioning Committee issues; Mr. Ziepniewski replied that there was not a lot to consider at this point and a draft document would be presented in March. He stated that the Board could get a sense of what was happening on the web site.

Mr. Shinay noted that items 14, 15 and 17 had been tabled at the request of the applicants.

4. VIP Plaza, Anthony DePaolo, Jr. requests site plan amendment approval for site at 183 U. S. Route One

Mr. Ziepniewski stated that the plan showed four items that had been corrected and staff recommended approval.

Mr. Willie Audet explained that the landscaping was changed for easier maintenance because the curbs had been damaged by snowplows; he stated that Mr. DePaolo did not realize he had to return to the Board for changes to the curbs. Mr. Hanson stated that he thought the alterations had improved the sight. To a question from Mr. Wood, Mr. Audet replied that there was no place to put snow and the curbing kept being damaged; he stated that the change did not reduce the integrity of the detention system. To a question from Ms. Taylor, Mr. Audet replied that he did not think there were any detention basins. Mr. Wendel stated that the removal of the curb, which was not on the original plan, takes the site back to its original intent and the drainage should work better.

Mr. Hanson moved to approve the amended site plan; Mr. Dougherty seconded.

Voted 5-0

5. Higgins Beach Inn requests site plan approval for site at Ocean Avenue

Mr. Ziepniewski stated that the applicant had revised this plan following comments from the staff and the Fire Department who requested the width of the gravel driveway be 20 feet rather than the 18.5 feet shown. He stated that the other changes requested had been made and the staff recommended approval.

Mr. James Thibideau, of Associated Design, stated that he had talked with Mr. Wendel today and had revised the plan to show a 20.5 foot wide gravel access, partially covered with grass, for emergency equipment access. Mr. Dougherty asked about the parking problems; Mr. Thibideau replied that the changes would help the parking problems, but they did not want to turn the entire lot into parking because of drainage issues. He stated that the drainage problems had been ongoing for some time and they did a drainage study and there would be no negative impact on the runoff from the proposed changes.

To a question from Ms. Taylor, Mr. Thibideau replied that the driveway would be one-way so they would not need more gravel. He stated that the business was open only seasonally. Ms. Taylor asked whether they were keeping the parking along Greenwood Avenue; Mr. Ziepniewski replied that the area belonged to the Town and the applicant could not show on-street parking on a plan. He stated that the street parking should be taken off the plan. Mr. Wendel noted that that he could compare the adjusted plan to what he had and the Board could approve it at this time.

Mr. Shinay moved to approve the plan subject to staff review of the revisions to the final site plan, consistent with the applicant's representations of this evening, including the 20.5 foot wide driveway; Mr. Wood seconded.

Voted 5-0

6. Gloria and Erik Moline request sketch plan review for 5 lot subdivision off 50 Highland Avenue

Mr. Ziepniewski noted that Highland Avenue was a collector road, which is very highly travelled, and this land did not offer a lot of possibilities for designs, but traffic management could be done by combining driveways for Lots 2 and 3 and for Lots 4 and 5.

Mr. Rocco Risbara III stated that this was a 3.86 acre site including the Moline home and there would be five lots including the existing house. He stated that this was a tough site that had been used hard and they felt this was the best proposal to clean up the site and put it to good use. Mr. Risbara stated that the wetlands study had been done and the site evaluators had looked at septic locations and each lot could meet the requirements. Mr. Risbara noted that they had purchased a nearby lot and as part of the deal had put in a water main. Mr. Risbara stated that the combined driveways would not work in this case because it would put the garages on the wrong side of the sun.

To a question from Mr. Wendel, Mr. Risbara replied that they had not done topographical work because the site was very flat and they had shown spot elevations and knew the drainage would work. Mr. Ziepniewski asked about stormwater runoff; Mr. Risbara replied that the runoff would all be handled on the site with a ditch system; he stated that the drainage was good because of the nearby subdivision. Mr. Wendel stated that he did not see any great need for more drainage information and the ditch along the front was well designed and the soils were fairly sandy so he did not anticipate any ponding problems.

Ms. Taylor asked about water service, Mr. Risbara replied that the water would come from Magnolia Place across Highland Avenue and down the street to this site. To a question from Ms. Taylor, Mr. Risbara replied that Magnolia's drainage crossed near the intersection of Chamberlain Road and there was a detention pond at Magnolia. Mr. Risbara stated that most of their stormwater would be absorbed and the rest would hit the ditch in the front; he noted that the groundwater was deeper than five feet. Ms. Taylor stated that she was more in favor of single driveways and the sight distance was good.

Ms. Taylor asked about foundation drains; Mr. Risbara replied that they could hit the ditch line; he stated that the septic systems were in front of the houses and the houses would be elevated. Ms. Taylor stated that it would be nice to create a walking path. Mr. Risbara stated that the ditch line was wide and the Fire Department had a big turnout. Ms. Taylor stated that she would like to see the driveway locations and the building envelopes on the plan. Mr. Risbara noted that there was a good natural tree line in the rear and he would not cut any of the trees; he stated that he had not thought about fencing that area.

To a question from Mr. Wood, Mr. Risbara replied that he did not think shared driveways would work because two of the garages would then be on the side of the house which should get the sun from the south and west. Mr. Wood stated that, for safety reasons, he would like to see where the driveways would be located and asked that both alternatives be shown. To a question from Mr. Wood, Mr. Risbara replied that the Lot 1 septic system and pump were on a continuation of Lot 1 behind the neighboring property. Mr. Risbara stated that there was some wire fencing near the railroad tracks, but he would not get into the wood line which he would show on the next plan. Mr. Wood stated that he would like to see some buffering for the railroad; Mr. Risbara stated that the land was stripped of topsoil but there were a lot of trees in the rear.

To a question from Mr. Hanson, Mr. Risbara replied that he did not know where he would put a walkway but there was room in the shoulder for a sidewalk. To a question from Mr. Shinay, Mr. Risbara replied that the speed limit on Highland Avenue was 35 mph; he noted that there was a path along Magnolia Place. Mr. Wendel noted that that stretch of road was part of the Eastern Trail and the Town had submitted for a grant for a path within the paved shoulder.

Mr. Shinay and Mr. Wood agreed that a full topographical study for this site was not necessary. Mr. Ziepniewski asked that a grading plan should be submitted for Mr. Wendel to see that the drainage would work.

7. Sam's Club requests site plan amendment review for addition of fueling station on Payne Road site

Mr. Shinay recused himself from this item because of a business conflict and asked Mr. Wood to chair.

Mr. Ziepniewski noted that the Board had recommended that the gas pumps be placed in a less visible location; he stated that there was a memo from William Bray asking for a capacity analysis and technical information on traffic. Mr. Ziepniewski stated that the original site needed to be resolved because it was not built according to the plan.

Mr. Robert Metcalf, of Mitchell & Associates, stated that the 1998 plan was not adhered to in that the fire lane was 35 feet, rather than 30 feet, wide and 20 parking spaces were lost because of that width; he stated that the two aisles also affected the number of spaces. Mr. Ziepniewski stated that there was also a death-trap at the stop sign at the corner of the building; he noted that Sam's Club required more spaces than the Town Ordinance and they put in compact spaces when Payne Road was widened.

Mr. Metcalf stated that they now proposed putting the gas pumps at the corner of the parking area to the right and wanted more setback for its acceptability to the Board. He stated that there was a deficit of 139 spaces according to the Ordinance; he stated that there were 720 spaces with 639 required. Mr. Metcalf stated that they had shown where they could create 129 spaces out of the compact spaces. Mr. Ziepniewski stated that the Ordinance required 10 by 20 foot spaces and retail businesses could not reduce to 9 by 18 foot spaces. Mr. Metcalf stated that they could reconfigure the compact spaces to meet the required size but they would not want to construct all of them because they were not all needed; he stated that they would show the ability to construct them but would ask for a waiver on the construction and use the area as part of the buffer. Mr. Metcalf stated that 65 spaces would be lost for the fueling station.

Ms. Taylor stated that she would like to know that all the vehicle lanes were adequate; she stated that she was troubled by the lack of pedestrian access through the parking lots. Mr. Metcalf stated that additional travel lanes would be lost if they provided walkways; he stated that they may be able to gain some space along the 35 foot wide aisle since they needed only 30 feet of width. Mr. Ziepniewski noted that WalMart had a separated eight foot, raised sidewalk along the front for pedestrian access.

To a question from Ms. Taylor, Mr. Metcalf replied that there was a detention basin and the runoff was pumped to Payne Road and to Red Brook; he stated that the detention acted as a settling basin. Mr. Dougherty stated that the Board appreciated the moving of the gas pumps across the main access and hoped there would be adequate buffering so the area was not seen from Payne Road. Mr. Metcalf noted that there were buildings in front of the gasoline area with a small corridor to see the pumps and they would show some trees to close the gap. To a question from Ms. Taylor, Mr. Ziepniewski replied that part of the approval for the Walter C. Nielsen Business Park was construction of another left turn lane at the Payne Road/Route 114 intersection. To a question from Ms. Taylor, Mr. Metcalf replied that there was green space along the property line at both streets. To a question from Mr. Dougherty, Mr. Metcalf replied that the gas station would be owned and operated by Sam's and the hours of operation would be 8:00 A. M. to 9:00 P. M.

Mr. Metcalf showed the elevation of the kiosk with two bathrooms and an area to the rear for the attendant; he stated that there would be only credit card transactions and no cash. Mr. Metcalf stated that there would be an automatic emergency alarm through the store to the fire department. He stated that there was an existing catch basin which would have a separator to catch any fuel. He stated that access to the fueling area would be through any of the existing aisles. He stated that the kiosk would be the same color as the main building and the signage was shown on the elevation plan. Mr. Hanson confirmed that there would be fueling stations for 12 cars and he would address the backup of vehicles for the next meeting. Mr. Ziepniewski noted that this site was good for queueing and visibility. Ms. Taylor stated that the traffic engineers should look at stacking coming in and whether the island should be extended. Mr. Wood asked whether the fueling trucks could be limited to fueling during the night to reduce conflicts.

Mr. Metcalf stated that the lighting plan had been submitted in accordance with the lighting design standards. Ms. Taylor stated that she was happy to see the use of fixtures without drop lenses. To a question from Mr. Wood, Mr. Metcalf replied that two trees near the fueling station would be replanted to the side and another in the island at the fueling station. Mr. Dougherty noted that it was important to have specifics for the buffering because there would be more gas stations applying and the Board needed to be consistent with buffering. Mr. Wood stated that this was the best place on the site for the fueling station. Ms. Taylor stated that she would like to see some landscaping around the kiosk. Mr. Metcalf stated that they would consider that but widening the area for landscaping would interrupt the circulation.

8. Theberge Subdivision, Linda Theberge requests final subdivision approval for 5 single family lots at the corner of Two Rod Road and the Maine Turnpike

Mr. Ziepniewski stated that the Board had seen this proposal several times and there had been a sitewalk; he stated that there had been peer review and there were memos from Peter Tubbs and Engineering Ventures. Mr. Ziepniewski stated that everything had been completed and the staff recommended final approval. He stated that an engineering estimate was necessary and the Payne Road and recreation fees needed to be paid.

Mr. Dougherty moved to approve the final plan with the conditions that the Letter of Credit and engineering estimate be submitted and the Payne Road impact fee and the recreation fee be paid; Mr. Hanson seconded.

Voted 5-0

9. Central Main Power Co. requests site plan amendment approval for mobile substation road improvements at Pleasant Hill Road substation

Mr. Ziepniewski stated that the staff had no comments and recommended approval.

Mr. Roy Coster, of Central Maine Power, explained that they were 1,000 feet off Pleasant Hill Road and wanted to improve the existing gravel road which was full of potholes. He stated that they wanted to get a mobile unit into the site and could not because of the potholes. He stated that they would create a turnaround and a 16 foot gate where there is now solid fence. Mr. Coster stated that they would remove the gravel and put in a better surface. To a question from Ms. Taylor, Mr. Coster replied that the site was abutting the pond and directly across from Hannaford Brothers warehouse.

Mr. Hanson moved to approve the amended site plan as presented; Mr. Dougherty seconded.

Voted 5-0

10. Woodfield Estates Phase II, Normand Berube Builders, Inc. requests amended subdivision approval for fire tank location on Lot 18 on site off Broadturn Road

Mr. Shinay recused himself from this item because of a business conflict and asked Mr. Wood to chair. Mr. Ziepniewski stated that they had moved the fire tank because of the ledge; he stated that this would bring the plans up to date.

Ms. Nancy St. Clair, of Sebago Technics, showed the easement and the original plan; she stated that the road was proposed for acceptance by the Town and they wanted the plan to coincide with what was on the site. She stated that Lot 18 had been sold.

Mr. Hanson moved to approve the amended plan as presented; Mr. Dougherty seconded. Voted 5-0

11. Ledgewood Subdivision, Kerry Anderson requests sketch plan review for 7 single family lots off New Road

Mr. Ziepniewski stated that the zoning boundary should be shown on the plan; he noted that the back piece of the site was in the B-2 Zone and the front in the R-F Zone. He stated that the right of way could be used to access the business zone and the road would be in the back of residential lots.

Mr. Anderson stated that he had no long term plan for the rear; he stated that he proposed seven single family lots on a large piece of the property. He stated that some of the PACTS studies showed work from Turnpike Exit 7B to Running Hill Road. Mr. Anderson stated that there was a curve in the road and any access would have to straighten out that curve. He stated that his plans were to wait for five or ten years for other things to take place in the area.

Mr. Anderson stated that the seven lot subdivision was what he wanted at this time; he stated that he had not done topographical work on the entire 84 acres, the remainder of which he would retain as the sole member of New Road LLC. Mr. Shinay noted that the entire parcel had to be part of the subdivision as a numbered lot. Mr. Anderson stated that there were more residential areas to the rear but he did not access them. To a question from Mr. Ziepniewski, Mr. Anderson replied that the wetlands were shown on the plan in green; he stated that the right of way was 200 feet wide beyond the road, which he had not delineated but assumed the wetlands went further down.

Mr. Hanson confirmed that the access to Lots 1 and 7 would be internal. To a question from Ms. Taylor, Mr. Anderson replied that the abutters to the east were the CMP easement and the State of Maine. Mr. Anderson noted that the site was heavily wooded with some ledge, with a meadow area and tree buffer. He stated that soils, engineering and nitrate studies would be done. To a question from Mr. Ziepniewski, Mr. Anderson replied that the PACTS alternative route would skirt this site. Mr. Anderson noted that there was frontage only on Gorham Road and New Road and none on Running Hill Road; he stated that a family cemetery on Lot 6 would be buffered. To a question from Shinay, Mr. Anderson stated that the site could be walked fairly easily and there was no snow pack now. To a question from Mr. Wood, Mr. Anderson replied that there would be septic systems and wells; he stated that the ledge cropped out in only a few areas and the soils were passable.

Mr. Anderson stated that he had done the wetlands delineation only on the subdivision area. Ms. Taylor stated that she would like to see the topography for the remaining property for drainage information. Ms. Taylor asked about the PACTS proposal and how it would impact this site; she stated that the Board should make sure the entire site was usable and not left unattainable. To a question from Mr. Shinay, Mr. Wendel replied that the Public Works Department liked culs de sac. To a question from Mr. Shinay, Mr. Anderson replied that he would build one or two of the houses. Mr. Ziepniewski asked that the center line of the road be staked so individual Board members could look at the site. To a question from Mr. Wood, Mr. Anderson replied that there would be underground utilities.

Mr. Shinay recused himself from Item 12. because of a business conflict and asked Mr. Wood to chair. Mr. Dougherty asked to speak before Mr. Shinay excused himself. Mr. Dougherty stated that, because of his health, this would be his last meeting; he stated that he appreciated everyone's kindness to him. Mr. Shinay stated that Mr. Dougherty's involvement had meant a lot to the Board and to the Town.

12. Payne Road Clipper Mart, M. W. Sewall requests site plan amendment approval for signage for two tenants' signs on site at Payne and Gorham Roads

Mr. Ziepniewski stated that the submittal was specific and the sign met the Ordinance requirements. Mr. Jon Van Hoogenstyn, of M. W. Sewall, stated that he did not know the tenants when the project was

approved so the signs were not shown on the plan. Mr. Van Hoogenstyn showed the Payne Road and Route 114 signs and the front of the canopy toward Payne Road; he stated that the lights would be off when the Clipper Mart closed. To a question from Mr. Hanson, Mr. Van Hoogenstyn replied that the pay phone would remain beneath the Dunkin' Donuts sign and there would be head room. Mr. Van Hoogenstyn stated that the sign company had calculated the signage which was 7% of the building. To a question from Ms. Taylor, Mr. Van Hoogenstyn replied that the sign would be above the landscaping bed and would not affect the walkway. Ms. Taylor stated that she did not think the sign met the intent of the design standards because it was inconsistent with the architecture.

Mr. Wood stated that his only criticism was that the Domino's sign was not centered; Mr. Van Hoogenstyn stated that the logo was different so the two signs looked different.

Mr. Hanson moved to approve the amended site plan; Mr. Wood seconded.

Voted 3-0 (Mr. Shinay recused himself and Mr. Dougherty had left.)

13. Enterprise Business Park, Kerry Anderson requests amended site plan approval for signage at 357 U. S. Route One

Mr. Shinay recused himself from this item because of a business conflict and asked Mr. Wood to chair. Mr. Ziepniewski stated that no signs were approved with the site plans; he stated that the proposed signs were within the guidelines for dark backgrounds and white lettering. Mr. Anderson stated that they had tried to match the signs with the building colors for Lots 2, 3 and 4; he stated that there was a day care center on Lot 4 and the sign for that lot was a little different to give it a residential feel. Mr. Anderson stated that there was a 15 by 15 foot sign easement on Lot 2 for the metal, internally lit, hunter green sign. He stated that the sign on Lot 3 was the same scale as that on Lot 2 and allowed for multiple tenants; he stated that half of the building on Lot 2 was still not leased. Mr. Wood stated that he liked the dark signs very much.

Mr. Hanson moved to approve the amended site plan; Mr. Wood seconded.

Voted 3-0

14. Windward Heights, Phase I, Normand Berube Builders, Inc. requests preliminary subdivision approval for 11 single family lots off Cumberland Way

This item was tabled at the request of the applicant.

15. Mitchell Hill Heights, Phase 1, Gamage Realty requests final subdivision approval for 14 single family lots of Mitchell Hill Road

This item was tabled at the request of the applicant.

16. 107 Pleasant Hill Corp., Gus McBrady requests site plan amendment approval for site at 107 Pleasant Hill Road

Mr. Wendel noted that the original plan did not have a transformer on the site; he stated that the the other change was the berm along the front was too short and some was not installed; he stated that there were some adjustments to the handicap parking to better accommodate the grades. He stated that the staff had no issues. Ms. Taylor stated that she saw no reason to change the site from the original plan; she stated that the building was large and had no screening or green space in front.

Ms. Nancy St. Clair explained that they wanted to address some changes that had occurred during construction; she stated that a pad mounted transformer had to be used instead of the pole mounted transformer. She stated that the plan showed the transformer on the side of the building enclosed in a wrought iron fence.

Ms. St. Clair stated that the way the ramp was constructed eliminated a handicap space in the front so the two spaces were moved to the rear, which was more in conformance with ADA requirements. Ms. St. Clair stated that the original landscape plan showed a berm to screen vehicles from passing traffic; she stated that the grade change was about 10 feet to Pleasant Hill Road. Ms. St. Clair stated that the berm was in the front but was not built to the right of the driveway where there was no parking or pavement; she showed a photo with plantings.

Ms. Taylor stated that they were trying to soften the wall when the original plan was approved and she would be happy with another five trees to make up for the berm not being installed. Mr. Wood stated that some additional landscaping with birch trees and not just pines would help. To a question from Ms. St. Clair, Ms. Taylor replied that trees closer to the road would make them look taller. Mr. Wood suggested the plantings be located where the berm was low and where it was not installed.

Mr. Hanson moved to approve the amended site plan with the condition that five trees, including two deciduous trees, be planted along the area where the berms were to be located, and three trees be planted on the right side, for a total of eight trees; this landscaping can be approved by the staff. Mr. Wood seconded the motion.

Voted 4-0

17. Maine Medical Center Primary Care Facility requests site plan amendment approval for site at 96 Campus Drive

This item was tabled at the request of the applicant.

18. Town Planner's Report

There was no report.

19. Correspondence

There was no correspondence.

20. Planning Board Comments

Mr. Wood stated that he would miss Mr. Dougherty and his input.

21. Upcoming Committee Meetings

This item was discussed earlier.

22. Adjournment

23. The meeting was adjourned at 9:40 P. M.

