

Planning Board Meeting Minutes 03-10-2014

Standish Planning Board

Continued Meeting Minutes

March 10, 2014

The continued meeting was called to order by Chairman Brian Libby at 7:02 pm. Present were Steve Nesbitt, Lester Ordway, Alta Harding, Carol Billington, Alberta Byrnes, Bud Benson, Town Planner and Jackie Dyer, Secretary to the Planning Board.

Hunt Real Estate Ser., Inc., 120 Ossipee Trail, Map 10, Lots 70,70B Site Plan Application for Family Dollar Store

Doug Murray and Mac Simpson from Hunt Real Estate were present to represent Family Dollar as well as a site plan engineer, Doug Reynolds, from Gorrill- Palmer.

Mr. Libby asked if the Board had any new questions. The Board was given new drawings of the proposed building and Mr. Nesbitt asked for it to be put up so it could be viewed by the public.

Doug Reynolds from Gorrill-Palmer spoke. He said they have made many changes and hopes the Board is satisfied with what they have done. He gave a short over view of the project: the storm water runoff, septic system, road design on the Town Avenue, etc. He said he feels they have now presented a plan that meets the ordinance requirements for the Town.

Mr. Nesbitt asked if there would be a sidewalk to the entry way and Mr. Reynolds said yes, on the half of the road they have been required to build.

Peter Biegel, a Standish resident spoke. He said he has been following the process and he realizes this is the first time the form base code has been used. He says they had the update on all the codes and updates on the Comprehensive Plan and the Standish Corner District also. He said polls were taken at different times and people told via these polls what they wanted and what they didn't. He said the uses have expanded, but buildings needed to be built to the street scape and also look like the Colonial New England look, so to be able to fit in with what is already there. The uses were expanded to let stores like Family Dollar come in, but not to look like one great, big building. He said in looking at the rendering, it does not present itself as multiple stores, but one big store. He has been going through the ordinance as written and said this building does not fit into what's there. He said aside from the awnings and the main entrance door, there is no separation at all so that it looks like multiple stores. He said in the ordinance it appears that there is supposed to be an entry door every 50 feet and he doesn't see that on the rendering.

He went on to say that this is a big, big building so where are all of the windows and doors creating a space to look into the storefront? He wonders what it would take to make this building fit into the realm of the Town as it is now. What would it take with all of the requirements in place, as he is not seeing any of this? He said we have conformed to Family Dollar and given them what they wanted, but what do we get in return? He said he feels there is still ordinance criterion that has to be met that isn't. He asked where the dormers went? He said that in the ordinance you are not supposed to end up with a box and this seems to be just that. He said in driving down Rt.25, there are many businesses that conform to the code in that they have broken up their buildings to fit in. Some have cupolas, some have dormers. He said he finds it hard to believe that with all of the thousands of dollars spent, this is what we get. He said he feels that even though this process is well under way, there could be many things done that would not break the bank. He says this does not protect the public and looks like a lop sided trade off. He wonders why the applicant is not willing to give back and conform to what people have said they want. He said Family Dollar has opened more than 500 stores this year and looking to open that many more next year.

Peter went on to say that we all want to be good neighbors and have business in the Town, but what have they done to offer anything back to the Town with the rendering of this building, which he feels does not fit in or conform to the Town standards. He wonders why it has to be a battle to have them present something acceptable.

Doug Murray from Hunt Real Estate said they feel they have done all they are required to do. He said they have done many revisions

and had many conversations and workshops with the Planning Board. He said it is their interpretation that doors are to be one every 50 feet. Mr. Libby said they have the fenestrations they need, but Mr. Benson said their fenestrations are at 46% and should be at 50%. Mr. Libby said that you can consider that lights can break up a wall and also windows. He said they could add more windows if the Board wanted. Mr. Libby said he feels the rendering looks balanced at this point. Mr. Benson said they could achieve the 50% if they moved the door somewhat to the left, or added another door.

Peter Biegel said he knows percentages have to be met, but he still wonders if these things were done, would the mission be accomplished, or would it still look like a big box. With expanded uses like this, it is important for the Town to get something back. He said requiring detail is all about protecting the public realm. He feels the applicant is very hesitant to give back.

Mac Simpson from Hunt Real Estate spoke. He said he feels they have made many changes since the first time they came in front of the Board last summer. He said they have come from a flat roof to a pitched roof, which was based on the Colonial design in the ordinances. They also moved their primary door from directly in the front, where there is no street parking, they moved it more to the corner towards the street. They now have an entrance that has a cupola porch looking effect with a roof, so that people can be shielded from the weather before they enter the building. They have added windows for fenestration requirements and some doors. They did put in more glass with awnings, as asked. They also have put in some gooseneck lighting as part of some fenestrations, plus their sign to break more of the outer wall up. As far as the doors, they believe it is one door in a fifty foot section, so 2 doors in 100 feet. He feels that they have done what was asked and required.

Mac said it has been a long process for them and he believes they have been trying hard to comply with Town code and what the Town wants. He said he hopes the public will be for them coming into Town. He says retail is all about easy access and hopes they have met that requirement.

Carol Billington said she agrees largely with Mr. Biegel and her heart is in the same place as his. She too has worked for many years in making the Town what it is today and getting companies and people to comply with the Town. She finds it hard to believe that not many of the public have attended these meetings about Family Dollar and said what it is they want to see happen and how they would want the building to look. She feels the character of the village has changed and will now change even more. She feels that buildings need to fit in and meet the ordinances and codes, which in holding an applicant to these, is costly. She said Family Dollar really needs to think about fitting in with the village and pleasing the people that live here. She said she is very disappointed with the look of the building and feels it does not fit in, as they have changed some of the ordinances to accommodate them. She asked Mr. Benson "does it meet the ordinances?" He said not exactly, the fenestrations (glass) need to be up to 50%, not their 46% they have on the plan.

Doug Murray asked if this is in linear footage or square footage. Mr. Benson told him in square footage and if this is so, they are talking about the matter of about 2 inches. He said if they need to add, they will if it's the matter of a few inches. Mrs. Billington said the right of way is in question and Mr. Benson said he has not seen any written right of way signed seller easement that he can send to the Town Attorney, Sally Daggett. This requires that she review and approve the language before a decision is handed down. Mac Simpson spoke and said he has a copy of that signed easement, which he gave to Mr. Benson. He said it's always been their policy to hold onto this until they have been approved. Mr. Benson said as long as the seller signed right of way easement is in the Town Attorney's hands, that should be okay.

Mrs. Billington asked if the ordinance didn't have enough teeth in it to make Family Dollar conform more and Mr. Benson said unfortunately not. She said it's late in the process, the Town wants the economic gain and she feels like she is compromising her own values as far as the Standish Corner District is concerned, but she feels that if this does go through, the ordinances they have now need to be tightened so to ensure that they get the façade they want in the future. Mr. Libby said he agrees and wants to have a small workshop right after the meeting is over or sometime very soon to address these issues. He feels with this being the first form based code application, sometimes you have to give a little to get where you eventually want to be. Mr. Benson said he thought this would be a good idea and he has crafted some things to go over and go to the Ordinance Committee with.

Mr. Nesbitt said the sign on the building needs to be moved to the northwest side, on the Town Avenue end. They will have a post mounted sign eventually by the road. Mr. Libby said the CEO would eventually be the one to determine the signs. The Planning Board can review the signs, but it's up to the CEO to do the final interpretation.

Mr. Benson said to let the CEO take care of the signs. Mr. Libby said he understands why they wanted to put the sign in the place they have it, but code says they cannot. The other issue was the entry door. They have one main door and then a man door further down on the building. Mr. Nesbitt said the entry doors had been discussed with the applicant in the workshops and where they would be placed. He said he is comfortable where they have placed the main entry door now. Mr. Biegel said a lot of the code is open to interpretation. Mr. Benson said that lineal feet can actually be measured around a building, adding intervals as you go around. This places the doors, one in a fifty foot section and then another in the next fifty foot section. (0 to 50 for the first door and then 50 to 100 for the second door.) Mr. Libby said that would be his interpretation also. He said he is also comfortable where the door is.

Mrs. Harding asked if anything that is more than 50 feet across, would there need to be a functioning door every 50 feet. Mrs. Billington said the intent of the code was to make the building look like it had more than one functioning entry door, which was to make it look like it wasn't just one big building like it does now. She said that was the intent but is surely not what they have done on the plan. Mrs. Harding said this looks like a functioning entry door, but Mrs. Billington said that this is not the applicant's intent. Mr. Ordway said it doesn't make sense to have two main doors in a retail store. He said it looks better like it is now. Mrs. Harding said it is mainly a security issue for the stores as you cannot have people walking away with your merchandise or have enough employees working and watching the doors all of the time. She asked about the code pertaining to the roofline. She said no matter what you do to this building, it will never look like two different buildings because of the roof. She said it will always look like just one big building. She said new jobs would be good for the Town, but she realizes the code can't be changed in the middle of the project.

Mrs. Harding said she appreciated all of the work that had gone into this project and this is the biggest building that would be on that side of the street. She said she feels torn like Mrs. Billington is, but feels the right thing for everyone needs to be done. Mr. Ordway said the building that is in front of the Board right now, is a huge change since they first were given this application.

Mr. Libby asked for a motion to find the application complete. Mrs. Billington made the motion seconded by Mrs. Harding. Mr. Nesbitt asked about the conditions of approval about the sign and the easement. Mr. Benson said those are both in the conditions of approval he had crafted. Mr. Benson said he recommends that once the application has been approved, that the conditions of approval should be put on the final plan. The following are the Standards of Approval :

ARTICLE XII, Standards

§-181-73. Standards and conditions for approval.

No preliminary or final site plan shall be approved unless, in the judgment of the Planning Board, the applicant has proven that the plan meets all of the following standards.

- *The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will not create hazards to safety nor will impose a significant burden upon public facilities*

1.. Required shared parking: 30% of off street parking shall be shared .After business hours,100% of the parking shall be shared.

2. .The project must receive separate sign permit approval from the Town Code Enforcement Officer(CEO)for all signs including building mounted and post-pylon

3. . The required right of way easement for the proposed Town Avenue street must be obtained ,submitted ,reviewed and approved by the Town Attorney prior to obtaining a building permit.

Mrs. Harding made a motion seconded by Mr. Ordway that Standard A has been met with the added conditions 1,2,3 listed above . All in favor.

- *The bulk location and height of proposed buildings and structures and the proposed uses thereof will not be detrimental or will impose undue burdens on the public facilities*
- *Blank walls greater than 20 feet are prohibited. Require entry doors must be spaced at intervals not greater than 50 linear feet along the street façade. Fenestration along Route 25 must be greater than 50%*
- *This site plan is contingent upon Sect.181-7.1(C)(7)of the zoning ordinance being amended to delay the time at which the applicant is obligated to construct the shared access drive to the full required width and length of the allowable SCD street frontage type such time as the shared access drive serves more than one use or lot. If the zoning ordinance is so amended ,only one half of the width and a portion of the length of the shared access drive need to be built to the Town Avenue street frontage type prior to the occupancy of the building ,provided that only the building shown on the site plan is to be served by the shared access drive at the time the occupancy permit is issued .If the zoning ordinance is not so amended, the applicant shall, prior to occupancy of the building shown on the site plan ,construct the shared access drive to the Town Avenue street frontage type ,including, without limitation ,the full required length and width of the Town Avenue street frontage type ,regardless of how many uses or lots are served by the access drive.*

Mr. Nesbitt made a motion seconded by Mr. Ordway that Standard B has been met with the added conditions 1 and 2. All in favor.

C. The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development.

Mrs. Billington made a motion seconded by Mr. Ordway that Standard C has been met. All in favor.

D. The site plan adequately provides for the soil and drainage problems that the development will create. Mr. Ordway made a motion seconded by Mrs. Billington that Standard D has been met. All in favor.

E. The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets nor are inadequate for the safety of occupants or users of the site nor will such lighting damage the value and diminish the usability of adjacent properties.

Mr. Ordway made a motion seconded by Mrs. Billington that Standard E has been met. All in favor.

- The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved.

Mrs. Billington made a motion seconded by Mr. Ordway that Standard F has been met. All in favor.

G. The proposed development will not create undue fire safety hazards by not providing adequate access to the site or the buildings on the site for emergency vehicles or by failure to meet other fire safety ordinances or laws. The Fire Department shall file a written report with the Planning Board prior to the hearing.

Mr. Ordway made a motion seconded by Mrs. Harding that Standard G had been met. All in favor.

H. The proposed development has made adequate provision for sewage disposal.

Mrs. Billington made a motion seconded by Mr. Ordway that Standard H has been met. All in favor.

I. The proposed site plan will not alter the existing character of the surrounding zoning district or division to the extent that it will become a detriment or potential nuisance to said zoning division or district.

Mr. Ordway made a motion seconded by Mr. Libby that Standard I has been met. Vote was 4 for, 2 against

- The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes.

Mr. Ordway made a motion seconded by Mrs. Billington that Standard J has been met. All in favor.

K. No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan.

Mr. Ordway made a motion seconded by Mrs. Harding that Standard K has been met. All in favor.

L. Architectural drawings showing exteriors of proposed new nonresidential/commercial buildings in the Village Center District shall be compatible with a Colonial New England design. Such design can be achieved by incorporating features such as, but not limited to, broken rooflines, clapboard siding, steeply pitched roofs, roof overhangs, small pane windows, dormers, window shutters.

This standard is not applicable

M. Within the Standish Corner District, the plan must meet all of the following additional standards:

(Mr. Nesbitt made a motion to waive the reading on #4)

(1) The proposed development complies with the regulating plan and the applicable SCD street frontage type standards within the Standish Corner District.

(2) The proposed development, both public and/or private buildings and landscaping, contributes to the physical definition of rights-of-way as civic spaces within the Standish Corner District.

(3) The proposed development adequately accommodates automobiles, while respecting the pedestrian and spatial form of public areas within the Standish Corner District.

(4) If the lot to be developed shall be divided from a greater parcel, access to the parcel, or the "Pioneer Lot" (See conceptual Connectivity Master Plan in §-181-7.1.), shall be from an allowable SCD street frontage type perpendicular to the existing SCD street or arterial. Existing curb cuts are allowed to be continued to be used by existing uses. For new use(s) where the closure of the curb cut is triggered by the conditions of approval, standards contained within Chapter 252 (Streets and Sidewalks) or by Planning Board supplemental review, the perpendicular SCD street shall be built to the minimum block length and other SCD street frontage type standards and serve both as access to the parking area for the development as well as for parking for the development. The applicant shall build the perpendicular SCD street to the required standards and provide for maintenance of the same until such time that the road is accepted by the Town as a street.

(5) Provisions shall be made for phased construction such as conduit extensions and stubs. This information shall be located and noted on the approved site plan recorded in the Cumberland County Registry of Deeds.

(6) Underground utilities.

(a) On new frontage type SCD streets, utilities shall be buried.

(b) All developments shall be served by public water.

Mrs. Billington made a motion seconded by Mr. Ordway that Standard M has been met. All in favor.

7. This approval is dependant on and limited to the plan and proposals submitted by the applicant either orally or in writing. Any variation from the plans or proposals is subject to review and approval from the Planning Board, in writing, except for minor changes which the Code Enforcement Officer may approve.

Application is approved.

Mrs. Harding made a motion to adjourn the meeting seconded by Mrs. Billington. All in favor.

Meeting adjourned at 8:20pm