

Minutes
Planning Board Meeting
Tuesday, May 19, 2015

Members Present: Neil Schuster, Chairperson; Don Girouard, Deborah McKenney, Donna Bailey, Marty Devlin, Peter Scontras, and Bob Hamblen, City Planner, Angela Blanchette, City Engineer. Absent: Rene Ittenbach.

Workshop 5:00 p.m.

Discussion of proposed Contract Zone for commercial use at 115 Loudon Road.

Regular Meeting 5:30 p.m.

1. Minutes of May 5, 2015

Peter: Move to accept the minutes as written, seconded by Marty. Vote was 6-0

2. Public Hearing: Site plan review of a proposed expansion of the Motel use at 994 Portland Road. Applicants are Bill Koch and Sandra Murray. Tax Map 63, Lot 5. Zoned MU-3.

Hamblen: The applicants, Bill Koch and Sandra Murray, propose a significant expansion to the existing rental cabins on the westerly side of Rte. 1, which would fall under the City's definition of "Motel." They would retain the duplex and seven cabins on the property, and add 29 new one-bedroom cabins and a swimming pool. The motel would operate year-round, as have the cabins for at least the past 20 years.

The MU-3 zoning recognizes "Hotels and Motels" as permitted uses. The applicants intend to extend the sewer service from where it currently exists on the easterly side of Rte. 1 at the intersection of Waterfall Drive (Park North) across Rte. 1 so as to service the project. Removal of existing septic system will free up space for new buildings. Another plus is the proposed closure of one of the two existing curb cuts.

One parking space per guestroom is required, plus one space for each employee on the largest shift; 61 spaces are proposed. The cabins are proposed from 336 s.f. up to 420 s.f. in floor area, and would include a small kitchen and laundry facilities. Exterior elevations are included in the site plan application, and will be subject to design review.

There is over 10,000 s.f. of soil disturbance proposed, so the project is subject to a storm water management plan based on infiltration into the well-drained soils. Traffic is projected at fewer than 400 trips per day, so a traffic impact analysis is not required.

The buildings are subject to design review by the Board.

The site plan application submitted is near complete, with two waivers requested: Sec. 1104-1(13) medium intensity soils map, and (18) photometric plan.

Donna: "I move that the Board grant waivers of submission requirements 1104-1(13) medium intensity soils map, and (18) photometric plan." seconded by Deborah. Vote was 6-0

Donna: "I move that the Board find the application for site plan review to be complete." Seconded by Marty. Vote was 6-0

Donna: "I move that the Board find the application for design review to be complete." Seconded by Marty. Vote was 6-0

A. Issues Addressed to Date

- The lighting plan has been reviewed by an FST reviewer. The proposal is a cut-off wall pack on each cabin, and a pole-mounted light at the entrance. A waiver is requested for a photometric plan, and we have asked for greater detail on the wall packs – now supplied. Also recommended an LED fixture rather than the incandescent proposed; given the applicant's willingness to install a Domus Small fixture similar to those on Main Street, this issue is addressed.
- Wetlands have been reported to be absent from the site by soil scientist Mark Cenci.
- Engineering review: as of this writing, we await comments from Joe Laverriere, FST.
- The landscaping plan has been reviewed by Joe Hirsch, Parks and Rec Dept., and found to be acceptable.
- Fire Dept. staff has reviewed the turning radii into and throughout the site for fire trucks or vehicles of comparable size, and is satisfied per 11/24/14 e-mail.

Staff is satisfied that this application is in compliance with all applicable standards save for storm water management. The proposed expansion of the existing use is significant, but, it remains a relatively small traffic source, will be connected to public utilities, and is a relatively low impact use in this location.

Bill Koch, applicant: The plan is to add 29 new transient cabins, plus add a pool. Elevations have been submitted. This property is located in the MU-3 zone, which permits motels. The MU-3 zone permits up to 50% lot coverage and this proposed expansion will involve 45% lot coverage. The expansion will include two handicapped accessible units and three ADAZ approved units for the hearing impaired.

Municipal sewer will be brought to the site. A second driveway entrance will be eliminated. The existing driveway shall be 18' wide. 61 parking spaces will be provided for 40 bedrooms, which is more than the requirement. The entire interior of the project will be private. All of the proposed cabins will have varied muted earth-tone colored siding and numerous architectural features. They will offer short term and long term stay. The market is strong for these units. There are existing trees for screening.

Don Girouard: Will you be providing access to the Leary property?

Bill: They will have egress at the northern point of property.

Peter Scontras: There is a hammerhead at the end. Will there be enough space for turn-around for ambulance and fire? Especially in the wintertime? And where will the space to the Leary property go? **Bill:** That would be for future expansion only. **Peter:** Yes, but for today, how do they get out? **Bill:** He can only refer to Deputy Fire Chief Pendleton and he says that the 18ft is sufficient. **Don:** Would you provide a plan that reflects Lots 6 & 7 will have dedicated access north of the property, as a future access point? **Peter:** The infrastructure area of 16 and 20 is flat? **Bill:** It is a one level plateau and has a 20ft setback. **Peter:** He still questions if equipment can fit there.

Deborah: Move to open the public hearing, seconded by Marty. Vote was 6-0

Ron Michaud, Bayview Road: Is this going to be transient or long term? What is considered a short period of time? **Bob Hamblen:** He read the definition for Motel in the zoning ordinance. **Bill:** It seems to be a grey area. Bob will discuss with Dick Lambert, Code Enforcement Officer.

Don: Move to close the public hearing, seconded by Peter. Vote was 6-0.

Donna: "I move that the Board grant approval for the site plan for the Village at Pine Meadows Motel at 994 Portland Road, based on the Findings of Fact and Conditions of Approval dated May 19, 2015." With conditions that the plan will reflect no building construction in the corridor and a dedicated access to the west be added to the plan, seconded by Deborah. Vote was 6-0. Motion passes.

Peter: He would like to add to the Conditions of Approval, that the corridor space be noted to stay green and to add the access turn. Donna agreed to the added conditions, as well as Deborah. Vote was 6-0. Amended motion passes.

- 3. Public Hearing: Preliminary subdivision review of a proposed five-lot subdivision on Lincoln Road. Applicant is Bill Nutting. Tax Map 101, Lot 27. Zoned C-1.**

Hamblen: The Board granted approval for this four lot subdivision on March 19, 2015. There has been no activity to date on the project, and there was no request to extend the approval prior to the end of the initial two year period. So, the approval has become null and void. The applicant, Bill Nutting, has submitted a request to get the project re-approved.

Nothing has changed from the 2013 proposal. It would include an existing single lot off Lincoln Road, and 3 proposed lots with frontage and access from Ricker Road. The fifth lot is due to the March 9, 2011 conveyance of a single lot, shown on the 2013 plan as being owned by Tyler Gobeil. Aside from

electricity, cable and phone, public utilities are not available or nearby, so lots would be serviced with private wells and septic systems. No street construction is needed or proposed.

The Fire Department requested that fire protection measures occur, which the applicant has responded to: individual sprinkler systems are proposed.

Staff sees no other issues at this time.

DPW reports that the Ricker Road right of way is 49.5 feet wide; Lincoln Road ROW is 40 feet wide. Section 10.8.8 from the Subdivision Regulations dictates that a 5 foot wide strip of land along a less-than-50-foot-wide right of way can be required of the applicant. The Lincoln Road frontage has been identified as such, and will be dedicated to the City as part of the final approval. This is reflected on the plan.

No open space nor recreational facilities are proposed, so payment of an impact fee is addressed in the Conditions of Approval.

Neil: If there is no change, can we approve both preliminary and final? **Bob:** According to Natalie Burns, approvals must take two meetings.

Don: "I move to find the application for preliminary subdivision review to be complete." Seconded by Donna. Vote was 6-0.

Don: Move to open the public hearing, seconded by Deborah. Vote was 6-0

NO comments from the public

Don: Move to close the public hearing, seconded by Peter. Vote as 6-0

Don: "Move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the 5 lot subdivision proposed by applicant Bill Nutting based on the attached Findings of Fact and Conditions of Approval dated May 19, 2015." Seconded by Donna. Vote was 6-0. Motion passes.

- 4. Public Hearing: Preliminary subdivision review of a proposed 16-lot subdivision off Richards Way. Applicant is Mezoian Development LLC. Tax Map 23, Lot 20. Zoned R-1a. Item was tabled at the July 29, 2014 meeting.**

Hamblen: Applicant MSB LLC, represented by Mike Mezoian, has submitted an updated preliminary subdivision plan for the sixteen (previously 14) lot Juniper Knoll II project, off Richards Way and Ocean Greens Drive. Originally proposed as a clustered subdivision, the current application is a standard format subdivision, all lots 20,000 s.f. or larger, all lots with 100 feet of frontage or more.

This project would be the 6th that will be considered as a “common scheme” development – once upon a time in common ownership of a former owner -- starting with Ocean Greens II approved in 2002, Strawberry Fields approved in 2004, Carson’s Point, Juniper Knoll, Copper Leaf, and now Juniper Knoll II. Combined, the acreage occupied by these six project is 104+/- acres, and would total 108 lots if the current proposal is approved.

The Planning Board has reviewed each of the projects to date under local subdivision regulations, and with the authority delegated to the City by the DEP, per Site Location of Development rules. With the cumulative area now exceeding 100 acres, review authority reverts to the DEP. Discussion has concluded that the City could request the authority to review this project as it has the other five and there is some likelihood the DEP would allow that. However, the run-up to the project has received a fair level of scrutiny from the neighborhood, and staff sees no upside to the City/Planning Board overseeing both local subdivision and Site Law review. The DEP will conduct review of the Site Law amendment, which will include review of a Storm water Permit application. As always, Natural Resource Protection Act (NRPA) permitting will be handled by the DEP, too. In this case, 16,980 s.f. of wetlands alterations are proposed.

Since the last meeting, July 29, 2014 – it has been determined that traffic generated by the common scheme projects would now top 100 trips in the peak PM hour. This triggers a Traffic Movement Permit from the Maine DOT; see discussion below.

Single family homes would be built on the lots, which range in size from 20,000 s.f. to 82,177 s.f. All lots would be accessed via a proposed 675 foot extension of Ocean Greens Drive or the proposed 1,604 foot “Taylor Berry Lane.” Each is designed as a City street, including the narrowing of the latter to 15 feet, with one-way traffic which will require a waiver. All utilities would be public. No open space is proposed, therefore a per lot fee will be assessed for open space and recreational facilities.

Project engineer is Steve Blake, BH2M.

A. Finding of Completeness

The preliminary plan application was found to be complete at the Board’s July 29, 2014 meeting.

- The Department of Public Works has recommended that Richards Way be identified as the sole construction route for the project, same as for Juniper Knoll and Copper Leaf. Also, they are requesting that the Board impose a \$1,098 per lot fee that would go toward an overlay of Richards Way at the completion of this project. This fee has been required of lots within the Juniper Knoll and Copper Leaf subdivisions to date, was first collected in February, 2012, and totals \$30,766.40 to date – 28 houses. This is addressed in the draft conditions of approval.
- Traffic – since the July 2014 meeting, the Maine DOT has confirmed that the cumulative impacts of Ocean Greens II, Strawberry Fields, Copper Leaf, Carson’s Point, Juniper Knoll and now Juniper Knoll II now trigger a Traffic Movement

Permit. A scoping meeting was held by MDOT with the applicant and City on April 1, and a traffic study is currently under way.

The Traffic Safety Committee met on 9/25/14 and discussed the potential for a 4-way stop at Richards Way and Ocean Greens Drive, which was at the time a 2-way stop. It is now a 4-way. Also, streetlights off Ocean Greens Drive by the detention pond in Strawberry Fields, and by the ball field off Richard Way. The former has been installed; the latter is scheduled, if not actually already installed.

- Wetlands have not yet been finalized. A June 10, 2014 letter was submitted from Mark Hampton, and you will find in the packet a June 16 response from Normandeau Consultants seeking a red lineation and whether a vernal pool survey has been done. No response beyond that. It is staff's understanding from Mr. Blake that DEP staff has requested a red lineation of wetlands. Upon verification of that from the DEP, this issue should be finalized.
- Storm water – the subsurface chamber system for collecting storm water has been scrapped in favor of a wet pond and a vegetated, undertrained filter. The DEP is reviewing the Site Law modification for this project, which would include a Storm water Permit.

B. Conclusions

Project Manager Steve Blake says the Site Law modification and NRPA applications will be submitted to the DEP after this meeting, as they'd like to be sure the project is indeed moving forward.

Still pending, in addition to the DEP permits:

- traffic study and Traffic Movement Permit, under review by MDOT,
- a response from Mark Hampton to Jennifer West's comments re: wetlands, though DEP verification of the wetlands delineation would be acceptable, and,
- turning movement information as to whether Richards Way and Ocean Greens Drive radii are adequate for entering and exiting construction traffic.

As Board members know, you may take action either prior to permits being issued by outside agencies with appropriate conditions of approval, or, you may choose to wait until those agencies have acted before taking action locally.

Peter: What of the hammerhead and the ability to turn a vehicle around? **Bob:** Yes it is designed for that. **Don:** What of the 16-lots on a dead-end street? **Bob:** Yes. The Board had many discussions on that. They do comply by bringing in an added street "Taylorberry Lane"

Steve Blake, BH2M: The extension of Ocean Greens Drive will be 700ft, with 9-lots on it. Taylorberry Lane will be 1600ft, and is intended to be a City street, with sewer, public water and underground utilities. Two storm water managements, and 2 wet ponds, and grass under drain. Traffic movement study is complete.

Randy Dunton of Gorrill-Palmer, gave a briefing on how they do their traffic calculations.

Don: Move to open the public hearing, seconded by Donna. Vote was 6-0

Kathy Porter, 18 Ocean Greens Drive: She would like to make 3 points.

1st) Traffic Study information; She would like to be taken through the traffic study findings. She is concerned with construction traffic and the fall out on Ocean Greens Drive and Elmwood Drive. The key times for the study should be 7:15am to 8:15am and then 5-6:00pm. They are missing the early commutes. There is a missing link in the study. And how is 8 years of construction traffic considered temporary. She would like a separate study to talk us through it.

2nd) Goosefare Brook Study: She would like it corroborated that Goosefare Brook is not impaired in the area skirting our development and that plans for Storm water management will mitigate runoff so as not to contribute to the future impairment of Goosefare Brook.

3rd) Other future development: She would like to know what lots are still privately owned in this immediate area of Strawberry Fields, Richards Way, Carson Point, Juniper Knoll I & II and Copper Leaf and what would be the potential for further development.

Don Duffy, 28 Richards Way: He lives across the “no-cut” Storm water Buffer. He was told when he purchased his home that there would not be any roadway built across from his lot. The proposed road will cause the headlights of vehicles to shine into his house. The Board should not favor a proposed road over the storm water buffer. He would encourage the Board to review all correspondence before making any decisions. People are being misled on this development.

Kevin Roche, 18 Vines Road: Goosefare Study was done on the upstream last summer. This summer will be the Marsh study, which will be final in 2016. There is a public hearing on June 5th where citizens are welcome, but he cautions that there won't be any conclusion until the public is notified. We will have to wait for the report. As for the Sewer question. They rely on an independent way-in from Howard Carter's Dept. He knows firsthand the significance of a posted sign. He lives across from the “Rachel Carson” sign, and he knows that that sign has been moved. But he knew about it. Some of these people don't know.

Janine Bodnar, 12 Ocean Greens Drive: She came for the results from the traffic study. Mr. Hamblen spoke of peace meal development. She was told from her realtor that Ocean Greens Drive was a dead-end. That Rachel Carson was undevelopable land. How are we to accommodate the public schools? How does the City plan for our children? Safety is her concern. It is a very busy street. In the summer it stays light late, but in the winter, it gets dark early, and she has concern for her children who take the bus. They have to cross the street that is very busy, plus the added construction traffic. The sidewalks aren't cleared in the winter. If approved, dialogue needs to be open to keep the sidewalks cleared. You say that construction traffic is suppose to use Richard's Way, but they are coming up and down Ocean Greens Drive.

Mark McCallum: the land at the end of Ocean Greens Drive, he has an easement. There are 5 emails where Bob was copied, where he asked about the application. There are 4-lots on this proposed plan that his ROW goes over. He is going ahead with sewer, which is already approved.

Neil put the public hearing on hold.

Randy Dunton, Gorrill-Palmer: the study was done in September. They took the 6 highest weeks and the third highest hour, set by MDOT. Capacity analysis – Richards Way. Lever of Service was in the 80's. Construction is usually considered temporary, mitigated thru the City, but 8 years is not considered temporary. Common Scheme of Development is what triggered the Traffic Movement Permit.

Angela Blanchette, City Engineer: Goosefare Brook Management. The EPA had a meeting with DEP and herself. There will be a large public meeting on June 18th, where notices will be sent out to key areas that are within the impaired watershed. They went to Copperleaf subdivision and tested connectivity and they were very normal levels. If something more questionable was found, they look closer at this area.

Neil: 1500ft dead-end street, one-way or two-way. Any difference? **Bob:** the short answer is No. emergency, no language in the Subdivision Regulations.

Steve Blake, BH2M: Right, Title and Interest are retained. The land has been surveyed and they feel comfortable with the results.

Bob H to Donna: Storm water buffer of Strawberry Fields. There is a 50ft ROW on the edge of that buffer.

Donna: It's not the City, but the DEP that will make the change? **Bob H:** That would be a legal question.

Ron Michaud: The No-Cut area. Can a road cross over it? **Bob:** It's the net effect. He can cross over it per DEP. **Ron:** Does it become a buildable lot?

Don Duffy: How does water in Ocean Greens Drive go uphill? **Steve Blake:** It's drained by gravity going to pond. Also the size of the buffer was not considered a buildable lot.

Neil suspended the public hearing again.

Further Discussion:

Peter: Right, Title, and Interest have been examined. As for the No-Cut buffer, it is probably wise to wait. If a legal problem for a ROW crossing lots, we may be causing a problem. Perhaps we should wait on DEP and its findings. **Marty:** agreed.

Donna: Legal opinion on Strawberry Fields amendment to the No-Cut buffer. Which comes first, amend Strawberry Fields plan? Finished work from traffic study.

Don: do we want to waive the cul-de-sac? And Steve requested a waiver on the width of Taylorberry Lane. **Peter:** Lots 13, 14, 15 are in question.

Neil: the applicant has legal council on his behalf, so we need to take that into consideration.

Don: Strawberry Fields plan will have to be amended if indeed they change the No-Cut buffer. Not sure of the Right, Title, and Interest, but don't see that as an issue. Mark M. talked about it a year ago, and he never did anything.

Angela: It is an important issue on the width of the road whether it will be a cul-de-sac or hammerhead, because it could effect storm water.

Issues:

Narrow Taylorberry Lane to 15ft and make one-way
Waiving the cul-de-sac

Don: Need Site Law Permit.

Don: Move to allow the applicant to depart from Section 10, 11.1.2, Taylorberry Lane to one-way and reduce from 24ft to 15ft width, Deborah seconded. Vote was 5-1 (Peter)

Don: Move to depart from Sec. 10.11.5.9a Cul-De-Sac to allow Ocean Greens Drive to terminate in a hammerhead, seconded by Marty. Vote was 5-1 (Peter)

Peter: "I move that the Board table further review pending information on the following items: Site Walk, and for Traffic Movement Permit to be completed until further review, Marty seconded. Vote was 5-1 (Don)

The Board decided to schedule a Site Walk of the site on June 2nd at 5:00pm. All to meet at the end of Ocean Greens Drive.

5. Public Hearing: Proposed amendments to Table 707. Signs in the Zoning Ordinance.

Bob: As reviewed at workshop by the Board on May 5, this proposal would amend Table 707 in the Zoning Ordinance by adding each of the mixed-use zones that have been implemented since the 2011 Comprehensive Plan was completed. The MU-1, MU-3 and MU-4 zones have been reviewed and approved by the City Council, and added to the Zoning Ordinance and Zoning Map, but had inadvertently not been recognized in Table 707. This action would correct that oversight.

Dick Lambert's e-mailed request to this effect. We have followed Dick's recommendations: that the new mixed-use zone sign standards fall under the former zones from which they were created. So, the MU-1 zone would have the same sign standards as the B-3 zone.

Donna: Move to open the public hearing, seconded by Marty. Vote was 6-0

No public comment.

Peter: Move to close the public hearing, seconded by Marty. Vote was 6-0

Don: "I move that the Board forward a positive recommendation to the City Council for the proposed amendments to Table 707 of the Zoning Ordinance." Seconded by Donna. Vote was 6-0. Motion passes.

6. Public Hearing: Proposed amendments to Section 10.8 of the Subdivision Regulations related to street access.

Bob: As discussed during workshop sessions on March 31 and May 5, clarifying language for Sec. 10.8 in the Subdivision Regulations is offered for the Board's review. The existing language has repeatedly proved problematic; while the intent was there, the language failed to achieve the goal of requiring that all lots in all subdivisions have frontage and access from a City street, or, from a right of way shown on a subdivision plan and intended to eventually be offered as a City street.

The draft language below attempts to clarify the issue.

- 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~~ minimize 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 frontage and access from a public street or from a proposed street shown on a subdivision plan and designed to City of Saco specifications, intended for future acceptance by the City. ~~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)

Amendments to the Subdivision Regulations reside with the Board; they need not go on to the Council for approval.

Donna: Move to open the public hearing, seconded by Deborah. Vote was 6-0.

No public comments.

Peter: Move to close the public hearing, seconded by Marty. Vote was 6-0.

Don: "I move that the Board approve the draft amendment to Section 10.8 of the Subdivision Regulations." Seconded by Marty. Vote was 6-0. Motion passes.

7. Public Hearing: Proposed amendments to Section 724 of the Zoning Ordinance related to private roads.

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

Over the years, staff has found this to be a bit cryptic, as have applicants. We offer the following amendment hoping to make the intent and the requirement more clear.

5. Nothing in this section shall override any requirement in the subdivision regulations that subdivisions and all lots within subdivisions be built on public streets. See Section 10.8, Subdivision Regulations.

No public comments were made

Donna: "I move that the Board forward a positive recommendation to the City Council for the draft amendment to Section 724.5 of the Zoning Ordinance." Seconded by Deborah. Vote was 6-0. Motion passes.

Meeting adjourned at 9:15pm

Respectfully submitted by, Maggie Edwards, Board Secretary