

Town of Scarborough
Zoning Board of Appeals
MINUTES

November 14, 2001

Members Present

Mr. Brookes
Mr. Dryzga
Mr. Pratt
Mr. Tgettis
Mr. Traister

Staff

Ms. Bristol, Recording Secretary
Mr. Grysk, Code Enforcement Officer

1. Call to Order

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

2. Roll Call

The Recording Secretary called the roll; Messrs. MacLean and Blaise were absent. Mr. Dryzga author-ized Messrs. Brookes and Traister to vote.

3. Approval of Minutes (October 10, 2001)

Mr. Brookes moved to approve the minutes of October 10, 2001; Mr. Traister seconded.

Voted 2-0-3 – Messrs. Dryzga, Pratt and Tgettis abstained.

4. Appeals

- a. Appeal No. 2058 – An Administrative appeal by the Prouts Neck Association against the decision of the Code Enforcement Officer who determined that combining two buildings at the Black Point Inn, 510 Black Point Road, was not an expansion of a nonconforming use in the R-2 Zone
- b. Appeal No. 2060 – A Miscellaneous Appeal by the Black Point Inn, 510 Black Point Road, Asses-sor’s Map U18 Parcel 24, to construct a gazebo on the front lawn and a 924 square foot addition to the existing garage in the R-2 Zone

Mr. Dryzga asked for a vote from the Board to table these two appeals at the request of the appellants.

Voted 5-0 to table

- c. Appeal No. 2065 – A Special Exception Appeal by M. W. Sewall & Co., 441 Payne Road, Asses-sor’s Map R37 Parcel 10, to construct a convenience store and gasoline station in the B-2 Zone

Mr. Jon Van Hoogenstyn, Marketing Manager for M. W. Sewall, distributed photos of a couple of their facilities; he stated that the company ran 11 convenience stores and gasoline stations. Mr. Van Hoogenstyn showed the sketch plan of the new facility which was drawn to conform to the new Scarborough design standards and stated that the structure would be different from their existing facilities. He stated that the pumping area, the walkway and the building would all have pitched roofs. Mr. Van Hoogenstyn stated that the Town Council had recently voted to allow gasoline stations on Payne Road, between Gorham Road and South Portland, because of the need for the service. He stated that the Planning Board had seen the sketch plan in October and he would be submitting the final plans to that Board for its December 10, 2001 meeting. He stated that the traffic report had been completed.

Mr. Grysk stated that this was a straightforward request for a Special Exception; he stated that the Town Council had changed some of the requirements for gas stations and this plan was acceptable to the Planning Board.

Messr. Dryzga and Van Hoogenstyn addressed the criteria for a Special Exception as presented in writing.

To a question from Mr. Pratt regarding the use of the electrical monitoring system, Mr. Van Hoogenstyn replied that in the case of a leak the system would set off an alarm and they would take daily readings of to determine whether there was any leakage. To a question from Mr. Dryzga, Mr. Grysk replied that business hours were usually set during site plan review or there were no set hours. To a question from Mr. Dryzga, Mr. Van Hoogenstyn replied that none of their stores were open 24 hours per day because of staffing and the amount of business did not warrant those hours; he stated that they had no plans to keep this store open 24 hours. He noted that none of the other retail stores in the area were open 24 hours.

Mr. Tgettis noted that there would be no space for diesel service and he wanted to be sure diesel fuel could never be sold because the to access points would be very difficult for tractor trailer to maneuver. Mr. Van Hoogenstyn stated that they would be comfortable with a condition to that effect; he stated that this was a retail area and there was no place for diesel sales on the site. To a question from Mr. Traister, Mr. Van Hoogenstyn replied that the DOT would have to approve the traffic study following approval by the Planning Board because Payne Road is a State road.

Mr. Van Hoogenstyn stated that there would be no new curbcuts and they would have a right turn and right turn out only access on Gorham Road. He stated that they had planned for Gorham Road to be widened in the future. To a question from Mr. Tgettis, Mr. Van Hoogenstyn replied that the right turn only exit had been recommended by their traffic engineering firm. Mr. Tgettis stated that it would be very inconvenient to go south on Gorham Road from this site because of the right turn only exit; Mr. Van Hoogenstyn stated that vehicles would use the traffic light at Bob's to exit to the left. He stated that the right turn only exit was a safety factor and they had planned for growth on Gorham Road.

Mr. Dryzga opened the public hearing; no one spoke for or against the appeal; Mr. Dryzga closed the public hearing.

Mr. Pratt moved the approve the appeal with the following conditions:

1. That further Board approval be required for diesel sales;
2. That the traffic study be approved by both the Planning Board and the DOT.

Mr. Brookes seconded the motion.

Voted 5-0

5. Zoning Board Comments

There were no comments.

6. Adjournment

The meeting was adjourned at 7:25 P. M.