

Minutes
Planning Board
October 13, 2015

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

5:00 p.m.

Workshop

- Discussion of draft sewer and water utility plan – a presentation by Neal Campbell and Dan Bisson, CDM Smith, on progress to date with a sewer and water utilities expansion plan.
- Discussion of MU-3 zone issues.

6:15 p.m.

Regular Meeting

1. Minutes of Sept. 29, 2015 – **motion by Bailey to accept the minutes as submitted, seconded by Scontras, and so voted, 6-0.**
2. Public Hearing: proposed amendment to the approved subdivision plan for Saco Island Development, LLC. Applicant is Saco Island West, LLC. Tax Map 37, Lot 1-0-1.

Hamblen: The current proposal would split off Building 2 from the rest of applicant Saco Island West, LLC's holdings, by splitting out the roughly 14,420 s.f. building from the remainder of the structure. We have asked our contact for this proposal, attorney Thomas Federle, for assurances that the new owner of Building 2 "...will remain responsible for the terms and conditions of the 2007 approval."

Federle: a prospective new owner is eager to invest in Building 2. It includes five floors with office and commercial tenants. Due to tax considerations, Meredith Richardson hopes to complete the purchase on Saco Island, as well as other properties in Camden and Portland, within 90 days of the sale of property in California. **Mann:** did you submit deeds and easements as requested? With a new owner on the Island, we'd like to clarify the rights and responsibilities of all. We're concerned that all buildings will have equal rights to parking. **Kevin Mattson:** if

Building 7 comes to the Planning Board, we'll have to address parking then. **Mann:** does this limit Building 3, or anyone else?

Devlin: I move to open the public hearing, seconded by Bailey, and so voted, 6-0. **No comments.** **Bailey:** I move to close the public hearing, seconded by Devlin, and so voted, 6-0.

Bailey: has Tim (Murphy, city attorney) reviewed the deed? **Hamblen:** we'll make sure that he does. **Devlin:** is the easement for the pedestrian bridge a settled issue? **Hamblen:** yes. **Schuster:** please update the note on the plan re: easements to the City. **Federle:** is the updated plan acceptable to further update, beyond the 10/7/15 revision date? **Schuster:** yes.

Bailey: I move that the Board grant approval for the amended subdivision plan submitted by Saco Island West, LLC for the purpose of splitting Building 2 off from the remainder of the applicant's holdings on Saco Island, based on the application submitted and on the Findings of Fact and Conditions of Approval dated July 17, 2007, with the added conditions that easement language on the plan be updated, and that parking areas specified in the draft deed be shown on the plan, and that the City Attorney review the submitted deed and plan and find them acceptable. Seconded by Ittenbach, and so voted, 6-0.

3. Public Hearing: Zoning Ordinance amendments to clarify traffic impact fees related to site plan and subdivision review.

Hamblen: there is 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.

General discussion that consistency as to all impact fee language being located in Article 16 of the Zoning Ordinance is desirable. The Board reviewed the draft amendments to Article 16.

Hamblen: calculation of the fee as addressed in Sec. 1604-4 will be addressed by Gorrill-Palmer, and has yet to be done. Board should consider tabling for this evening, and bringing this item back. **Bailey:** Sec. 1604-5 – what does it mean? **Hamblen:** just mimics language found earlier in the article pertaining to open space fees, and to fire department/EMS fees. **Bailey:** seems superfluous, and not needed. **Hamblen:** will strike from next version.

Bailey: I move to table further review to the Oct. 27 meeting, seconded by Scontras, and so voted, 6-0.

Meeting adjourned at 7:30pm

Respectfully submitted by,

Bob Hamblen, City Planner