

Town of Scarborough

Planning Board

December 14, 2009

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (November 23, 2009)
4. The Planning Board will conduct a public hearing to receive input on proposed amendments to the Zoning Ordinance regarding off-street parking standards.
5. Diane Garofalo and Bob Westberg, dba Higgins Beach Inn, request an advisory opinion to the Zoning Board of Appeals for a Miscellaneous Appeal to expand a nonconforming use by enlarging the kitchen and building a deck in the R-4 Zone
6. Lighthouse Inn, Peter and Nicholas Truman request site plan approval for reconfiguring their parking lot at Pine Point Road
7. Administrative Amendment Report
8. Town Planner's Report
9. Correspondence
10. Planning Board Comments
11. Adjournment

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

Town of Scarborough

Planning Board

December 14, 2009

MINUTES

Members Present

Ms. Auglis
Mr. Chamberlain
Mr. Fellows
Ms. Littlefield
Mr. Mazer
Mr. Thomas

Staff

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

1. Call to Order

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

2. Roll Call

The Recording Secretary called the roll; Mr. Paul was absent; Mr. Fellows authorized Mr. Mazer to vote.

3. Approval of Minutes (November 23, 2009)

Mr. Fellows moved to approve the minutes of November 23, 2009; Mr. Thomas seconded.

Voted 5-0

4. The Planning Board will conduct a public hearing to receive input on proposed amendments to the Zoning Ordinance regarding off-street parking standards

Mr. Chace stated that his memo outlined the proposed update to the Off-Street Parking Regulations; he stated that the Town Council had held its first reading. He stated that the intent was to 1) bring the ordinance more in line with today's commercial development demands for off-street parking; 2) make development more compact by reducing the required amount of pavement/impervious area; 3) codify review criteria and approval standards of the Code Enforcement Office and Planning Board; and 4) coordinate the ordinance language and definitions between the various sections and chapters.

Mr. Chace noted that the key components were the reduction in size of certain parking spaces from 10 by 20 feet to 9 by 18 feet, that the use table showed how many parking spaces would be required for each use, that there was flexibility in the language and this also enabled all uses to build fewer spaces than required provided an area for future parking was shown on a site plan. Mr. Chace stated that this amendment would allow 8 foot wide spaces where there was little turnover; he stated the ordinance encouraged the use of porous pavement.

Mr. Fellows opened the public hearing; no one spoke; Mr. Fellows closed the public hearing.

To a question from Ms. Auglis, Mr. Chace replied that there would be a cap on the eight foot wide spaces. The Board agreed that this was a good update to the parking regulations. To a question from Mr. Chamberlain, Mr. Bacon replied that there were allowances for on-street parking in the new TVC and RH Zones, but the hours were regulated by a Police Department ordinance. Mr. Fellows stated that this

would codify things that the Board had been doing as standard practice and included some good green features. The Board's comments were favorable to these amendments.

5. Diane Garofalo and Bob Westberg, dba Higgins Beach Inn, request an advisory opinion to the Zoning Board of Appeals for a Miscellaneous Appeal to expand a nonconforming use by enlarging the kitchen and building a deck in the R-4 Zone

Mr. Bacon noted that if the Zoning Board granted this appeal, the appellants would return to the Planning Board for site plan review. He stated that staff comments focused on off-street parking because of the added outdoor tables; he stated that the parking standards needed to be met. He stated that the Zoning Board should address whether the situation was unique because of customers who walked to the restaurant.

Mr. Westberg noted that the proposed deck would serve the community as well as customers and would provide the opportunity for a handicap ramp. Mr. Chamberlain noted that the required parking was 46 spaces. Mr. Westberg stated that there were 12 spaces behind the inn, 14 paved spaces on the Greenwood Avenue side and parking at the beach parking lot across Ocean Avenue, as well as a lot of foot traffic. He noted that the only time the inn was full was from mid-July through August and explained that he leased the beach parking lot and used that for his guests. Mr. Westberg stated that he was also allowed to use the nearby Higgins Beach Club parking lot.

Ms. Littlefield stated that she had no problems with the deck or the expanded kitchen but wanted to see a written agreement at site plan review for the leased property and the appellant's property for the parking. To a question from Ms. Auglis, Mr. Westberg replied that he assumed that once the Town took over the parking lot they would run it similarly to the way he runs it now. He stated that if his parking areas were full he was not open to the public. Ms. Auglis stated that she would also need clarification of the parking. Mr. Westberg stated that he envisioned his business changing to simply a motel with no public restaurant if he could not use the Town parking lot but hoped to have an agreement with the Town. Ms. Auglis stated that she had no issues with the proposal but was concerned about the long term plan for parking.

Mr. Mazer stated that he hoped there would be a commitment from the Town for parking and he had no problem with the proposed expansion. Mr. Westberg noted that people left the beach parking lot around 3:00 P. M. and his peak restaurant time was 5:00 to 9:00 P. M. so there was plenty of parking at that time. Mr. Fellows stated that he had no issues other than the parking which should be clarified before the Board reviewed the site plan.

6. Lighthouse Inn, Peter and Nicholas Truman request site plan approval for reconfiguring their parking lot at Pine Point Road

Mr. Fellows stated that the Board acknowledged the input from the public at the previous meeting and the written correspondence; he stated that he was confident that the Board members would do their best to see that those comments were considered. He stated that the Board was considering only the parking plan and not the public access plan or the land swap. Mr. Bacon stated that there were three public meetings planned, one in December and the others during January, and following that there would be an advisory opinion from the Planning Board to the Council regarding the layout of the Town plan. Mr. Bacon stated that the Board conducted a site walk and received more information on the lighting and on the coordination of the fence design and the stone planter on King Street.

Mr. Bacon stated that it was important to note that correspondence should be brought to the Planning Department and not be delivered directly to the Board members to ensure that the Board all received the same material and that the information was available for the Planning staff and file.

Mr. Bacon stated that the Town Attorney indicated that this business was considered a motel no matter the ownership of the entire building or the individual rooms and needed only one parking space per room. He stated that the Fire Department was comfortable with the proposal with the condition that access be provided to the front patio. He stated that the Town Engineer and the Public Works Director indicated that the stone planter could be modified as part of the work on King Street.

Mr. Les Berry, of BH2M, stated that the two stone columns, which would be four feet high, had been moved back from the entrance and they showed a picket fence three feet high near the entrance and four feet toward the rear. He stated that the width of the entrance would be 24 feet wide, rather than 20 feet, and the plantings would be three feet wide, rather than two feet. Mr. Berry stated that the fence would be two feet back with plantings on the street side and there would be no lighting on the fence. He stated that the offsite improvements showed the planter in the front of the motel.

Mr. Thomas disclosed that he had received packages from the public but was told that he should not open information that came directly from the public. He stated that the Board tried to meet the needs of the community and the applicant. Mr. Thomas noted that there were comments about the fence obstructing emergency access to the rear. Mr. Bacon stated that the fence needed to be removed or designed in a way that met the needs of the Fire Department. Mr. Thomas stated that he appreciated the lighting and the column changes and confirmed that the light from the building would light the parking lot. To a question from Mr. Thomas, Mr. Bacon replied that the Town proposed a picket fence for the other side of this project near the Beachwalk Subdivision. Mr. Thomas stated that this would be safer for tenants not having to walk across a public way to access the motel and he thought the applicant had met the requests of the Board.

To a question from Mr. Mazer, Mr. Peter Truman replied that there was not enough area for 22 parking stalls directly in front of the building because of the shape of the property. He stated that if the condominium units did not sell they would continue to run the business as a motel. Mr. Berry noted that if the parking were directly in front of the building it would interfere with the Town's dropoff access. To a question from Mr. Chamberlain, Mr. Berry replied that the small area next to the handicap parking space could be used to park a motorcycle or a bicycle. Mr. Chamberlain stated that he would like to see it as green space; he stated that he would rather see a split rail fence. Mr. Berry stated that they proposed a picket fence to match that of the Town but they would not install the fence until the Town's plans were approved. Mr. Mazer stated that he preferred a split rail fence.

Ms. Littlefield agreed that the fence should be split rail but there should be a condition that it match the Town's fence. She stated that the planters in the front were awkward and she looked forward to the Town's plan. Ms. Auglis also preferred a split rail fence but it should be consistent with the Town's fence. She stated that the small green space would be wonderful. Mr. Truman stated that he would like to be able to park a kayak or bicycle there; the Board agreed. Ms. Auglis noted that there would a lot of input for the Town plan; she stated that she thought the applicant had done a good job meeting the Board's requests. Mr. Thomas stated that he was satisfied as long as the fence matched that of the Town.

Mr. Fellows stated that he also preferred a split rail fence. He noted that the Board did not typically hold up an approval because of a neighboring project. Mr. Fellows agreed that the planter was awkward in the right of way and the Town and the applicant should work together on that issue; he stated that the Fire Department would ensure the safety of the site.

Mr. Fellows moved to approve the amended site plan with the following conditions:

1. That the applicant coordinate with the Fire Department to ensure that the concrete courtyard (area south of the inn) is maintained as a fire lane, ensuring sufficient emergency access at the site;
2. That the applicant cooperate with the planned, Town-directed improvements to adjacent sections of Pine and King Streets, including the removal of the applicant's stone planter from a portion of the public right of way;
3. That the fence between the parking field and the Town property match and be coordinated with the final design of the fence in the Town project;
4. That the land between the handicap parking stall and the fencing be maintained as green space, the design to be reviewed and approved by Planning staff.

Mr. Thomas seconded.

Voted 5-0

7. Administrative Amendment Report

There was no report.

8. Town Planner's Report

Mr. Bacon wished everyone happy holidays.

9. Correspondence

Mr. Fellows noted that there was correspondence sent directly to the Board from Pine Point residents; he stated that the Board appreciated input but any correspondence should be delivered to the Planning staff and distributed by them to ensure that everyone received the same information. Mr. Thomas noted that the staff had advised him not to open any correspondence that did not come directly from the Town.

10. Planning Board Comments

Mr. Fellows noted that this was Ms. Littlefield's last meeting. The Board thanked her for her service and wished her well.

11. Adjournment

The meeting was adjourned at 8:10 P. M.