

Minutes
Planning Board Meeting
Tuesday, March 31, 2015

Members Present: Don Girouard, acting chairperson; Rene Ittenbach, Donna Bailey, Deborah McKenney, and Bob Hamblen, City Planner. Absent: Neil Schuster

Workshop:

- a. **Sketch Plan Review of a proposed nine lot subdivision at the corner of Grant and McKenney Roads. Applicant is Dearborn Family LLC. Tax Map 125, Lot 2. Zoned C-1**

Bill Thompson, BH2M: this is a 24+acrea parcel that will serve 9-lots on a public street that will end in a hammerhead. Three of the driveways will be on what will be called Johanna Drive. They will be asking for a waiver to a sidewalk.

- b. **Streets and Private Roads: discussion of Section 10.8 Street Access in the Subdivision Regulations, and Section 724. Private Roads in the Zoning Ordinance.**

Hamblen: Staff is in contact with applicant Mike Mezoian and project engineer Steve Blake about this workshop, and has invited them to attend. The current application for the creation of four lots on a parcel adjacent to the January-approved four lot subdivision is what's prompting this, in that a private road is proposed to provide frontage and access to three of the four lots.

Language in the Subdivision Regulations and the Zoning Ordinance, staff believes, runs counter to a private road being utilized as part of a subdivision:

10.8 STREET ACCESS

Provision shall be made for vehicular access to the subdivision in such a manner as to safeguard against traffic hazards and danger to pedestrians in the subdivision and in existing streets, to avoid congestion on any street or at any intersection, to provide safe and convenient circulation on public streets and in the subdivision, and to provide for efficient access by the city's emergency services and public works departments. **All lots in all subdivisions shall have access from a public street of the City of Saco.** The following standards and design criteria shall also be followed: ... (Amended 7/18/89; 1/22/02)

Sec. 724. Private Roads

5. Nothing in this section shall override any requirement in the subdivision regulations that subdivisions be built on public roads.

As staff members, Dick Lambert and I can confirm that *the intent* of the language cited above is that private roads and subdivisions do not mix. A private road may be proposed, and up to four lots may be developed on the private road, but only over a period of years, so that no more than two lots are created within the same five year period. Otherwise, according to both state law and the

Subdivision Regulations, a subdivision has been created: three lots or more being created from the same parcel within a five year period.

Similarly, of course, a subdivision can be proposed, and “(a) ll lots in all subdivisions shall have access from a public street of the City of Saco.” This has been interpreted to mean that all lots in a subdivision will have both conforming frontage and access from a City street, whether proposed or existing.

The upshot of all this is that an application for a 4 lot subdivision that includes or is based on a private road is not allowed under the current language; certainly not under staff’s interpretation of current language. Two alternatives to such a proposal would work fine:

- a. The four lot subdivision plan be based on a City street proposal, designed and built to City standards, with the intent of offering the street to the City for acceptance.
- b. A site plan with a proposed private road with no proposed lots shown. Under this scenario, the approval of lots falls to the Code Enforcement Office. Upon approval and construction of the private road, an applicant may then seek a building permit for a defined lot with frontage on and access from the private road. If the proposed lot meets standards found in the Zoning Ordinance (and State Plumbing Code), then the Code Office issues a permit.

However, because the current application proposes a subdivision and a private road in one fell swoop, staff is of the opinion that this is a proposal not allowed under existing requirements.

Note 19 on Sheet 1 of the plan set is apparently a way around this, from the applicant’s perspective: “Development of Lot 3 is prohibited for 5 years from the date of recording.” So, does this make a subdivision not a subdivision? The plan shows four lots, none of which exist today – hence, they’re proposed. If the Board moves this along and gets to final approval, then it’s a subdivision, in our opinion – four lots created within a five year period.

The foregoing was provided to the City Attorney and to the Code Enforcement Officer for their review and comment:

I agree with your conclusion. – Tim Murphy

I would stand by my review comments and let the Planning Board chime in and offer their take on this. – Dick Lambert

Angela Blanchette, city engineer: Public Works is not interested in obtaining any more public road, because they don’t have the man power. She used “Harvest Circle” just as one example that is further out of the City.

Don: This would not be the time to hear an alternative plan from Mr. Mezoian.

Regular Meeting

1. Minutes of March 17, 2015

Rene: I move to approve the minutes as written, Donna seconded the motion. Vote was 4-0. Motion passes.

2. Public Hearing: Conditional use review of Filling and Earthmoving of greater than 10 cubic yards in the Resource Protection zone, at 311 Seaside Ave. Applicant is Susanne Schaller on behalf of the Baywood Colony Condo Association. Tax Map 1, Lot 55.

Bob: Board members will recall consideration of a multi-property project involving the same dune restoration proposal in August, 2013. Sue Schaller does business as Bar Mills Ecological, and has also worked in Old Orchard Beach to restore dunes. She places a layer of seaweed where the dune is to be built, scrapes sand from the beach back to that location, shapes it to no more than a 3:1 slope, and then plants dune grass in the dune.

As might be expected, permits are required to do work on the beach. From the City, a conditional use permit for “filling and earthmoving of greater than 10 cubic yards in the RP zone” is required.

The 2013 project involved 24 beachfront owners who opted to hire Ms. Schaller, covering about 2,105 linear feet from just south of Bay View Road, south to Island View Avenue. Each was subject to an individual Permit by Rule from the DEP. The Maine Department of Inland Fisheries and Wildlife approved all 24 applications in 2013, but this time has stated that beach work completed prior to April 15 does not need a permit, and Ms. Schaller is proceeding on that basis.

Work will occur in the floodplain, but as Code Enforcement Officer Dick Lambert notes, “I don't believe there are any development standards for what she is proposing and it is not a structure so I would opine "no" “as to a floodplain permit being necessary.

A. Finding of Completeness

The application is something of a departure from other conditional use permits the Board has reviewed in recent years. Staff's review of the application concludes that there is no need for waiver of any items; the plans submitted are suitable for conveying the information necessary for this project; and a number of items are not applicable, in staff's opinion.

Donna: “Move that the application for a conditional use permit submitted by Bar Mills Ecological for filling and earthmoving of greater than 10 cubic yards in the RP zone is found complete.” Seconded by Rene. Vote was 4-0

B. Status Report, Approved Projects

Ms. Schaller's report on the status of 2013 projects:

"Fall projects suffer the fact that the vegetation has not yet stabilized the soil-- spring projects are in timing conflict between snow drifts, the arrival of plovers, and the fact that beach work is limited to daytime low tides -- effectively alternate weeks.

The 2013 projects had some loss on most, but not all the projects. The Unitarian Ferry Beach Park site on one end, and the Sisters of Mercy on opposite ends, had no damage at all.

Overall, sites lost 0% to 10% to 40%; one small site lost 60% at 199 Seaside Ave by mid-winter. However, by late-winter, sand that had been swept off was largely re-deposited on the beach. I repaired several sites with a half-day of work with a tracked Bobcat, and replanted except where the client opted to do their own replanting.

I set up passive sand trapping on 3 others who requested equipment work too late in the season (due to plovers). Vegetation came in well over the 2014 summer and projects were holding well when I last saw them in December."

Ms. Schaller: This project proposes to restore frontal dunes that were eroded over the winter. This project would use beach scraped sand to restore a sloped dune front, and plant the slope with American beach grass. Sand would be scraped from the mid-intertidal zone, using a bulldozer or Bobcat. The slope would be 1:3 (vertical to horizontal) or less. Equipment will enter a Bay View Ave. and cross the beach below the mean high water line.

If approved, the scrapping would start tomorrow, because they need to be off the beach by April 15th. They have just a small window. The seaweed will double, if not triple the growth.

Rene: Move to open the public hearing, seconded by Deborah. Vote was 4-0.

Bruce Andrews, resident of Baywood Condos: Need to do maintenance on the dunes every year to keep it from getting this bad. They have lost 12ft of frontage on the dune thus far.

Rene: Move to close the public hearing, seconded by Donna. Vote was 4-0

Deborah: "Move that the Board grant approval under the provisions of the Saco Zoning Ordinance for a conditional use permit for the filling and earthmoving of greater than 10 cubic yards in the RP zone for the parcel at 311 Seaside Avenue based on the attached Findings of Fact and Conditions of Approval dated March 31, 2015." Seconded by Donna. Vote was 4-0. Motion passes.

3. Public Hearing: proposed amendments to Article 16 of the Zoning Ordinance – impact fee related to Fire Department and Emergency Medical Services.

Bob: Section 1601. General Provisions for Impact Fees

1601-1. PURPOSE

The purpose of these impact fee provisions is to ensure that new development in Saco will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified infrastructure necessary to service the development through: 1) the payment of impact fees that shall be dedicated to paying for the needed improvements, or 2) the construction of appropriate improvements as provided for herein.

1601-2. AUTHORITY

These impact fee provisions are adopted by the City under the authority of 30A M.R.S.A. § 4354 and its statutory and constitutional home rule provisions.

1601-3. PAYMENT OF IMPACT FEES

The impact fees provided for under this article shall be paid to the City of Saco in care of the Code Enforcement Department.

1601-4. IMPACT FEE ACCOUNTS

All impact fees collected under the provisions of this article shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows.

1. Recreational Facilities Impact Fee Account
2. Open Space Facilities Impact Fee Account
3. Fire Department/Emergency Medical Service Impact Fee Account

1601-5. USE OF IMPACT FEES

- A. Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvements specifically associated with the fee as identified below. No portion of the fee shall be used for routine maintenance or operational activities.

The following costs may be included in the capital cost of the Recreational Facilities or Open Space Facilities infrastructure improvement:

1. Acquisition of land or easements including conservation easements,
2. Engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
3. the actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
4. Mitigation costs,
5. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
6. Debt service costs including interest if the City borrows for the construction of the improvement,
7. Relocation costs, and
8. Similar costs that are directly related to the project.

B. Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the equipment and facilities specifically associated with the Fire Department/Emergency Medical Services (FD/EMS) Impact Fee as identified below.

1. Vehicles utilized by public safety personnel for FD/EMS purposes,
2. Equipment utilized by public safety personnel for FD/EMS purposes,
3. Construction of capital improvements, including the expansion or replacement of existing infrastructure facilities,
4. Acquisition of land,
5. Engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
6. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
7. Mitigation costs,
8. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,

9. Debt service costs including interest if the City borrows for the construction of the improvement.

1601-6. REFUND OF IMPACT FEES

Impact fees shall be refunded in the following cases:

1. If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the City Planner and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.
2. Any fees collected that are not spent or obligated by contract for the specified improvements or acquisitions by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee.

1601-7. MODIFICATION OF IMPACT FEES

The City Council may, by formal vote following a public hearing, reduce or eliminate the payment of a required impact fee if it finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected or an equivalent improvement approved by the City Council, or
2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee, or
3. The project subject to the impact fee involves the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Council may waive only the portion of the fee attributable to the affordable units, or

4. The project involves the construction of an elder/disability housing facility ~~elderly congregate housing assisted living~~, or other elder care facilities.

1601-8. REVIEW AND REVISION

The City Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes in the impact fee.

Section 1602. Recreational Facilities and Open Space Impact Fee

1602-1. DESCRIPTION OF THE IMPROVEMENTS

This project involves the acquisition of land for and the development of new community-wide recreational facilities and the acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space. The recreational facilities portion of this impact fee may be used for the following improvements.

1. The development of the City's former landfill on the Foss Road into a multi-purpose community recreational complex.
2. The development of a skating area at Pepperell Park or another location.
3. The construction of a baseball field at the Middle School Recreational Area.
4. The construction of pedestrian and bicycle trails including the City's share of the cost of the development of the Eastern Trail.
5. The acquisition of land for the future development of community recreation facilities, and/or
6. The development of other community recreational facilities that expand the City's supply of recreational areas or facilities.

The open space facilities portion of this impact fee may be used for the following improvements:

1. The acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space.

1602-2. NEED FOR THE IMPROVEMENTS

The need for community recreation facilities and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, playgrounds, natural areas, and open spaces. The City's adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population. The need for the specific improvements is set out in the City of Saco's Recreational Facilities and Open Space Impact Fee Methodology.

1602-3. ACTIVITIES SUBJECT TO THE FEE

Any construction or development that involves the creation of a new dwelling unit as defined by the zoning ordinance including single family homes, apartment units, manufactured housing units, and mobile homes shall be subject to the payment of an impact fee for this project except as provided below:

1. No impact fee shall be paid if the dwelling unit is located in a subdivision that was approved by the Saco Planning Board prior to the date of adoption of this Article.
2. No impact fee shall be paid if the dwelling unit is located in a subdivision which is a complete application under review by the Saco Planning Board prior to the date of adoption of this Article.
3. The recreational facilities portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided recreational facilities in accordance with the requirements of the City's Subdivision Regulations.
4. The open space portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided open space in accordance with the requirements of the City's Subdivision Regulations.
5. No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.

6. No impact fee shall be paid if the dwelling unit is moved from one lot within the city to another lot within the city.

7. Downsizing Provisions for Elderly Homeowners (Amended 7/2/02)

Persons building new single-family dwelling units which meet the requirements of subparagraphs A through D of this subsection are not required to pay the recreation and open space impact fee. However the transfer of the property by any means during the five years following the issuance of a building permit shall require that the impact fee be paid. Likewise the property shall not be leased or rented during the five years after the issuance of a building permit unless the impact fee is paid. An agreement outlining the limitations on the waiver shall be recorded at the York County Registry. Evidence of the recording shall be presented to the code enforcement officer before the building permit is issued.

- A. The person or persons proposing to build the new single-family dwelling unit have previously owned and occupied an existing permanent residence in Saco and paid property taxes on it continuously for at least 20 years.
- B. The owner(s) is/are selling or transferring their existing permanent residence in Saco and are planning to make the new house their permanent residence.
- C. At least one owner of the proposed house is 62 years old or older.
- D. The proposed house is a single-family dwelling unit with one or two bedrooms.

1602-4. CALCULATION OF THE FEE

The recreational facilities and open space impact fee is a per capita fee and is based upon the City's Impact Fee Calculation Methodology. The per capita fee consists of a recreational facilities component and an open space component. The amount of the fee paid by a development project shall be determined by multiplying the per capita fee by the number of people expected to reside in the project. The following occupancy ratios shall be used in determining the fee unless the applicant provides verifiable written documentation from an independent, objective source demonstrating other occupancy levels:

Single family dwellings and mobile homes	3.2 people/unit
Dwelling unit in a two-family or	

multi-family dwelling with:

- | | | |
|----|------------------------|-----------------|
| a. | one bedroom | 1.2 people/unit |
| b. | two bedrooms | 2.0 people/unit |
| c. | three or more bedrooms | 3.0 people/unit |

Dwelling unit in elderly housing, assisted living facility, or other eldercare facility limited to occupancy by households sixty-five years of age or older 1.2 people/unit

1602-5. IMPACT FEE

Fees shall be determined by Council after a public hearing.

1602-6. COLLECTION OF THE FEE

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1602-4 above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

1602-7. EFFECTIVE DATES

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of adoption of this Article.

Section 1603. Fire Department/Emergency Medical Services Impact Fee

1603-1. DESCRIPTION OF THE IMPROVEMENTS

The Fire Department/Emergency Medical Services Impact Fee will be used to ensure an adequately capitalized and funded Fire Department in the provision of fire, rescue and emergency medical services. The Fee may be used for the following purposes:

1. Acquisition of vehicles utilized by Fire Department personnel for fire, rescue and emergency medical services,

2. Purchase of equipment utilized by Fire Department personnel for fire, rescue and emergency medical services,
3. Construction of capital improvements, including the expansion or replacement of existing infrastructure facilities, or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion of percentage of the infrastructure used by the development,
4. Acquisition of land or easements necessary for or related to existing and proposed Fire Department facilities,
5. Legal and administrative costs associated with construction of capital improvements including any borrowing necessary to finance the project,

1603-2. NEED FOR THE IMPROVEMENTS

The need for public safety equipment and facilities is a function of the growth of the community's population. As the community grows, increased capacity is required to meet the public safety needs of greater numbers of residents. The City's adopted Comprehensive Plan identifies the need to expand the ability of the Fire Department and Emergency Medical Services to serve a growing population. The need for the specific improvements is set out in the City of Saco's Fire Department/Emergency Medical Services Impact Fee methodology.

1603-3. ACTIVITIES SUBJECT TO THE FEE

Any construction or development that involves the creation of a new dwelling unit as defined by the Zoning Ordinance including single family homes, apartment units, manufactured housing units, and mobile homes, or the construction of a new structure intended for commercial or industrial use shall be subject to the payment of a Fire Department/Emergency Medical Services Impact Fee except as provided below:

1. No impact fee shall be paid if a new dwelling unit or commercial or industrial structure is to be constructed on a lot where a dwelling unit or commercial or industrial structure has been demolished or permanently removed from use within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.
2. No impact fee shall be paid if a dwelling unit or commercial or industrial structure is moved from one lot within the city to another lot within the city.

1603-4. CALCULATION OF THE FEE

The Fire Department/Emergency Medical Services Impact Fee is based upon the City's Impact Fee Calculation Methodology.

1603-5. IMPACT FEE

Fees shall be determined by the Council after a public hearing.

1603-6. COLLECTION OF THE FEE

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1603-4 above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

1603-7. EFFECTIVE DATES

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of amendment of this Article.

Appendix, Impact Fees

Section of Code	Fee Name	Description	Fee
Zoning Ordinance, Article 16, §1602-5	Impact Fees	Per Capita Impact Fee	\$531.00
		Recreational Facilities Per Capita	\$375.00
		Open Space Component Per Capita	\$156.00
<u>Zoning Ordinance, Article 16, §1603-5</u>	<u>Fire Department/ Emergency Medical</u>	<u>Fire/EMS</u> <ul style="list-style-type: none">• <u>Single Family Dwelling</u>• <u>Two Family Dwelling</u>• <u>Multi-Family Dwelling</u>	<u>\$500.00</u>

	<u>Services</u>	<ul style="list-style-type: none"> • <u>Mobile Home</u> • <u>Commercial/Industrial</u> 	<u>\$250.00/unit</u> <u>\$250.00/unit</u> <u>\$250.00</u> <u>\$.25/s.f.</u>

John Duross, Fire Chief: In order to maintain the level of service, we have to look at innovative ways to collect revenues. The call volume has increased dramatically as well as the population. They are at their max. So they are looking for alternatives and this is one possible alternative.

They currently have a Class 4 insurance rating, and don't want to go to a Class 5, because it would be very difficult. Right now their call response is 4 minutes at about 90% of the time. 80% is ambulance at \$400-\$700 per call. Nursing Homes is where they get most of their calls.

Don: Open Space and Recreation Fees are not services. This is difficult. How will it be monitored? And what prevents the Police and Public Works Dept. from coming in and saying they need an impact fee? Residents would say, what do we pay taxes for

John: The law allows impact fees for infrastructure. Ambulance revenues are paying for the new facility. I am trying to recover the mortgage payment on that building. They have 41 more calls with the same amount of staffing since 2003.

Don: Fees should be structured; infrastructure vs. services. Have you approached any of the councilors?

John: Councilor Roche is the liaison for this item and he is for it.

Don: We want to be very careful to make sure we tailor this to meet the law.

John: The North Fire Station is 40 years old and while it doesn't warrant the need to make any changes now, it will need to be replaced at some point in the future.

Rene: Move to open the public hearing, seconded by Donna. Vote was 4-0.

Bill Johnson, former mayor: We have to do something. When he was mayor, they only had one ambulance. It took a long time to get a second one. The medical requirements for EMT's have increased. **John:** The entire career EMT's are licensed. And there are 22 paramedics.

Mike Mezoian, developer: He would be for something like that. \$500 compared to a \$400,000 home is minimal.

John: Other than ambulances, they don't charge for any other services. Not even false alarms. It is the level of service you lose. The Methodology is very specific.

Donna: Move to close the public hearing, seconded by Deborah. Vote was 4-0.

Don: Maybe the impact fees should be tailored to what the use is, such as elderly housing, not just the square footage of the facility. The square footage on a warehouse vs. elderly housing should be on a different scale, just for the sheer fact that you are going to make more runs to the elderly housing.

John: We know what the demographics are going to be in this aging community.

Donna: Her concern is today it's the FD, what department is next? Should we just have a larger impact fee and divide it up between the other departments, or do we want to do it piecemeal.

Rene: You have Maine Molecular coming in who are not going to have the same amount of calls as the elderly housing facilities will, so maybe they should have a price like \$.25/sq.ft.

Don: It needs to be managed properly. He is on board with this. **Don:** Personally, he doesn't want to delay this, but he would like to see this come back with a little different structure. **Hamblen:** Well what we have has been signed off by an attorney. **Don:** Not talking about legal, but more of a "Need Base". **Hamblen:** The Statute is short and specific, but he can run it by Natalie Burns. **Don:** Structuring impact fees based on anticipated calls that the department makes is no different than assessing it on square footage, or the number of people, etc. I'm guessing that if Natalie is ok with it, and it's logical, then it's legal. If it doesn't fall in the face of the Statutes, then it's probably okay. I think that the Board is looking at ways to restructure these fees. We want the council to know that the Board really put some thought into this. He is on board with the concept.

Donna: Move to table for further discussion, seconded by Rene. Vote was 4-0.

3. Public Hearing: conditional use review of a proposed conversion of a single family dwelling into residential rental units for a Religious Conference Center. Applicant is Ferry Beach Park Association. Tax Map 3, Lot 75. Zoned R-1C.

Hamblen: The FBPA is an existing Religious Conference Center, a conditional use, off Seaside Avenue. It encompasses 32 acres and 6 individual parcels. The current proposal involves converting a single family dwelling into a four unit dwelling at 8 Morris Avenue. As a stand-alone with a different owner in the R-1c zone, this would not be allowed, as multi-family dwellings are not a permitted use. In this case, the building is a small part of a larger use that exists as a conditional use. Other housing units exist on the property, e.g., four cabins were relocated as part of the dining hall project.

Given the coastal location, and what amounts to a minor intensification of the existing use, the Code Office has referred the proposed conversion to the Board for review. To date, one e-mail from an abutter expresses concerns about parking in season.

Determination of Completeness

Staff's review of the application concludes that there is no need for waiver of any items; the plans submitted are suitable for conveying the information necessary for this project. We have asked for more info on the proposed exit lights and a clearer delineation of parking spaces available to tenants of the dwelling

Donna: all these lots fall under a Conditional Use? They were never merged?

Bob: Yes, but can't answer why. There are 4 separate lots and one across the street. Why they haven't been meld together, don't know. This organization goes back to 1901.

Don: What's the difference? 4 rental units in one dwelling vs. 4 rental units on private. What says that it's not a multi-family, which isn't allowed in that zone?

Rene: "Move that the Board find the application for a conditional use permit submitted by Ferry Beach Park Association to be complete." **Seconded by Deborah. Vote was 4-0**

We asked Deputy Chief Ray Demers about any parking issues he may be aware of in the vicinity of the subject property:

I am not aware of any issues related to this area. I understand that added residential units may increase the number of vehicles parked legally in that area. If someone is parking in a private driveway a call should be made to the police department. If the owner cannot be found the vehicle can be towed at the owner's expense. That would be up to the property owner to decide. It may be necessary to have a meeting between the area residents and the Ferry Beach Park Association to address the parking issue. Unfortunately for some "legal" parking is first come first serve. I am assuming that approval for this project would also hinge on the appropriate number of parking spaces being provided to residents/renters.

See response provided by Cathy Stackpole, Executive Director of the FBPA.

Cathy Stackpole, Executive Director for FBPA: They are changing one dwelling into 4-units. They will not be year round units. There is no handicap access where they can rent. Young family's want bathrooms close by, so they will add a bathroom to each unit as well as make it handicap accessible. This house was built by the former director. It will be used during the conference center season.

There is no kitchen, no coffee makers. **Don:** So you are creating 4 rooms with baths and no kitchens? That makes the distinction. **Rene:** And it will be handicapped assessable. He would like to see some signage regarding parking, per comments from abutter, Ron Rudis's email
Cathy: They should be able to accommodate and make it better.

Deborah: Move to open the public hearing, seconded by Donna. **Vote was 4-0**

Brian Dunfee: President of the Rod and Gun Club. He has no problems with this proposal.

Dave Pendleton, Deputy Fire Chief: And they have agreed to have sprinklers and alarms.

Donna: Move to close the public hearing, seconded by Rene. Vote was 4-0

Rene: “Move that the Board grant approval under the provisions of the Saco Zoning Ordinance for the application submitted by the Ferry Beach Park Association, based on the Conditions of Approval and Findings of Fact dated March 31, 2015.” With the added condition to add private drive signage for parking on Morris Ave. Seconded by Deborah. Vote was 4-0. Motion passes.

4. Public Hearing: Preliminary subdivision review of a proposed four lot subdivision off Simpson Road. Applicant is Mezoian Development LLC. Tax Map 115, Lot 12. Zoned C-1.

Don: How far do we go with this, considering the developments spoken in workshop tonight?

Hamblen: Well if the Board is in agreement, that the concept presented is a private road, and a subdivision, and the two can't be proposed as one. Then that would mean refusing to review the plan because it falls short of the ordinance and the subdivision regulations requirements.

The previous 4-lots were approved a while back, all had frontage on the Simpson Road, and they should have been shown on this plan. This is a subdivision plan proposed on a private road, and it's like oil and water, they doesn't mix. **Mike:** The parcels were purchased separately.

Donna: She would like to hear from the applicant to see what alternative plan might be proposed. And are there plans to have this private road offered for acceptance?

Don: He has a problem with moving forward. We are being presented with a subdivision on a private road and our Subdivision Regulations doesn't allow it, so why are we even considering it?

Donna: To her, there is no difference between a subdivision that is accepted that has a new street, but it's not a public street, but yet there is intention to offer it to the town. Why can't a person with a private road do that as well? I don't know. Maybe if I ask the applicant that he may say his intention is not to bring it up to City standards or offer it to the City, but I don't know that. So I would like to have that question answered. **Don:** Well it has been proposed as a private road. To him, the intention from the developer is to keep it a private road. **Donna:** Every subdivision application has a new road and is presented as a private road. It's not a public road. **Don:** No, but the applicant recognizes in the process going in with his eyes wide open that ultimately he's going to have to get that road accepted as part of the subdivision. He knows this up front. His concern is that the design of a private road and the design of a city acceptable street ultimately are different in this

particular application, and for that reason, the review process of this subdivision with private road laid out on it is inappropriate. **Bob:** there is a clear distinction between a private road that is 9 out of 10 times graveled, and only 18ft wide, where as a public street is paved and 24ft wide.

Rene: Why can't we review this as a workshop, so that we can at least give feedback to the applicant? **Don:** that means you are moving forward with this proposal. **Rene:** No, not if we workshop it. **Don:** by moving forward, you are saying that it is conforming.

Hamblen: Don't think it should move forward, even as a workshop. It was advertised as a public hearing. It's not in order. The application cannot be viewed as complete.

Deborah: Motion: The application as submitted fails to comply with certain ordinance and Subdivision Regulation requirements, consequently the Board does not see the need to continue to initiate a review, seconded by Rene. Vote was 3-1 (Donna) Motion passes.

Meeting adjourned at 8:00pm

Respectfully submitted by,
Maggie Edwards
Board Secretary