

## Planning and Development

Saco City Hall  
300 Main Street  
Saco, Maine 04072-1538



Emily Cole-Prescott

City Planner

[Eprescott@sacomaine.org](mailto:Eprescott@sacomaine.org)

Phone: (207) 282-3487 ext.357

### Minutes

#### Planning Board

Tuesday, March 5, 2019

5:30 PM Workshop/6:00 PM Regular Meeting

City Hall Conference Room (First Floor)

Present for the Board: Chair Neil Shuster; Vice Chair Don Girouard; Joyce Leary-Clark; Alyssa Bouthot; Jeffrey Brochu; Matthew Provencal; Peter Scontras

Also Present: Roger Gay, City Council Liaison; Joe Laverriere, City Engineer; Dave Pendleton, Deputy Fire Chief; Emily Cole-Prescott, City Planner

#### Workshop – 5:30 PM

- a. Proposed Fogg Estates (Map 90 Lot 23): Sketch plan of 14-lot subdivision off Jenkins Road
  - Applicant: Design Build Associates of Maine, Inc.
  - Zone: R-1D

*Adrienne Fine, of Terradyn Consultants LLC, was present to review the sketch plan with the Planning Board. The Board reviewed the sketch plan and offered general, non-binding feedback to the applicant. The applicant also received comments from the City Planner and City Engineer about the proposal.*

- b. Review of Private Roads: Because of time, this item will be discussed at the next meeting.

*Note: Regular meeting is audio recorded. These audio records will be posted on the City's website and available for public review within one week of the meeting.*

#### Regular Meeting – 6:00 PM

- a. Public Hearing – 506 Main Street (Map 40 Lot 57): Site Plan and Design Review of a proposed hospital and clinic for human use and emergency medical facility
  - Applicant: Mammoth Acquisitions LLC
  - Zoned: B-2D & Contract Zone

*The following were present for Convenient MD: Atty. Natalie Burns of Jensen Baird Gardner & Henry; Michael Coffman and Jonathan of Coffman Realty LLC; Max Pnyanic and David Sanderson of Convenient MD; Dwight Anderson and Celina Daniell of Stantec; Diane Morabito of Maine Traffic Resources; Kevin Correia, Senior Manager, Architecture and Design for Convenient MD*

Overview: E. Cole-Prescott presented an overview of the project, based on the project memo from Interim Planner Bob Hamblen. The proposal is for site plan and design review of an approximate 5,200 sq. ft., single-story building. The approved contract zone with Mammoth Acquisitions LLC allows the following:

- Front yard setback reduction to 15 feet, whereas ordinarily it would be 40 feet in the B-2d zone

- Up to 325 sq. ft. of signage, whereas ordinarily a building this size in the B-2d zone would be allowed up to 150 sq. ft. of signage
- Parking spaces provided is 30, which may be reduced to 26 if the rear access drive is provided to either of two abutting properties; normally, 52 spaces would be required

Application Completeness: Chair Shuster asked for questions from Board members about the submission items for both the site plan review and design review application submission. **Vice Chair Girouard moved that the Board find the application for site plan review to be complete. Alyssa Bouthot seconded the motion, and it carried unanimously.**

**Vice Chair Girouard moved that the Board waive the requirement for photos of businesses of a similar nature beyond Saco as the exhibits and renderings that have been submitted are of such a nature as to make the information unnecessary. Jeff Brochu seconded the motion, and it carried, 6-1, with Peter Scontras voting in opposition.**

**Vice Chair Girouard moved that the Board find the application for design review complete. Alyssa Bouthot seconded the motion, and it carried unanimously.**

Atty. Natalie Burns noted revisions that had been made to the originally proposed contract zone, which included reduction of height and signage. Additionally, the applicant agreed to pay a traffic impact fee.

Site Plan: Dwight Anderson reviewed the site plan. One of the two existing curb cuts will be eliminated. The site will have 30 parking spaces with two of the spaces to be ADA-compliant. The dumpster will be watertight and enclosed per ordinance. Utilities for the building in the rear have been addressed, and front sidewalk is shown on the site plan. There are also proposed sidewalks leading up to the building. Stormwater treatment is proposed with a stormwater management plan.

Michael Coffman noted that there are ongoing conversations with the Saco Valley Credit Union to achieve rear access onto Horton Avenue and Hutchins Avenue.

Traffic: Diane Morabito responded to the traffic peer review. Overall, the trip generation will result in fewer vehicle trips than the existing Rosa Linda's Restaurant. High crash location data was reviewed. Diane Morabito noted that the reduction of one curb cut should reduce the crash potential, and the reduction of traffic for this use should reduce the number of potential crashes. She explained queuing that was reviewed with the curb cut reduction. Diane Morabito indicated that the preference is to have the easement for rear access behind Convenient MD from Hutchins onto Horton. Vice Chair Girouard noted that the City should review its ongoing improvements in this area with DOT, to ensure that the stop bars are in the correct location. During the AM peak hour, there are nine one-way trips, and Diane Morabito noted that most of those trips will be coming from the highway. Peter Scontras noted concerns about the traffic data presented, primarily specific to the left-hand turn lane, the winter season of the traffic data collected, and one-way in and out to the site. About questions of the busiest times of year for the business, Michael Coffman replied that the busiest time of year is flu season, and their business model requires draw from a large area beyond Saco. This location was chosen because it is close to the highway. Jeff Brochu noted initial concerns, but indicated that the response from Diane Morabito noted no accidents from left-hand

turns into the current restaurant, showing that the history with the volume of traffic had no accidents turning left into the existing restaurant.

Architecture: Kevin Correia gave a presentation on the design review standards and responses to these standards. Peter Scontras mentioned concerns about whether the architecture was a traditional New England look, and indicated that the proposed materials for the columns are not a Saco look and not a New England look. The applicant responded that this is masonry stone chosen because it is a high-end material. Kevin Correia noted the intent of the ordinance, mentioning the review criteria of compatibility. E. Cole-Prescott referenced the materials standard in the design review ordinance for reference. Matt Provencal asked for clarification on the lights on the canopies on all sides of the building. All canopies on all sides have down-wash lights. There is also wash lighting on all stone columns, all stone sides. Hours of lighting were discussed, and Max Puyanic mentioned that Convenient MD is willing to work with the City on the times of lighting, although generally the preference is to have the lighting on throughout the night for increased security. Matt Provencal noted that there is a lot of light with a lot of storefront. Alyssa Bouthot asked if the signage proposed toward Hutchins Avenue will be visible if the rear access is achieved. Kevin Correia noted that the sign and angle can be viewed on the Hutchins Avenue side from Thornton Academy. Max Puyanic noted that rear access is a goal. There was conversation of color and what fits the northeastern look of the country. Chair Shuster noted that other applicants have worked with the Board to create a design that worked for both the applicant and the design standards. Matt Provencal asked if there will be gutters, and Kevin Correia noted that there will be snow guards installed.

Traffic/Maneuverability: Upon question from Alyssa Bouthot, Dwight Anderson explained that there is turning room for an ambulance, but not for a large fire truck. Jeff Brochu asked Deputy Fire Chief Dave Pendleton about emergency calls to the proposed facility, and Deputy Chief Pendleton replied that the appropriate responses would be sent, based on the call type. Deputy Chief Pendleton noted that since this building is so close to the street, a fire truck may block the street.

Chair Shuster asked for additional questions from the Board members. Jeff Brochu asked if there was any consideration to a larger setback in the event that Route One needed expansion. Chair Shuster noted that the setback is determined by the contract zone agreement, which has already been negotiated with the City Council. Atty. Burns noted that the proposed building will be set back farther than the existing structure.

Public Hearing: **Vice Chair Girouard moved to open the public hearing. Jeff Brochu seconded the motion, and it carried unanimously.**

Chair Shuster asked for public comment, but no member of the public chose to speak.

**Vice Chair Girouard moved to close the public hearing. Peter Scontras seconded the motion, and it carried unanimously.**

Discussion: Peter Scontras noted that design standards are subjective, and this structure with this design and material sets a precedent. Vice Chair Girouard stated that the reduction of traffic is positive, but the initiatives for rear access should continue.

Rear Access: E. Cole-Prescott noted that the Department is working to facilitate the discussions between different groups and businesses to gain rear access. Vice Chair Girouard noted that the rear access from Smith Lane to Ocean Park Road should also be pursued. Atty. Burns noted that the minor revision to allow rear access, if achieved, could remove up to four parking spaces, and is written into the contract zone for a process of review by the City Planner.

Continued Discussion: The Board reviewed the draft conditions of approval for the project. Condition of approval #1 would be revised to state: “. . . subject to further revision in accordance with condition #9.”

There was discussion as to whether the recommended motion for site plan and design review could be considered as two separate motions. Vice Chair Girouard explained that if site plan is approved but design review is not, the design review discussion would have to strictly consider only the building design and materials as specified in the design review ordinance.

Atty. Burns explained that two different options of signage were presented to Council with the contract zone approval, and she indicated that the applicant’s preference is for Option A, unless the Board prefers Option B. E. Cole-Prescott shared the exhibits from the approved contract zone.

Vice Chair Girouard noted that the Planning Board’s review of signage indicated that Option A is the preferred signage. Chair Shuster noted that this should be included as part of Item 5: up to 325 sq. ft. of signage is allowable per Option A of the contract zone, in the form of three wall signs.

**Vice Chair Girouard moved that the Board grant approval under the provisions of the Saco Zoning Ordinance, for the proposed Convenient MD site plan, based on the Conditions of Approval and Findings of Fact dated March 5, 2019 as further discussed here and revised this evening. Alyssa Bouthot seconded the motion.**

**Vice Chair Girouard withdrew his motion, and Alyssa Bouthot withdrew her second to that motion.**

**Vice Chair Girouard moved that the Board grant approval under the provisions of the Saco Zoning Ordinance for the proposed Convenient MD site plan and accompanying design review based on the Conditions of Approval and Findings of Fact dated March 5, 2019, and as further discussed, conditions of approval here this evening. Alyssa Bouthot seconded the motion.** Joyce Leary-Clark noted her concerns about the design review. Chair Shuster noted that if the Board asks the applicant to return for separate design review consideration, the Board needs to be very clear with the applicant about the revision that is required. **Vice Chair Girouard withdrew his motion. Alyssa Bouthot withdrew her second to that motion.**

The Board reviewed the site plan review criteria from Section 1105 of the Saco Zoning Ordinance, and draft findings of fact:

1. General – the proposed use meets the requirements of the City of Saco Zoning Ordinance and is in compliance with applicable state laws and regulations.
2. Compatibility with Neighboring Buildings – the bulk, location and height of the proposed building is compatible with neighboring properties, which include but are not limited to a credit union, fast-food style buildings, and an existing/expanding U-Haul facility.

3. Natural Features – the building, parking area and driveway are reasonably oriented with respect to the natural features of the site, preserve the natural landscape insofar as practical, and minimize grade changes.
4. Public Safety – the proposed use will provide adequate access to the site, and to the building for emergency vehicles at all times of the year, and will not result in fire safety or other safety hazards.
5. Lighting – the proposed exterior lighting will not create glare, create hazards to motorists on adjacent streets, is adequate for the safety of occupants or users of the site, and will not damage the value and diminish the usability of adjacent properties. Lighting is in compliance with Sec. 804 of the Zoning Ordinance.
6. Landscaping – the provisions for buffers, screens and on-site landscaping will minimize the impact of detrimental features of the proposed use on neighboring properties, will screen the appearance of parking areas from public rights of way and abutting properties, and meets the requirements of Section 708 and 807 of the Zoning Ordinance.
7. Off Site Impacts – the proposed use will not have a significant detrimental effect on the use of abutting properties as a result of noise, vibrations, fumes, odors, dust or other cause, and meet the standards of the Zoning Ordinance and other City ordinances regulating these impacts.
8. Vehicle Circulation and Pedestrian Access – the provisions for vehicular loading and unloading, parking, circulation and pedestrian movement on the site and onto adjacent public streets will not result in hazardous or unsafe conditions, and are designed in accordance with the standards of Article 7 of the Zoning Ordinance.
9. Flood Hazards – site design is in accordance with applicable flood hazard protection requirements. No flood zone on site.
10. Wastewater – the site is and will be serviced by public sewer.
11. Solid Waste – adequate provision has been made for the disposal of solid waste as required by state law and local ordinance.
12. Erosion Control – will be done according to Best Management Practices set forth by the Maine DEP, and the standards of Section 806 of the Zoning Ordinance. Erosion control is addressed and detailed in the plan set.
13. Drainage – the stormwater plan submitted is adequate to manage stormwater runoff and other drainage conditions on the site, and is in conformance with Section 805 of the Zoning Ordinance, based on review by the City Engineer.
14. Water Supply – service for the facility will be provided via the public water system, will meet the demands of the proposed use for fire protection purposes, and will not result in degradation of service in the area.

15. Hazardous Materials – there will be no hazardous materials stored or utilized on the site.
16. Wildlife and Scenery – the use will not have an adverse impact on significant scenic vistas or significant wildlife habitat.
17. Traffic Conditions – the use will not result in a decrease in level of service below LOS D at intersections, and will not cause unreasonable safety hazards on public roads based on the trip generation data provided by traffic engineer Diane Morabito, P.E., and reviewed by Randy Dunton, P.E., Gorrill-Palmer Consulting Engineers, on behalf of the City.
18. Water Quality – a) surface water: the proposed use will not discharge any water pollutants, will utilize public sewer for the disposal of sanitary wastewater, and will have negligible if any impact on phosphorus concentration; b) ground water: the proposed use will not increase any contaminant concentration in ground water.
19. Utilities – the proposed use will not impose an unreasonable burden on sewers, storm drains, water lines or other public utilities.
20. Special Features of Development – none.

Concerns about compatibility with neighboring uses, landscaping and traffic were initially mentioned by Board members, based on Board members' discussions.

The Board considered the design review criteria found in Section 729 of the Saco Zoning Ordinance, and draft findings of fact:

- a. Scale. The scale of the building, based on overall size, its mass in relation to the space around it, and its entrances, windows, walls, and roofline is visually compatible with its site and with characteristics of neighboring buildings and sites.
- b. Height. The height of the building is visually compatible with the heights of buildings on neighboring sites.
- c. Footprint and Orientation. The proposed building is compatible with the neighborhood based on the pattern of buildings and spaces along the street wall, placement of the building on the lot, and the building footprint in relation to lot size and to nearby buildings.
- d. Materials. The relationship of materials and textures of the exterior of a building is compatible with that of buildings with which it is visually related, or that are traditionally used in Saco.
- e. Roof. The shape and proportion of the roof are articulated so as to lend visual interest, and the roof design will screen or camouflage rooftop protrusions so as to minimize the visual clutter of rooftop installations such as air conditioning units, exhaust vents, transformer boxes, air handler units, and dish antennas.
- f. Walls. The proposed building walls do not extend a length greater than fifty (50) linear feet without an architectural feature such as a window, dormer, recessed corner, pilaster, cornice,

porch or visually compatible door. The building is designed with a complex massing that includes varying roof lines, projections/recesses, or smaller additions to a main building.

g. Windows and Doors. The proposed windows and doors are visually compatible with the architectural style of the building and with local architectural styles. The primary entrance shall face the street, unless the applicant can demonstrate that the circumstances of a given application merit an alternative orientation. The entrance shall be identified through the use of architectural details that may include awnings or roofs for shelter, recessing, decorative lighting, trim or railings, in addition to pedestrian walkways connecting to parking areas and public sidewalks.

h. Awnings and Canopies. Awnings and canopies are encouraged but not required in order to visually integrate a series of buildings through compatible or coordinated placement and design. Awnings and canopies shall be integrated with the building façade, be human-scaled, and result in a consistent pattern through placement, size and shape.

Lighting and windows were mentioned during consideration of the design review standards. It was noted that the peer review of the photometric plan was done for the lighting on site, not the lighting within the canopies proposed on the building. Peter Scontras asked the applicants to add panes to the windows.

Matt Provencal suggested amendment to item g on page 13, under windows and doors, add “mutton pattern to simulate two over one double-hung windows” at the top of the storefront windows as described. The applicant agreed.

Additionally, the Board edited the following conditions of approval to state:

Condition #1: All work shall be in conformance with the approved plans, entitled “Convenient MD – Urgent Care, Proposed Medical Office, 506 Main Street, Saco, Maine January 2019 – Permit Plans” prepared for applicant Mammoth Acquisition Company, LLC, 632 Washington St., South Easton ME 02375 by Stantec, Inc., dated 8/3/18, received by the Planning Department on 1/29/19, subject to further revision in accordance with condition #9.

Condition #5: This approval is based in part on recognition by the Board that said contract zone allows the following departures from standards found in the Zoning Ordinance:

- The front yard setback is reduced to 15 feet
- Up to 325 s.f. of signage is allowed in the form of three building signs
- The number of parking spaces provided is 30, which may be reduced to 26 if a rear access drive is provided to either of two abutting properties.

**Vice Chair Girouard moved that the Board grant approval under the provisions of the Saco Zoning Ordinance for the proposed Convenient MD site plan and accompanying design review based on the Conditions of Approval and Findings of Fact dated March 5, 2019, as altered, discussed and revised this evening. Alyssa Bouthot seconded the motion, and it carried, 6-1, with Peter Scontras opposed to the motion.**

*The Board took a five-minute break, then re-convened.*

- b. Public Hearing – 60 Industrial Park Road (Map 70 Lot 10-1): Conditional use review of proposed daycare center use at John Murphy Homes, Inc.
- Applicant: John Murphy Homes, Inc.
  - Zone: I-1

Overview: E. Cole-Prescott presented a brief overview of the application, indicating that the only purpose of this application is for the applicant to obtain childcare facility licensing with the Department of Health and Human Services. Many of the normally-applicable standards have already been met through previous approval processes, and the private school is already operating on site. The applicant does not propose any interior or exterior modifications to the site. However, the applicant has offered to designate parking spaces from the current lot for this use.

Application Completeness: **Vice Chair Girouard moved that the Board find the application complete noting that the purpose of this application is only for childcare licensing through DHHS. Peter Scontras seconded the motion, and it carried unanimously.**

Ann Bentley, of John Murphy Homes, shared some information about John Murphy Homes, noting that the current administration of DHHS is requiring a childcare license for the facility.

In response to questions from Jeff Brochu, E. Cole-Prescott stated that Code Enforcement Director Lambert noted that the clarification letter should be noted on file, per his September 2018 email.

Public Hearing: **Alyssa Bouthot moved to open the public hearing. Matt Provencal seconded the motion, and it carried unanimously.**

Roger Gay, City Council Liaison, asked how many students are enrolled. There was no other public comment.

**Alyssa Bouthot made a motion to close the public hearing. Peter Scontras seconded the motion, and it carried unanimously.**

Discussion: Jeff Brochu noted, in reference to review of federal standards, there is a marijuana growing operation within 1,000 feet of the private school. It was determined that this is not an issue for this use relative to this application request.

**Vice Chair Girouard moved that the Board grant approval for daycare center conditional use as an accessory use on site for John Murphy Homes, located at 60 Industrial Park Road, for the sole purpose of childcare facility licensing with the Department of Health and Human Services with the following conditions of approval and with the following findings [dated March 5, 2019]. Peter Scontras seconded the motion, and it carried, 6-1, with Jeff Brochu opposed to the motion.**

- c. Public Hearing – 6 Middle Street (Map 31 Lot 90): Conditional use review of a parking waiver per Section 230-708A(3) of the Zoning Ordinance
- Applicant: Tim Madden (KCK, LLC)
  - Zoned: B-3



Overview: E. Cole-Prescott provided an overview of the application, for a parking waiver per section 230-708 of the City's ordinances. The existing structure is 2,184 square feet on an approximately .08-acre lot. The applicant is changing the use from a single-family residence to a real estate office, which is a permitted use in the B-3 zone. The reason for this review is only for the parking waiver, not for the use. The parking normally required per section 230-708 of the ordinance would be 1 parking space per 250 square feet of floor area, which would require nine parking spaces. The applicant initially proposed six parking spaces with the application submitted to the Planning & Development Department on February 8, 2019, and has since responded to City Staff's comments about parking configuration. The applicant has revised the parking plan in accordance with Staff's comments, to three parking spaces with a waiver request of six parking spaces.

Completeness of Application: **Alyssa Bouthot moved to find the application for 6 Middle Street for a parking waiver complete. Jeff Brochu seconded the motion, and it carried unanimously.**

Tim Madden, applicant, indicated that he is currently renting an office space and he is now looking to move into a space that he owns. He explained the staff process review and subsequent parking reduction proposed. The parking spaces will be for clients and employees. Tim Madden stated that he has two agents now with an office manager, and he is looking to grow the business. There will also be occasional closings on site, which generally do not last longer than 1.5 hours. There is on-street parking near the business, and a City lot nearby.

Public Hearing: **Vice Chair Girouard moved to open the public hearing. Peter Scontras seconded the motion, and it carried unanimously.**

Cliff Santamore, realtor of Assist-2-Sell Home Team Advantage, noted the proximity of nearby buildings that are now used as businesses with limited parking.

Eleni Kowash stated that she has lived in the home, and is familiar with the property. She indicated that additional parking could be added beyond the three parking spaces that have been submitted with the revision.

Roger Gay, City Councilor asked about the date of the building's construction, and it was noted that the building was constructed in the 1930s.

**Vice Chair Girouard moved to close the public hearing. Peter Scontras seconded the motion, and it carried unanimously.**

**Peter Scontras moved that the Board grant approval of the parking waiver for the proposed change of use to a real estate office ("professional use") per the Conditions of Approval and Findings of Fact dated March 5, 2019. Matt Provencal seconded the motion, and it carried unanimously.**

Without objection, the Planning Board meeting adjourned at 9:40 PM.