

Minutes  
 Planning Board Meeting  
 Tuesday, August 4, 2015

Present: Don Girouard, Acting Chairperson; Rene Ittenbach, Michael O'Toole, Peter Scontras, Bob Hamblen, City Planner, and Patrick Fox, Director of Public Works. Absent: Neil Schuster, Donna Bailey, Marty Devlin.

Workshop – 5:00pm

**a. Sketch plan review of a proposed eleven lot subdivision at 79 Buxton Road. Applicant is J. Thomas Scrivener, LLC. Tax Map 88, Lots 14 and 14-2. Zoned R-1d.**

**Hamblen:** Longer serving Board members will recall seeing a similar proposal for this piece of property off Buxton Road. The house lot of a former abutter has been acquired by this applicant, and is now part of the plan – an improvement, as the proposed street can now be aligned with Blake Avenue, across Buxton Road. This plan calls for 11 lots and a roughly 1,100 foot, dead-end road off Rte. 112. Public sewer and water are proposed.

The project is likely to be subject to an NRPA Tier 1 permit based on wetland impacts. It falls within the R-1d zone, with its 15,000 s.f. minimum lot size, and 100 foot frontage requirements.

**b. MU-3 Zone discussion**

**Hamblen:** Elliott Chamberlain has raised questions about a couple of topics:

- The MU-3 zone requires 200 feet of frontage for a lot. Is this too high a number? See attached Zoning Ordinance language having to do with the MU-3 zone.
- The Park North contract zone called for, in January 2008, “290 residential units of multi-family dwellings and approximately 200,000 s.f. of commercial space.” Much of that commercial space was proposed within “Parcel 1,” as shown on the attached Parcel Plan. The attached contract zone agreement also addresses parcels 1-4 in terms of both lot and yard requirements, and uses. Elliott is interested in discussing the potential for going toward a mix of uses instead on what are shown as Lots 18 and 19 on the attached Sheet Index, both falling within Parcel 1.

**Regular Meeting 5:45pm**

**1. Minutes of July 21, 2015**

**Don made a correction on the motion for the 4 standards on page 4. Each standard should read “I move that the Board find affirmative that each standard was met”. Rene moved to accept the minutes as amended, seconded by Peter. Vote was 4-0. Motion passes.**

**2. Public Hearing: Site plan review of a proposed Warehouse use at 54 Ocean Park Road. Applicant is Ocean Park BC, LLC. Tax Map 34, Lot 14. Zoned B-2c. Item was tabled at July 21 meeting.**

**Hamblen:** Board members will recall review of this item being table at the July 21 meeting. Submission items landscape plan and lighting plan were waived for that meeting, and have since been submitted, as well as updated building elevations. The applicant has agreed with replacing the existing culvert at the proposed driveway entrance, and also submitted draft condo association documents which have been reviewed and signed off on by the city attorney.

As was noted last meeting, applicant Ocean Park BC, LLC proposes two buildings totaling an 8,800 s.f. footprint that would be offered as commercial condominiums at 54 Ocean Park Road. Six units ranging from 1,280 to 1,840 s.f. would be constructed, and available to establish uses allowed in the B-2c zone.

Find copies of FST's and other comments in the packet (we await FST comments as this is written. If not in packet, comments will be available for the meeting). The draft Conditions of Approval cite the need for responses and revisions.

With the submission of the landscaping and lighting plan, the application is now complete.

**Bill Thompson, BH2M:** Proposal is for a 6-unit commercial condos. Condo documents have been submitted. They eliminated one parking space, and proper delineation of handicap space has been done. They will add a new 18" culvert at the entrance. Landscaping will be added on the street front. Photometric plan has been approved by FST. Wallpaks will be installed on the back of each unit. They have broken up the street view of the building by adding a shed dormer and a window.

**Peter: Move to open the public hearing, seconded by Mike. Vote was 4-0. No comments from the public. Peter: Move to close the public hearing, seconded by Mike. Vote was 4-0.**

**Mike: I move that the Board grant approval for the Ocean Park Warehouse site plan based on the submitted application, and Findings of Fact and Conditions of Approval dated August 4, 2015, with the conditions that all FST and staff comments are met, seconded by Rene. Vote was 4-0. Motion passes.**

**3. Public Hearing: Site Plan review of a proposed commercial building at 7 Ocean Park Road. Applicant is Burrow Minot, LLC. Tax Map 34, Lots 118 and 119. Zoned B-2c.**

**Hamblen:** Applicant Burrow Minot, LLC, represented by Phil O'Connor, owns and operates the POC Collision Center at 7 Ocean Park Road. He proposes to demolish two buildings totaling 3,620 s.f., then construct an 8,000 s.f. building.

This project triggers the need for site plan review due to proposed new construction of a nonresidential building in excess of 1,000 s.f. The building is subject to design review; building elevations are included in the application materials.

Find copies of FST's and staff comments in the packet. The draft Conditions of Approval site the need for responses and revisions.

The site plan application is lacking a lighting plan, which the applicant has asked that the Board waive. Cut-off wallpaks are proposed at building entrance locations, no pole-mounted fixtures are proposed.

**Shawn Frank, Sebago Technics:** The plan is to demolish the existing office/detailing shop and the lease building, and construct a new 8,000sq.ft .building along Ocean Park Road. The structure does not create any additional impervious area. The parking area and entrance drive will be paved with curbing installed, to direct stormwater into a series of catch basins that discharge into additional structures within Ocean Park Road ROW. The new curbing and catch basins will improve stormwater routing, discharging the site. This will not cause any adverse effects to downstream properties. The driveway access to the property will remain in the same spot. A 15-foot landscaped buffer is provided between the one row of parking and the roadway. The only proposed lighting consists of full cut-off LED wall packs. Only one wall pack is proposed for the easterly side of the building. We are requesting a waiver for a full lighting plan. They are only proposing the one building out front. They will be keeping the back building, which is being leased, and not proposing any work on the back parcel.

**Don:** What about stormwater and drainage on that back parcel. **Shawn:** It sheets to the residential properties. **Patrick Fox, Director of Public Works:** they haven't had any issue with water in that neighborhood.

**Rene: I move that the Board waive submission requirement 1104-1.18 lighting plan, in that the minimal fixtures proposed will meet Sec. 1105 of the Ordinance, seconded by Mike. Vote was 4-0. Motion passes.**

**Rene: With the lighting plan waived, I move to find the application for site plan review submitted on behalf of Burrow Minot, LLC to be complete, seconded by Mike. Vote was 4-0. Motion passes.**

**Rene:** Is the paint booth environmentally safe? **Shawn:** It is self contained and it recently has been upgraded. State of the art.

**Peter: Move to open the public hearing, seconded by Rene. Vote was 4-0. No public comments made. Rene: Move to close the public hearing, seconded by Peter. Vote was 4-0.**

**Shawn:** FYI, the dumpster will be moved to the back of the building. The Board discussed fencing, but no direction was given to the applicant. **Bob:** While businesses are always hopeful of more business, the applicant expects that traffic in and out of this location will remain about the same post-construction. The applicant has agreed to pipe stormwater to the existing City system in Ocean Park Road, thereby doing away with the existing open ditch.

We doubt that an FST sign-off will be in place by meeting time. If the Board feels that the application is otherwise ready for an approval, the Conditions of Approval are drafted to take that into account. No other permits are needed. This is pretty much a fully impervious site, which will not change much with this proposal. We've heard no concerns from abutters.

Regarding design review, staff believes that the front, north-facing façade is an improvement over existing. The rear wall facing into the site is pretty much a blank, 80 foot long wall with a single exit door. Its visual impact on the public way will be minimal.

**Peter: I move that the Board grant approval for the POC Collision Center site plan based on the Findings of Fact and Conditions of Approval dated August 4, 2015, seconded by Rene. Vote was 4-0. Motion passes.**

**4. Public Hearing: Preliminary plan review and Site Location of Development review of a proposed 90-lot subdivision off Jenkins Road. Applicant is Pinehurst Development, LLC. Tax Map 89, Lot 35, and Tax Map 90, Lots 24-2, 21, and 23. Zoned R-1d. Item was tabled at the June 16 meeting.**

A. **Hamblen:** Meetings to date on this project:  
June 30 – site walk.

June 16 – preliminary plan review, tabled.

Sept. 17, 2014 -- preliminary clustered residential development review, approved.

What was a 93 lot clustered subdivision on roughly 85 acres made up of four parcels is now 90 lots on about 86.5 acres. The project would be serviced with public sewer and water. The details of the proposed sewer extension, in particular, remain a work in progress. Likewise with traffic, as a study has been submitted and has been reviewed by the City's consultant.

Somewhat more than 60% of the site – roughly 58 acres -- is proposed to be set aside as open space, well in excess of the required 35% of the subject parcel for open space. The Parks and Recreation Dept., the usual advisor on open space issues, has no interest in the City acquiring title to this acreage – again, see below.

Items that bear consideration:

- Lot size may be reduced to as little as 7,500 s.f. with a cluster subdivision in the R-1d zone. Proposed: 7,500 s.f. and larger.
- Lot frontage may be reduced to 75 feet in a clustered subdivision, from the usual 100 feet in the R-1d zone.
- Front yard setbacks may be reduced by half, from the R-1d required 25' as allowed under 602-7.C.
- Side and rear yard setbacks may be reduced from the R-1d required 20' as the Board sees fit, as allowed under 602-7.D at the Board's discretion. Proposed: 10 feet, side and rear.

- Based on an average density per dwelling unit of 41,920 s.f., 5% (4.47 acres) of the parcel must be developed for active recreational facilities, per Sec. 604-12. A fee in lieu may be paid, which is the applicant's preference: \$1,200 per lot, or \$108,000. The Parks and Recreation Department has stated that it prefers the fee in this case, rather than recreational facilities – see below.
- See Sec. 608 for the procedures to be followed for a cluster subdivision review:
  - 1) Preliminary Clustered Residential Development Review – granted 9/17/14.
  - 2) This is followed by preliminary subdivision review.
  - 3) Final subdivision review.
  - 4) Final Clustered Residential Development Review is conducted contemporaneously with final subdivision review, with the determination for Final Clustered Residential Development Review necessary before a determination on final subdivision review. Procedures are as outlined in the Saco Subdivision Regulations, except where alternative procedures and requirements are set out in this Article.

The preliminary subdivision application was found by the Board to be complete on June 16, 2015.

- Open space – as stated above, the City's Parks and Recreation Department is the staff resource on open space and recreational facilities issues. Following is the e-mail correspondence with SPR Director Joe Hirsch:
 

“Bob, we still stand that the SMS site is located within close proximity to this site so that the Parks and Recreation Department has no interest in having an open space in this project, especially one abutting the turnpike as is the case with most of the open space in Ryan Farms subdivision. We would suggest the Saco Valley Land Trust or SBT. – Joe”

Staff has asked the Saco Valley Land Trust whether it has an interest – it does not. We await input from the applicant on other options.
- Recreational facilities – there are no recreational facilities proposed within the subdivision, nor is the parks and rec department eager to see any either proposed or built. Consequently, an impact fee of \$1,200 per lot (3.2 people per three-bedroom dwelling x \$375/capita) is proposed to be assessed. Multiply this by 90 lots, and the City can expect \$108,000 in revenue specifically for purposes laid out in Sec. 1602-1 of the Ordinance.
- Sewer service – the City's sewer system along Jenkins Road was extended as part of the Brookside subdivision in the 1980s, and the proposed subdivision is across Jenkins Road from Brookside. The Brookside pump station was sized to handle that subdivision, and does not have the capacity to service another 90 lots, though the City – public works and treatment plant staff – have agreed that for Phase 1, as outlined in the July 30 Terradyn letter, sewage will be pumped by the proposed WSV pump station to an existing sewer manhole in Jenkins Road, which will in turn pump effluent to the existing pump station off Rte. 112, adjacent to Deep Brook.

The WSV applicant is tackling sewer design on two levels: the on-site sewer system and pump station, and also the upgrades that are being planned within Jenkins Road. This is an interesting demonstration of the value of the current utilities expansion planning

being done by staff. The gravity sewer main existing in Jenkins Road was installed to meet the fairly narrow needs of Brookside, hence is fairly shallow. The main would be of greater value, and service WSV's needs if it had been installed deeper, thus have been able to go further north along Jenkins Road. With the original sewer option of crossing the Turnpike having dead-ended, improving the gravity main within Jenkins Road has become part of the applicant's task. As noted by Terradyn, this design work will be complete and submitted with the final plan.

- Traffic – applicant and staff, including Gorrill-Palmer traffic engineer Randy Dunton on behalf of the City, met in June. It was recognized that potential measures intended to improve traffic conditions for the Jenkins Road/Rte. 112 intersection include the installation of a traffic signal, a center turn lane on Rte. 112, and a slight widening of the end of Jenkins Road where it intersects Rte. 112 in order to provide both left and right turn lanes for southbound vehicles.

While Terradyn has reported in its July 30 letter that "...the City has agreed to accept a per-lot impact fee that will be put toward making improvements to the Route 112/Jenkins Road intersection...", staff would describe that a little differently. With Mr. Dunton, public works, the PD and planning at the table, staff is in agreement that a per lot traffic impact fee of \$1,050 is acceptable as a contribution toward traffic improvements. Staff recognizes that this is really a PB call to make.

- Public water – Rick Knowlton of the Maine Water Company has been at the table for the utilities expansion planning process. Most recently the group met on July 30, and included Fire Chief John Duross. Maine Water is well aware of the project, and to some extent is holding back its own expansion design work until it sees how the PB process goes. The applicant hopes to be in the ground in 2015, and is hopeful that approval of the preliminary plan occurs soon.
- Wetlands – a Tier 1 NRPA permit has been issued by the DEP for the alteration of 14,526 s.f. of forested wetlands, copy attached.

**Don:** He has concern for the water line up the Jenkins Road. A stand pipe is needed to run that water pressure and flow. **Bob:** He has spoken with Rick Knowlton from the Maine Water Co. and he has no concerns getting volume, but pressure could still remain a problem. A stand pipe could be built. This is a 7,000 l.f. extension, and not cheap, but a standpipe would be another thing entirely, cost-wise.

**Patrick Fox, Director of Public Works:** He gives Maine Water credit. The capabilities are far beyond what Biddeford & Saco Water Co. was willing to do. CDM Smith has been very helpful with planning on both the sewer and water.

**Don:** What if Brookside 1 and 2 end up with bad wells? What is Maine Water doing about planning for that? **Pat F:** They have accounted for growth all down Jenkins Rd. up to Flag Pond Rd. So Brookside will fit right in. **Don:** Heard that the sewer is not deep enough. **Rene:** Walking across Rte. 112; I wouldn't want my kids going across that road. Open Space should be left for a recreation area for that development. **Bob:** What is holding Joe Hirsch back is his budget constraints. **Peter:**

He asked former students what they thought. Homeowners assoc. should take responsibility and maybe take one of the lots along the turnpike, which are least desirable. **Bob:** 58 acres are proposed as Open Space. Are more children these days really geared towards recreational parks? The Board may ask for a recreational facility, but the City doesn't want to own it.

**Aaron Shields, applicant:** Open Space doesn't discount need. They were told by the City that they would rather have \$108,000 in fees. They did what the City wanted. He has worked with Maine Water, and Mr. Knowlton. Standpipe is available for that project. Water pressure is there and meets the requirements. Maine Water is a totally different animal than Biddeford & Saco Water Co. We are not running 7,000 l.f. of water. We could not afford that. We are however paying a portion. They worked very hard on the traffic in coming up with a suitable fee amount that all parties agreed on.

**Jeff Amos, Terradyn Consultants:** They met with staff on the off-site sewer. They discussed raising the road near the Goosefare Brook area. FST has signed off on stormwater quality and quantity. The pump station design has not yet been signed off. Still some details to be addressed. The latest comments from FST dated Aug. 3<sup>rd</sup> are just plan notes and should not be an issue.

**Aaron:** The Homeowners Assoc. would own the Open Space, if the City doesn't want it. It would not be built on. **Pat F:** There are some funds that they will work with Terradyn to improve the sidewalk. **Bob:** He mentioned Donna Bailey's email comments regarding a barrier added along the turnpike.

**Aaron:** Landscaping could affect drainage. They are now looking at adding a 6ft fence, which would be a white stockade fence that would be owned by each homeowner. 20ft beyond that fence is another wire fence owned by the Turnpike.

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

**Craig Camire, 9 Camire Dr:** At the last meeting there was discussion of the length of time for build-out to be 3 years. What happens if it's not built in that time frame?

**Stefa Normantas, 90 Jenkins:** There are kids who bike, now you're adding 200 more kids, you barely have a sidewalk, there are drainage issues, the impact of 200+ cars. It's not safe. We can't send the kids down to the Middle School. Will he have to tie into the sewer system and pay an impact fee?

**Doug Doherty, 8 Kimberly Dr.:** Will there be any development on the abutting Fogg property? Will they all be single-family homes? Will it have standard landscaping for all or individual? What about sound mitigation from the turnpike?

**Sandy Shaw, Conservation Commission:** She doesn't agree with Joe Hirsch's comments about taking the cash. It is too far for the kids to ride their bikes to the Middle School. It should be noted that the Open Space remain as Open Space and not be developed.

**Mary Williams, 12 Country Woods Dr:** She is concerned with the impact on her well.

**Aaron:** Build out: He can't commit to having it all built out in 3 years. The ordinance is not clear if that applies to a phased project? **Bob:** In 2008 the Board revised the Subdivision Ordinance: streets must be completed within 36 months, with a 1 year extension possible, and in the case of a phased project, each phase must be completed within 3 years of the performance guarantee.

**Don:** What about hooking up to Brookside sewer pump station? **Aaron:** that would just be temporary. The condition of the sidewalk, drainage, open space, water, sewer, will all be improved and/or fixed. The development of the Fogg property is not in the plan right now, but it is possible that it could be developed in the future.

The landscaping will have one master plan, but each owner will have to abide by those plans.

They are bringing in sewer and water, so there will be no impact to Mrs. Williams well.

Sound Mitigation: There is nothing better for a sound barrier than homes.

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

**Don:** Active recreation space is needed for the kids. We could credit some of the impact fee. Traffic improvements. He thought that there was a warrant for a signal a few years back, but it kept falling off the radar.

**Pat Fox:** I think there was some money and a lot of talk, but it was never warranted. **Rene:** Can't expect to burden the applicant to that extent.

**Randy Dunton, Gorrill-Palmer:** existing traffic doesn't meet the warrant. It's close. There are steps you can take like, striping for a center lane on Rte. 112 and have a separate left turn onto Rte. 112, and a right turn onto Jenkins Rd. But the best thing in his opinion is to collect money and do the work all at once. And go for a signal. The capacity of Jenkins Rd is not the problem. It was designed for traffic.

**Peter:** Any thought to re-routing the traffic to the end of Jenkins Rd. Flashing light. Aligning Jenkins Rd with Hillview Ave? Mitigation on other projects that warrant, and have the City pay for the signal and then continue to collect fees, and essentially pay themselves back? **Mike:** How about the applicant taking the Open Space and making it part of it as Recreation and having the Homeowners Assoc. be responsible for it? The Board discussed making the Open Space for trails, or a dog part. Also that Joe Hirsch and the applicant work out something.

**Aaron:** After some thought, he recommended that they add a basketball court as active open space in the future access road, and reduce the impact fee accordingly.

**Mike: I move that the Board grant approval under the provisions of the Subdivision Regulations for the preliminary plan for the proposed West Side Village subdivision, based on the attached Findings of Fact dated August 4, 2015, with the addition that the developer**

**submit an active recreation plan as a condition of a final approval, seconded by Rene. Vote was 4-0. Motion passes.**

Meeting adjourned at 9:30pm

Respectfully submitted by,

Maggie Edwards  
Board Secretary