

Minutes

Planning Board Meeting

Tuesday, October 27, 2015

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

Workshop, 5:00p.m.

Discussion of Planning Board issues: MU-3 zone.

The Board continued its discussion of the frontage issue in the MU-3 zone during a workshop on Oct. 13. Some of the comments from that session:

- The existing 200 foot frontage requirement for Rte. One parcels is reasonable, while requiring a lesser frontage for non-Rte. One lots would be okay.
- Odd to change the frontage requirement for an unspecified development.
- There's no burning reason to reduce the requirement to 150 feet.
- Re: factory retail outlets as in Kittery and Freeport – does the industry require a certain separation distance between clusters of outlets, and so Saco may be too close to either Kittery or Freeport?
- Should an Ordinance change be approved for a single developer? No.
- What is the opinion of other landowners along Rte. One?

We've looked now at existing parcels on the westerly side of Rte.

- This is something of a non-issue for Mr. Chamberlain's property on the east side of Rte. 1, the Park North project. The property with Rte. 1 frontage is all within "Parcel One," as shown on the approved plan. The required frontage for a lot in Parcel One is 50 feet, so this issue was anticipated and planned for.
- We've taken a quick look at other lots along Rte. 1 just to see what frontages work, or exist, currently. On the east side of Rte. 1 from Cascade Road to the Scarborough line there are 22 parcels, and frontages range from 57.2 feet to 555 feet. Thirteen of the lots have less than 200 feet of frontage, consequently are nonconforming. If Rte. 1 frontage were reduced to 150 feet, eleven of those lots would still be nonconforming, as they measure less than 150 feet of frontage.
- **The westerly side of Rte. 1 from Cascade Road to the Scarborough line includes 18 parcels. Frontage on these lots ranges from 50.8 feet (mobile home park) to 802 feet. Nine of the parcels have less than 150 feet of frontage. So, in frontage terms, these nine parcels are currently nonconforming and would remain that way even if frontage requirement was dropped to 150 feet.**
- **In total, there are 40 lots along Rte. 1 from Flag Pond Road north. Twenty-two of the lots are nonconforming due to less than 200 feet of frontage. Twenty existing**

lots have less than 150 feet of frontage.

- As has been recognized, the frontage requirement along this stretch of Rte. 1 has bounced from 200 feet to 150 feet and back to 200 feet over the past 20 years. The community appears to be comfortable in this range for Rte. 1 parcels, and we've seen that neighboring communities have similar requirements. Drop it back to 150 feet per Mr. Chamberlain's request? No burning reason not to, **nor, as was observed at the Oct. 13 meeting, does there seem to be a burning reason to amend the current 200 foot requirement.**
- Likewise, language could be developed to achieve the second part of Mr. Chamberlain's letter – while common access lots probably won't be seen much, if they are proposed, frontage reduced to 100 feet seems workable.
- If the Board cared to initiate lesser frontage requirements for interior lots on streets off Rte. 1, staff could support reducing to 75-100 feet frontage, and 7,500 -10,000 s.f. lot size.
- The zoning for this stretch of Rte. 1/Portland Road has remained fairly consistent over two decades – minimum lot size ranging from 20,000 to 40,000 s.f., and minimum frontage required either 150 or 200 feet at a given time.
- These lot and frontage requirements hold true whether a parcel has frontage on Rte. 1, or on a secondary road connecting to Rte. 1. The City could create different frontage and/or lot size standards for Rte. 1 lots as opposed to non-Rte. 1 lots, as Scarborough does.
- Saco's approach to this section of Rte. 1 is not dissimilar to zoning employed by Scarborough (200 feet frontage for collector/arterial; 100 feet for local street in General Business zone, 50 feet for lots not abutting Rte. 1 in Town and Village Center zone, 10,000 s.f. lot size) and by Kennebunk (200 feet frontage, 40,000 s.f. lot size).
- The 2011 Comp Plan led to the implementation of recommendations that include the creation of, a) the MU-3 zone, and, b) master plan development review, a fairly intensive review process intended to allow additional uses, primarily residential, for a project in the MU-3 zone but only if part of a Master Planned Development.

Comparison of zones along Rte. 1 since 1995:

	MU-3	BP (2002)	B-2a (1995)
Min. Lot Area	20,000 s.f.	40,000 s.f.	20,000 s.f.
Frontage	200 ft.	150 ft.	200 ft.
Setbacks			
Front	75/40 ft.	75/40 ft.	75/40 ft.

Side	20 ft.	25 ft.	20 ft.
Rear	20 ft.	25 ft.	20 ft.
Height Limit	60 ft.	60 ft.	35 ft.
Lot Coverage	50%	40%	50%

Sections of Rte. 1 in neighboring towns

Sections of Rte. 1 in Scarborough and Kennebunk and current zoning regulations are provided for comparison. See map excerpts provided:

“Most of our Route 1 (north) area - from about the McDonalds site going north - is in the Suburban Commercial Zone . That zone has a 40,000 sq. ft. minimum lot size and we have a “lot width” requirement of 200 feet. We use the lot “width” rather than frontage standard for all zoning districts and which allows for creation of back lots - if you have ROW / easement access to the back lot.” – Kennebunk Planner Judy Bernstein

In Scarborough, Planner Jay Chace forwarded standards for two zones that occupy space along Rte. 1: B3 General Business District, and the TVC Town and Village Centers District.

Scarborough --

	B3	TVC
Min. Lot Area	10,000 s.f.	10,000 s.f.
Frontage	200 ft., collector or arterial 100 ft. local streets	200 ft. abutting Rte. 1 50 feet if not abutting Rte. 1
Setbacks		
Front	35 ft.	35 ft.
Side	15 ft.	15 ft.
Rear	15 ft.	15 ft.
Height Limit	45 ft.	45 ft.
Max Bldg Coverage	50%	85% Max Lot Coverage

Comprehensive Plan

As mentioned at the first workshop on this topic, the Board should be guided by the Comp Plan. **Neil:** He was surprised at how many existing lots are non-conforming. **Donna:** which means there isn’t any burning need to change. **Don:** Should look at the ratio of frontage vs. lot size, on internal roads. There should be a common scheme. How many access points do we want along Rte. One? He would hate to see another curb cut 50ft away from Waterfall Drive. Maybe the starting point should be, how many curbs cuts and how close should they be on Rte. One? The Board agreed the 200ft frontage on a side road makes no sense.

Elliott: It's the lot price, not the frontage that clients would look for. **Bob:** He read Sec. 709 of the zoning ordinance regarding Traffic and Highway Access. Maybe the City should take a closer look at sharing curb cuts on Rte. One and 112. . Should the City continue with Contract Zoning or just change the zone and the rules? **Don:** Does MDOT have any plans for Rte. One that may play a role in the amount of curb cuts? Maybe there needs to be a traffic study. It should be well thought out. **Bob:** He doesn't see any wrong in going back to 150ft frontage, and maybe add a footnote that 3 lots share one access. **Peter:** the Board will have to come up with a good reason to change it. **Don:** He can see changing to 100ft on Rte. One and maybe 50 or 75ft on internal frontages. Maybe a footnote and side access of 150ft on single lot and internal 75ft.

Bob will write up something and present it for a public hearing on the next agenda.

Regular Meeting 5:30pm

1. Minutes of October 13, 2015

Mike: One correction regarding a date change on page 2, where it should read October 27, 2015, not October 13. **Peter** moved to accept the minutes with correction, seconded by **Mike**. Vote was 6-0. Motion passes.

2. Public Hearing: Conditions use and site plan review of a proposed Multi-Family Dwelling at 18 Therrien Avenue. Applicant is Bernard Carson. Tax Map 54, Lot 18. Zoned R-2.

Hamblen: Bernard Carson proposes to convert an existing two-family dwelling to a three-unit. By definition, a third unit results in a multi-family dwelling, which requires both a conditional use permit and site plan review. Likewise, certain parking requirements become applicable and must be complied with.

Mr. Carson and CEO Dick Lambert have explained that an invitation some years back to Mr. Carson's father to take up residence in a portion of the two-family morphed into a third unit, one that was not permitted through either Code Enforcement or the Planning Office. Dick recently became aware of the situation, and Mr. Carson has agreed to seek the conditional use and site plan approvals, as well as complete some interior work that will result in a .

Don: The Board should first vote on the Conditional Use waivers and completeness of the application, which determines whether to go to Site plan.

- Conditional use – there are a few submission items here for which waivers are requested:

Sec. 901-2	1.f	Setbacks
	1.g	Physical features
	1.h	Topography
	1.i	Parking dimensions

1.k Stormwater, sanitary, etc.

Mike: I move to grant waivers, for Conditional Use, seconded by Don. Vote was 6-0.

Mike: I move to find that the Conditional Use application is complete, seconded by Don. Vote was 6-0.

Mr. Carson, applicant: He agrees with Dick Lambert to make the proper changes to make the third unit legal. The third unit is in the basement.

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

No public comments

Don: Move to close the public hearing for Conditional Use, seconded by Donna. Vote was 6-0

Peter: I move that the Board grant approval for a Conditional Use under the provisions of the Saco Zoning Ordinance for the application submitted by Bernard Carson for proposal to concert an existing two-family dwelling to a multi-family dwelling at 16-18 Therrien Ave, based on the Findings of Fact and Conditions of Approval dated October 27, 2015, seconded by Don. Vote was 6-0. Motion passes.

A. Determination of Completeness

- Site Plan -- a number of submission items under site plan review are not applicable, in that no new construction is proposed and/or given the nature of this application. Waivers are requested for:

Sec. 1104- 1.2 ...plan smaller than 11 by 17 inches...
1.2(b) names and addresses...
1.2(c) sketch map
1.2(e) zoning
1.2(f) setbacks
1.2(g) site elements
1.2(h) nearby streets
1.7 Topography
1.8 Utility plan
1.9 Landscape plan

Mike: "I move that the Board grant waivers for Site Plan.", seconded by Donna. Vote was 6-0.

Mike: “I move that the Board find the application for site plan review complete.”, seconded by Rene. Vote was 6-0.

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

No public comments

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

Don: I move to grant approval for Site Plan under the provisions of the Saco Zoning Ordinance for the application submitted by Bernard Carson for proposal to convert an existing two-family dwelling to a multi-family dwelling at 16-18 Therrien Ave, based on the Findings of Fact and Conditions of Approval dated October 27, 2015, seconded by Mike. Vote was 6-0. Motion passes.

3. Public Hearing: Contract Zone review of a proposed School on the parcel at 184 Simpson Road. Applicant is The Ecology School. Tax Map 121, Lot 6.

Hamblen: Applicant “The Ecology School” requests consideration of a contract zone for the parcel at 184 Simpson Road. The proposal is to establish an ecology education program (“School”) on the subject property. Schools are not an allowed use in the C-1 zone.

Board members may be aware of The Ecology School’s current operation on the Ferry Beach Park Association campus off Seaside Avenue, in operation since 1999. TES’s lease will end in 2018, and they are seeking an alternative location. The Simpson Road property became available earlier this year, and is currently subject to a purchase and sale agreement with TES.

Find in the packet a discussion of whether the existing conservation easement is an impediment for the establishment of a school on the property. It is City Attorney Tim Murphy’s opinion that the easement does not prohibit a school being established. Staff will therefore regard that issue as being settled, and suggest that, as is usual for a contract zone application, it’s all about the four standards found in Section 1403-6:

“Before forwarding a recommendation (on) a contract zoning amendment to the City Council the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:

- A. is for land with an unusual nature or location;
- B. is consistent with the Comprehensive Plan;
- C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone;
- D. that the conditions proposed are sufficient to meet the intent of this section.”

Staff has heard from abutters and other neighbors of the property. Issues including traffic, sight distance, and impacts on the neighborhood have been raised, all of which are properly addressed as part of site plan review.

The applicant is represented by Drew Dumsch, Executive Director; Gale Kurtz, Advancement Director; and Phil Saucier, an attorney with Bernstein Shur.

In full disclosure the City did not meet the legal requirements for advertising this application, so we will bring it back to the Planning Board on its next meeting on November 10th.

The Board discussed whether to move forward, even thou the second legal notice wasn't met. They all agreed to table until the next meeting on November 10. The Board also decided to do a Site Walk of the property on November 6 at 3:30pm. All will meet at the Simpson Bridge.

Peter: Move to table until November 10, 2015, seconded by Donna. Vote was 6-0.

Meeting adjourned at 7:30 p.m.

Respectfully submitted by,

Maggie Edwards, Board Secretary