

Town of Scarborough

Zoning Board of Appeals

October 14, 2009

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (September 9, 2009)
4. Appeals
 - a. Appeal No. 2501 – A Special Exception Appeal by Scarborough Sanitary District, Old County Road, Assessor’s Map U7 Parcel 1, to construct a new pump station in the R-2 Zone
 - b. Appeal No. 2502 – Special Exception Appeal by Chamberlain Construction/Mr. & Mrs. Corey Frink, 9 Wildwood Lane, Assessor’s Map R91 Parcel 610, to create an accessory unit in their daylight basement in the R-F Zone
 - c. Appeal No. 2503 – A Limited Reduction of Yard Size Appeal by Marjorie Bride, 13 Ferry Road, Assessor’s Map U17 Parcel 93, to construct a second story addition 30 feet from Cottage Lane and 37 feet from Ferry Road in the R-2 Zone
 - d. Appeal No. 2504 – A Miscellaneous Appeal by Saco Street Realty LLC, 96 Saco Street, Assessor’s Map R16 Parcel 3, for storage of waste roll-off containers in the R-F Zone
5. Zoning Board Comments
6. Adjournment

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

Town of Scarborough

Zoning Board of Appeals

October 14, 2009

MINUTES

Members Present

Staff

Mr. Crockett
Mr. Loisel
Mr. Maroon
Mr. Massengill
Mr. Stark

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

1. Call to Order

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

2. Roll Call

The Recording Secretary called the roll; Mr. Blaise was absent. Mr. Maroon authorized Mr. Stark to vote.

3. Approval of Minutes (September 9, 2009)

Mr. Massengill moved to approve the minutes of September 9, 2009; Mr. Loisel seconded.

Voted 5-0

4. Appeals

a. Appeal No. 2501 – A Special Exception Appeal by Scarborough Sanitary District, Old County Road, Assessor’s Map U7 Parcel 1, to construct a new pump station in the R-2 Zone

Mr. Gary Lorfano, Superintendent of the Sanitary District, stated that this project came out of the desire to modernize the pump station on Eastern Road which was the original treatment plant. He stated that the Eastern Road site was built in the 1960s, had problems and is in a Resource Protection Zone. He stated that it was suggested that a new pump station be built off Old County Road which would also incorporate the existing pump station built in the 1980s in that area to replace both of those facilities. Mr. Lorfano stated that there was a causeway with an abandoned force main connecting the two locations. He stated that at the end of the Coach Lantern apartments there was undevelopable, surplus land for which the District had a verbal commitment for an easement for the new pump station.

Mr. Lorfano stated that there would be large buffers around the pump station and they would bring in water and electrical service; he stated that the driveway would be 20 feet wide for emergency access but a width of only 10 feet would be paved. He stated that the building on top of the pump room would be 28 by 40 feet and there would be a double wet well. Mr. Lorfano stated that there were two neighborhood meetings and there seemed to be a consensus that the residents’ concerns had been addressed. He stated that this site would be similar to the one at Willowdale Road.

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

Mr. Massengill asked how the residents reacted; Mr. Lorfano replied that there was originally a lot of concern based on misinformation but he addressed noise, odors and traffic and all but one of the attendees at the second meeting were supportive. He stated that he answered the concerns by reaching out to the residents. He stated that there was some interest in improvement to the existing path and for a restroom for the Eastern Trail at the site of the old pump station on Eastern Road. Mr. Lorfano stated that they would be removing a station from the RP Zone and one from the Overlay Zone where there be no development. He stated that the building would blend in with the trees and the site would be fenced and would be difficult to see. He stated that he would work with the Planning Board for accessibility of the trail; he stated that the Town Attorney was working on the easement language..

Mr. Maroon and Mr. Lorfano addressed the criteria as presented in writing.

To a question from Mr. Loisel, Mr. Lorfano replied that the site would be monitored 24 hours per day and would have four pumps; he stated that most of the time one pump would handle the flow and if it failed an alarm would go off and another pump would start working. He stated that the men on call were not far from the alarm at any time. Mr. Loisel asked how much traffic would be created by emergency repairs; Mr. Lorfano replied that one or two trucks would be involved. To a question from Mr. Loisel, Mr. Lorfano replied that they did not do a noise study and the only noise would be from the generator and the decibels would be less than 85 at the fence line. He stated that the generator would be inside the building. Mr. Loisel asked that a copy of the meeting notes taken by a resident be presented for the record. Mr. Lorfano noted that they were applying for grants and this project would not be paid for by the taxpayers.

Mr. Massengill moved to approve the appeal as presented; Mr. Loisel seconded.

Voted 5-0

b. Appeal No. 2502 – Special Exception Appeal by Chamberlain Construction/Mr. & Mrs. Corey Frink, 9 Wildwood Lane, Assessor’s Map R91 Parcel 610, to create an accessory unit in their daylight basement in the R-F Zone

Mr. Elliott Chamberlain, of Chamberlain Construction, stated that, as the builder of the Frink’s new home, he was applying for an accessory unit; he stated that this was a straightforward appeal that met all the criteria.

Mr. Maroon and Mr. Chamberlain addressed the criteria and the Registration of Accessory Unit form as presented in writing.

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

Mr. Loisel moved to approve the appeal as presented; Mr. Massengill seconded

Voted 5-0

c. Appeal No. 2503 – A Limited Reduction of Yard Size Appeal by Marjorie Bride, 13 Ferry Road, Assessor’s Map U17 Parcel 93, to construct a second story addition 30 feet from Cottage Lane and 37 feet from Ferry Road in the R-2 Zone

Ms. Marjorie Bride stated that she had a small, one story cottage which was crowded when her children and grandchildren visited and was awkward and lacked privacy.

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

Mr. Maroon and Winton Scott, of Winton Scott Architects, addressed the criteria as presented in writing.

Mr. Loisel stated that he appreciated the fact that the building envelope was not changed and asked whether the addition would interfere with any abutter. Mr. Scott replied that the property was surrounded by trees.

Mr. Massengill moved to approve the appeal as presented; Mr. Loisel seconded.

Voted 5-0

d. Appeal No. 2504 – A Miscellaneous Appeal by Saco Street Realty LLC, 96 Saco Street, Assessor’s Map R16 Parcel 3, for storage of waste roll-off containers in the R-F Zone

Mr. Michael Tadema-Wielandt, of DeLuca-Hoffman Associates, explained that this site was operated by R. W. Herrick for the storage of their trucks; he stated that the site was partially in Gorham and was close to the Westbrook town line. He stated that the five acres of the site in Scarborough was in the R-F Zone and was mostly wooded with a 1.5 acre gravel yard in both towns. He stated that the site was accessed by a 25 foot wide driveway in Scarborough with berms and landscaping in the front.

Mr. Tadema-Wielandt stated that the property was approved for the storage of eight solid waste disposal trucks in 1989 and they would like to expand the use to allow the storage of empty roll-off waste containers in the gravel yard. He stated that the Planning Board, when it gave an advisory opinion, asked that they change their requested hours of operation from 6:00 A. M. to 6:00 P.M. to 7:00 A.M. to 6:00 P.M. He stated that the owner estimated that there would be six to ten trips per day with fewer during the winter. He stated that the Planning Board supported the use with the shorter hours of operation and the request that the Town of Gorham be consulted regarding the land in their town. Mr. Tadema-Wielandt stated that he had a memo from the Gorham Code Enforcement Officer who indicated that the appellant’s land in that town was in their rural residential zone and they did not want this facility in Gorham, but had no objection to what was proposed in Scarborough. He stated that the closest abutter was 600 feet away and the area consisted of mixed uses; he stated that no development abutted the gravel yard.

Mr. Maroon and Mr. Tadema-Wielandt addressed the criteria as presented in writing. Mr. Maroon opened the public hearing; no one spoke for or against the appeal; Mr. Maroon closed the public hearing.

Mr. Grysk stated that this was a straightforward appeal for expansion of a nonconforming use; he stated that there was no building on the site.

To a question from Mr. Stark, Mr. William Gooch, of R. W. Herrick, replied that only demolition debris was hauled in the containers; he stated that they tried to exchange the containers to other job sites and not keep them in storage. He stated that he, too, wanted the site to look good; he stated that there had been no comments from abutters.

Mr. Loisel moved to approve the appeal with the condition that the hours of operation be from 7:00 A.M. to 6:00 P.M.; Mr. Massengill seconded.

Mr. Maroon asked whether there should be a limit on the number of containers; Mr. Grysk replied that he saw no reason for a limit as long as the site was kept clean so the neighbors did not complain and he did

not want to see empty containers that had hauled smelly restaurant waste. Mr. Gooch stated that there would be no trash onsite and they did not haul hazardous waste.

Mr. Maroon proposed the condition of the storage of only construction debris containers and clean waste containers; Mr. Massengill seconded.

Voted 5 to 0 to add the second condition

Voted 5-0 on the main motion

5. Zoning Board Comments

Mr. Maroon noted that the November meeting would be on the 18th rather than the 11th because of the Veterans' Day holiday; the meeting will be in Council Chamber B.

Mr. Massengill noted that the Zoning Board was in need of two Board members and hoped the Town Council could get the word out.

6. Adjournment

The meeting was adjourned at 8:05 P. M.