

Minutes

Planning Board Meeting

Tuesday, September 29, 2015

Members Present: Neil Schuster, Chairperson; Donna Bailey, Michael O'Toole, Peter Scontras, Bob Hamblen, City Planner; Joe Laverriere, City Engineer. Absent: Don Girouard, Rene Ittenbach, And Marty Devlin.

Workshop 5:00pm

Discussion of traffic impact fee issues:

Hamblen: There is some interest on the part of the Board in ensuring that traffic impact fees are correctly addressed in the Zoning Ordinance. Having just gone through this exercise with West Side Village, members are aware that an impact fee of \$1,050 per lot was assessed for the subdivision, based on two things: enabling authority found in the Subdivision Regulations (Sec. 10.8.2), and the recently completed Rte. 112 Corridor Update Study. As well, of course, as review of the project by Gorrill-Palmer.

Staff believes that the language found as cited above, and in Sec. 709-6 of the Zoning Ordinance is adequate for the imposition of impact fees, even though it is a departure from Article 16, where language addressing impact fees for open space and recreational facilities, and more recently fire and emergency medical services, is found.

With that said, we sought input from the City Attorney as to whether the existing section noted above suffice: does the language create an impact fee for traffic, and allow the PB to require such a fee? See Tim's August 26 response, attached.

So, if Tim's suggestion makes sense, we can draft language as he suggests. Or, if the Board feels that all references to impact fees are best congregated in Article 16, we can take that route. Either way, we can have a draft back to the Board for further workshop review on Oct. 13, or, can advertise for a public hearing and hold it on the same date.

Existing Traffic Impact Fee Language

Zoning Ordinance --

709-6. IMPLEMENTATION OF OFF-SITE TRAFFIC IMPROVEMENTS.

When improvements to roads or intersections within the study area are required as part of a condition of approval of a site plan, conditional use, or other permit, these improvements must be implemented prior to occupancy of the development except where the following occurs:

A. Maine Department of Transportation Impact Fee is applied.

- (1) Impact fee payment. The applicant has paid or will pay an impact fee to Maine DOT for future improvements; and
- (2) Impact Fee Use. The impact fee will be used to make the required improvements by Maine DOT; and
- (3) Improvement Plan Approval. The improvement plan has been reviewed and approved for implementation by the City and Maine DOT; and
- (4) Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the development; OR

B. City of Saco Traffic Mitigation Fee is applied.

- (1) The City may impose traffic mitigation fees on projects in addition to and/or in lieu of actual improvements;
- (2) The City may impose traffic mitigation fees on the project for their impact on substandard intersections or roadways; OR

C. Where Improvements are to be implemented by Maine DOT or the City of Saco. The applicant demonstrates that the necessary traffic improvements have been identified by the Maine DOT or the City of Saco as improvements which will be implemented; OR

D. Where Monitoring will be performed by the applicant. The applicant will be responsible for monitoring safety and/or traffic conditions. The approval conditions may also make the applicant responsible for implementation of improvements if the specified monitoring conditions are met. (Amended 4/30/07)

Subdivision Regulations –

10.8.2 The street giving access to the subdivision and neighboring streets which carry traffic to the subdivision shall have capacity or be suitably improved to accommodate the amount and type of traffic generated by the proposed subdivision. No subdivision shall decrease the level of service below D (levels of service are defined by the Highway Capacity Manual 2000 or later edition) at study area intersections. However, (1) at signalized intersections where the level of service is already below D; or (2) at signalized intersections predicted to drop below D where physical improvements cannot be made to attain D, or, (3) at unsignalized intersections, where physical improvements cannot be made to improve the level of service to D and provided that warrants for a traffic signal are not met, or signal installation is not desirable; the Board may approve the subdivision if it finds that adequate provisions for safety can be attained through imposing conditions of approval such as upgrades in signalization, one-way driveways, prohibiting certain turning movements, construction of turning lanes, or other improvements, or through a program of Transportation Demand Management measures, or

a traffic mitigation fee is assessed, as outlined in Section 709-6 of the Saco Zoning Ordinance, for a future improvement project, or monitoring is to be performed. (Amended 9/4/07)

Neil: Will the fee become less as you move out further? I think we should add it all into Article 16 as amendment with no changes being added. The Board agreed.

Regular Meeting 5:30pm:

1. Minutes of September 1, 2015

Peter moved to accept the minutes as written, seconded by Donna. Vote was 4-0

2. Public Hearing: Conditional use review of a proposed Public Riding Stable use at 115 Louden Road. Applicant is River Winds Farms, LLC. Tax Map 106, >to 10-1. Zoned C-1.

Hamblen: The applicant, River Winds Farm, LLC seeks to establish a Public Riding Stable on the property at 115 Louden Road. This is a conditional use in the C-1 zone. Beth Austin represents the applicant, and resides next door at 121 Louden Road.

Ms. Austin is currently approved for a private indoor arena, and for operating an educational horseback riding program in conjunction with Thornton Academy.

A Public Riding Stable is defined as: "An establishment where the public is permitted to ride horses for a fee. Horse riding lessons may also be provided."

Sec. 901-1 of the Zoning Ordinance charges the Planning Board with finding "...that the use meets the standards of Section 901-4..." Staff's review indicates that these standards can be or are met by the applicant.

Staff's opinion is that the application is complete. Plans from the earlier site plan review are part of the application materials, the as-built plan as well. The parking area is gravel and, as such, not striped. Given the nature of the proposed use and the rural nature of the property, staff is not overly concerned with traffic patterns or access aisles.

Donna: Is there enough parking? Is the parking lot going to be lighted?

The site plan reviewed by the Board on Aug. 18 found that the applicant's approach to access, parking, utilities, stormwater, erosion and sedimentation control, landscaping, lighting, buffers, and solid waste disposal is adequate, and site plan approval was granted.

While the arena itself is located on a 3 acre parcel, it is next door to the 15.9 acres that Ms. Austin calls home. Hence if additional space should become necessary for parking, it is likely available.

Mike: "I move to find the application for a conditional use permit complete." seconded by Peter.
Vote was 4-0.

Beth Austin: this is a small scale business right now. She was talking with her sister who has an “autistic” child, which started the conversation about therapeutic riding. Currently there is no lighting in the parking lot. **Donna:** For safety reasons and insurance purposes, you should have some lighting.

Beth: There is a utility pole on the corner of her lot.

Peter: If multiple events occur at the same time, it may cause an issue with parking. Maybe parking needs to be addressed now. I see this business growing and having issues with parking.

Beth: I wouldn't schedule multiple events at the same time. **Linda Carville:** I think that Beth wants to keep it on a small scale.

Bob: Sec. 708-1.10 of the zoning ordinance has a section for off-street parking to be held in reserve. As for the lighting, if the Board wishes, that can be reviewed by staff.

The Board agreed to designate an area to be reserved for future parking. They all agreed that the parking lot should be lighted.

Joe Laverriere, city engineer: A suggestion would be that maybe when there is an event, to notify the City so we can go out and evaluate and assess the parking?

Donna: “**Move that approval be granted for a Conditional Use permit for a Public Riding Stable at 115 Loudon Road, under the provisions of the Saco Zoning Ordinance, Article 9, Conditional Uses, based on the Findings of Fact and Conditions of Approval dated September 29, 2015.” With additional conditions that a parking area be held in reserve, and that lighting be approved by staff as discussed tonight, seconded by Peter. Vote was 4-0. Motion passes.**

Meeting adjourned at 6:30pm

Respectfully submitted by,

Maggie Edwards
Board Secretary