

Minutes
Planning Board Meeting
Tuesday, June 2, 2015

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

Regular Meeting 5:15pm

1. Minutes of May 19, 2015

Donna: Move to accept the minutes as written, seconded by Rene. Vote was 4-0. Motion passes.

2. Public Hearing: Final plan review of a proposed five-lot subdivision off Lincoln and Ricker roads. Applicant is Bill Nutting. Tax Map 101, Lot 27. Zoned C-1.

Bob: The Board granted approval for the preliminary plan for the re-approval of this five lot subdivision on May 19, 2015.

The Board granted approval for this four lot subdivision on March 19, 2013. 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 responded to in 2013 by agreeing to individual sprinkler systems. Staff sees no other issues at this time.

Rene: The 3 lots on Ricker Road; is salt run-off going to be a problem for those wells? **Bob:** he assumes they will be artesian wells. **Rene:** Then it shouldn't be an issue.

Donna: I move to find the application for final subdivision review to be complete, seconded by Peter. Vote was 4-0.

Applicant is not present, but the Board agreed it wasn't necessary for him to be here.

Donna: Move to open the public hearing, seconded by Rene. Vote was 4-0. No public comments.

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

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

Rene: move that the Board grant approval under the provisions of the Saco Subdivision

Regulations for the final plan submitted for the 5 lot subdivision proposed by applicant Bill Nutting based on the attached Findings of Fact and Conditions of Approval dated June 2, 2015, seconded by Peter. Vote was 4-0. Motion passes.

3. Public Hearing: Final plan review of a proposed amendment to an approved four lot subdivision off Simpson Road. Applicant is Mezoian Development, LLC. Tax Map 115, Lot 12. Zoned C-1.

Bob: This proposal to amend the four lot subdivision approval granted by the Board on 12/17/14 returns to the Board for final subdivision review, after having been granted preliminary plan approval at the Board's April 14, 2015 meeting. Per Section 7.1 of the Subdivision Regulations, the creation of an additional lot mandates both preliminary and final subdivision review.

Applicant Simpson Farm, LLC proposes to carve a fifth lot out of the abutting parcel owned by Mezoian Development, LLC, so that the four lot subdivision on a 12.226 acre parcel would become 5 lots on 14.3 acres.

The project would be serviced with individual wells and septic systems, and includes no proposed street, as each of the five lots would include 200 feet of frontage or more on Simpson Road. No open space is proposed, so a fee for open space and active recreation facilities is required, and addressed in the Conditions of Approval.

See handout of an updated Conditions of Approval regarding Storm water, and the need for staff to sign off on finalizing a plan. The Conservation Commission had questions regarding the Herman Berry property to the rear. His land abuts the end of Ginger Lane and the CMP power lines, and is landlocked. The potential is there to extend the street.

Peter: What about Open Space and Recreation area? Bob: The applicant will be paying a fee. Peter: While fees help, it doesn't help the kids and families in that area. Indirectly yes. Donna: **I move that the Board find the application for final subdivision review to be complete, seconded by Rene, and so voted, 4-0.**

Steve Blake, BH2M: He spoke with Angela on taking over the storm water buffer, and she said the City wasn't interested, so they will go to a homeowners association.

Rene: Move to open the public hearing, seconded by Peter. Vote was 4-0. Dave Pendleton, Deputy Fire Chief: He would like to request that a condition of approval be that the cistern goes in before any development starts.

Mike Mezoian, applicant: He agrees that the cistern should be made a condition of approval before any permit is issued. It should be made a standard in the zoning ordinance. And he spoke with Mr. Berry about access to his property, and he was not interested. Donna: **Move to close the public hearing, seconded by Rene. Vote was 4-0**

Donna: I move that the Board grant approval under the provisions of the Subdivision Regulations for the final plan for the proposed Simpson Road Amended Five Lot subdivision, based on the Findings of Fact and Conditions of Approval dated June 2, 2015.", with the added conditions that the Cistern be installed before any building permit is issued and the Storm water be finalized and found acceptable by the City Engineer and by FST, seconded by Rene, and so voted, 4-0.

4. Public Hearing: Contract Zone review of a proposed Public Riding Stable at 115 Louden Road. Applicant is River Winds Farm LLC. Tax Map 106, Lot 10-1. Zoned C-1.

Bob: The applicant, Beth Austin dba River Winds Farm LLC, proposes to put the horse barn/indoor riding arena on her property to use in conjunction with establishing a riding program with Thornton Academy. In the C-1 zone, a Public Riding Stable is a conditional use.

The challenge here is the side setback of the barn. For a barn within which a commercial use is proposed, Section 701-1(1) requires a 150 foot setback from all property lines. Otherwise, setbacks in the C-1 zone are 30 feet from the front line, and 25 feet from side and rear.

The barn received a site plan approval from the Board on June 5, 2012, based in part on the assurance that the structure would be for private use only, for which the 25 foot side setback was easily met. With a commercial use now proposed, and the 150 foot setback impossible to meet, the only real option is a contract zone addressing the situation.

The draft agreement would allow an educational horseback riding program to be established, allow a public riding stable to operate as a conditional use, and codify the reduction in side setback in this instance for a barn put to commercial use from the required 150 feet per Sec. 701-1, to 49 feet, as measured on the as-built plan.

See p. 3 of the agreement, Section III, for the standards that must be met, and upon which the Board must base its decision as to a positive or negative recommendation.

A handout from Thornton Academy was given to the Board dated May 29, 2015, supporting establishment of an equestrian program. Dick Lambert considers this a commercial use, which now pushes the setback to 150ft.

Beth Austin, owner and applicant: They never had plans to make it a public arena until now. We thought we would try and get the public arena approved, and maybe work with summer camps. She would like to start something here that is not being done. The property next door will be acquired, which will eliminate the setback problem on the side.

Peter: The setback requirement isn't being met. They need to see a plan showing the lot line setback moved over.

Neil: We are looking at this as a Contract Zone only. Are we comfortable with the change in use and the setback reduction?

Peter: With the requirement of a 150ft setback, it is hard to grant this request. The Regulations are there to assist and guide us. Are we setting a dangerous precedent? He can't approve this.

Rene: Setback is there to protect abutters. Need that setback between residential and commercial. Have you thought about a land swap with the Harris's?

Linda Carville, on behalf of Beth Austin: Would it help to move the lot line to get the proper setback on 107 Louden Rd? **Rene:** If we make it a commercial use, are we opening up a can of worms? **Donna:** yes, but this is a permitted use. **Rene:** Except for the setback issue. **Neil:** Moving the property line is another issue. Right now it is the Contract Zone.

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

Peggy Harris, 103 Louden Rd: She read a letter from her daughter Julie. No objection to what was originally approved for personal use. She does, however object to spot rezoning.

Beth Austin: She understands that they thought we would be a competitor with them, but she is not. She even thought that maybe the Harris's would want to do the English riding classes, because she is only interested in Western riding.

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

Neil: There are two items that the Board has to take under consideration:

- a. Reducing the setback
- b. Add the condition for public riding stable.

The Board voted on the 4 Standards.

- A. The parcels identified as Tax Map 106, Lots 10-1, 10, 8 and 8-1 are parcels of an unusual nature and location. Donna moved for a positive recommendation, seconded by Peter. Vote was 4-0.**
- B. The proposed rezoning is consistent with the 2011 Saco Comprehensive Plan: Donna moved for a positive recommendation, seconded by Rene. Vote was 4-0.**
- C. The proposed use is consistent with the existing uses and permitted uses within the original zone. Rene moved for a negative recommendation, seconded by Peter. Vote was 3-1 (Donna)**
- D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance. Donna moved for a positive recommendation. No second motion. Motion fails. Peter moved for a negative recommendation, seconded by Rene. Vote was 3-1 (Donna)**

Rene: I move that the Board forward a negative recommendation to the City Council for the contract zone proposed by River Winds Farm LLC for commercial use of the indoor riding arena at 115 Loudon Road, seconded by Peter, and so voted, 3-1 (Donna).

Meeting adjourned at 7:00pm

Respectfully submitted by,

Maggie Edwards
Board Secretary