

Rusty's Market and Shell Gasoline Station:

Innovative and Collaborative Planning for Neighborhood Character and Financial Success

By Randall Arendt

Location: Middlesex Road (Rt. 24) and Tedford Road, Topsham, Maine

Development Period: 2011-12

Developer and Builder: James Howard, Priority Real Estate Group, Topsham, Maine

The genesis of this exceptional project in Topsham, Maine (population 8,800) can be traced back to early discussions when Topsham staff, officials, and residents began formulating the town's 2005 Comprehensive Plan update, with technical assistance from Mark Eyerman of the Planning Decisions consulting firm. Recognizing the decline and loss of many of its traditional neighborhood convenience stores over the years, the Plan recommended that zoning regulations be amended to make it possible for small new grocery stores to be built, to create neighborhood gathering places, and to help reduce the length of shopping trips. With the input of many people, including the eventual project developer, the plan included provisions to encourage "neighborhood grocery stores".

Community residents and the developer were also involved in discussions regarding a number of factors such as the appropriate maximum size, whether gasoline sales should be permitted (and, if so, the number of pumps and their location), landscaping, building orientation and setbacks, signage, and light pollution controls.

The consensus that gradually emerged, reflected in new zoning provisions adopted in 2010, was that the total floorspace limit should be increased from 1,500 SF to 4,000 SF, that up to two gas pumps should be permitted and that they should be located to the back of the grocery building, and that neither front parking nor internally-illuminated signs should be permitted, due to the number of homes in the areas where this new use would be allowed. To further minimize impacts on nearby homes, the Planning Board (through conditions of approval) limited night-time opening hours to 10 pm, requiring all outdoor lighting to be dimmed after that time. The landscaped 50-foot front building setback is generally in line with that of the surrounding neighborhood.

The new zoning provisions specified that building design harmonize with surrounding residential uses, and that gasoline sales be secondary and not primary. Requiring pumps to be located behind the grocery building was not controversial, even with the developer, as everyone realized that the Shell logo sign along Rt. 24 would clearly inform passing drivers that gasoline is sold on the premises.

The developer (experienced local firm with a portfolio of projects valued at over \$75m at the time -- correct?), who participated in the public discussion with staff, officials and neighbors from the very beginning, began assembling parcels in this area shortly after the 2005 Comprehensive Plan update and several years before zoning was changed in 2010. His initial interest and ongoing participation were key aspects of this successful planning process.

The new development replaced a very small 40-year old neighborhood grocery and grill with one pump in front, plus two older houses that were not historic. Far more than a convenience store, this small neighborhood grocery (3,200 SF) stocks a variety of canned foods, cereals, vegetables, cooking supplies (spices, flour, sugar etc.), pasta, sauces, some frozen foods. It also offers free wi-fi, and the premises includes a farm stand selling fresh produce, preserves, and ice cream; a deli offering homemade pizza, hot soup, pie and other baked goods, and made-to-order sandwiches to go; plus a full-service grill serving

prepared food such as steak subs and hot dogs. The development also provides a gazebo for sitting while enjoying a sandwich and a small 'barn' for hosting non-profit groups on a free rotating basis for various fund-raising efforts (such as Boy Scout bottle drives and sales of Girl Scout cookies, pumpkins, and Christmas trees). Also provided is a bike maintenance station with free air for tires, plus a mounting rack and a variety of attached tools to help bicyclists effect quick repairs – a handy amenity due to the development's proximity to the Androscoggin River Bike Path (correct name?)

The success of this development as a community gathering place is proven by the number of local resident hanging out in the shop on weekend morning, the number of bikes parked there during the summer and even on Thanksgiving weekend, and the number of photos taken by teenagers who post them on Facebook (including one prom picture).

A collateral benefit involved intersection improvements by defining project entrances with curbing and locating the main entrance to a point 75 feet west of the junction of Rt. 24 and Tedford Road.

This outstanding development received the Project of the Year Award from the Maine Association of Planners in 2013 for its originality of design, collaborative implementation involving the town, the neighbors, and the developer at all stages of the planning process, and transferability of its overall concept to other towns and cities (although limitations on the number of pumps and evening closing hours would probably be different in a more commercial setting).

Lastly, it should be noted that, despite its nontraditional design (with parking and pumps at the rear) the operation achieved its first-year sales goals within the first month after opening and has remained financially successful ever since. Although none of the gasoline distributors liked the idea of rear pumps when it was proposed by the developer, three year later, during a visit to the site, the Shell rep, told the developer that similar designs in similar low-speed neighborhood or village center situations would be a perfect fit and would perform very well in hundreds of small towns across the region. According to the developer, this model is also much easier to gain municipal approval for, due to its special design that local planning board members tend to favor. In fact, the developer is currently bringing an exact replica of the Rusty's model (including gazebo) to a site in the center of Lisbon Maine (population 8,850). In 2016 he opened a larger facility with ten pumps at a major intersection along a very busy thoroughfare (Broadway) in South Portland, Maine (population 25,500). Although successful, it took a bit longer to ramp up than the smaller neighborhood model in Topsham, possibly because none of the ten pumps could be easily seen from the highway, even at an angle, due in part to large neighboring buildings, as well as the massive former armory building in front, which the developer restored and converted to a convenience store with offices and apartments upstairs.



Figure 1. The aerial photo shows the rear parking, the orientation of the gas pump island close to the grocery entrance facing it, and the gazebo to the right of the grocery. On the left, a view from Middleses Road (Rt. 24).



Figure 2. View from the east, showing the gazebo and one of the pedestrian connections to the street, and the rear façade and entrance opposite the pump island (Photos courtesy of Priority Real EstateGroup)./



Figure 3: The bike station is located near the gazebo, and the small barn with seasonal sales of ice cream, fresh produce, preserves, etc. is situated at the back end of the rear parking lot. (Courtesy Priority real Estate Group)

Other Examples of Gas Pumps Located behind Convenience Stores

The practice of requiring gas pumps to be situated behind convenience stores is not at all new, as the below examples demonstrate. There appears to be no strong logic for their usual location in front of buildings, as long as road signage is clear, usually featuring a familiar logo as well as the brand name. No examples have been found where locating pumps behind buildings has harmed sales. And no legal impediments appear to prevent communities from requiring this approach, as the concept of maximum building setbacks has gained broad acceptance in form-based codes, etc. They have the authority to set reasonable standards relating to their appearance and visual character. Whether communities wish their main thoroughfares to be dominated by large expanses of asphalt, pumping islands, and brightly-lit canopies are matters for local determination. Unless rear canopies and pumping islands would cause light pollution on adjacent residential properties, there is little reason not to require them to be situated behind the convenience stores that typically accompany them.



Figure 4: The Mobil sign in front of this convenience store along Rt. 138 in West Kingstown, RI has eliminated any potential confusion among motorists as to whether they can buy gasoline here since the operation began in the mid-1990s. Communities considering adopting this approach can learn from 0065amples such as these, countering objections typically voiced by representatives of gasoline companies.



Figure 5: The Mobil station along Rt. 9 in Rhinebeck NY, which preceded the previous Rhode Island example by about a decade, has similarly functioned very well, despite the nontraditional location of its pumping island.



Figure 6: Front and rear views of Davidson Market, a 24/7 4,500 SF convenience store facing a roundabout along the busy Griffith Street commercial corridor in Davidson NC. Dating from 2006, with six gas pumps in back, it contains 4,500 SF of retail floorspace and sells breakfast sandwiches, soups, salads, deli sandwiches and a wide

selection of snack foods. Its required second story (2,700 SF) accommodates two rental spaces for offices and retail, with a shared front door entrancy facing Griffith Street. In this college community with unmet demand for off-campus housing, these spaces could have also been configured as apartment rentals. Davidson's zoning has required rear parking (and second story uses) for business premises for many years. Planning Board members have not been swayed by objections from applicants who wish to locate their pumps and parking in front. Such objections are often genuinely felt, but are usually unfounded, as experience has demonstrated that drivers do not need to see pumps to know that gas is sold, as the highly visible signs located along the roadway make that fact abundantly clear. The same is true for its stance on second story uses.