

Minutes
Planning Board Meeting
Tuesday, November 10, 2015

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

Workshop 5:00 p.m.

Review of proposed amendments to Section 805, Stormwater Runoff, of the Zoning Ordinance.

Regular Meeting 5:30 p.m.

- 1. Minutes of October 27, 2015 -- Rene moved to accept the minutes as written, seconded by Don. Vote was 6-0. Motion passes.**
- 2. Public Hearing: contract zoned review of a proposed School on the parcel at 184 Simpson Road. Applicant is The Ecology School. Tax Map 121, Lot 6. Item was tabled at the October 27 meeting.**

Hamblen: 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. Executive Director Drew Dumsch has familiarized himself and his Board with the property and feels strongly this it is a good location for relocating the program to.

As stated in Section 1403-1 of the Zoning Ordinance, contract zoning lends itself to such situations: "Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change."

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 alternate location. The Simpson Road property became available earlier this year, and is currently subject to a purchase and sale agreement with TES.

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

Hamblen: Based on Section 1403-3 of the Ordinance – the application is complete.

Rene: I move that the Board find the application submitted for a contract zone at 184 Simpson Road to be complete, seconded by Mike. Vote was 6-0. Motion passes.

Hamblen: regarding the proposed “School” use, it is defined by the Zoning Ordinance as follows:

Schools:

(a) PUBLIC AND PRIVATE (Including Parochial Schools):

Institutions for education or instruction in any branch or branches of knowledge or a place where knowledge is imparted and which satisfies either of the following requirements:

- (1) The school is not operated for a profit or as a gainful business; or
- (2) The school teaches courses of study which are sufficient to qualify attendance there as compliance with state compulsory education requirements.

The applicant’s attorney, Phil Saucier, clarified that The Ecology School falls within this definition:

“The Ecology School is a nonprofit organization and would not be viewed as a Commercial School under the Saco Zoning Ordinance. Thus, it would be more properly categorized as either a “public and private school” under the existing use categories in the Ordinance or a new category called “ecology school” which is what we used in the draft contract zone agreement. We are of course open to suggestions on terminology, but I do want to make it clear that this is not a commercial school operation.”

Staff finds this acceptable, and agrees that the definition is met.

A separate issue that the Board should be aware of is an existing conservation easement on the majority of the parcel, but not all. The overall parcel is 105.039 acres. The developed portion of the parcel – driveway, house, barn, outbuildings – is 8.75 acres. The remainder, 96.289 acres, is subject to a conservation easement held by the Saco (Valley) Land Trust. Staff believes the Board should be aware of its existence, but it is not an issue that needs to be resolved as part of the contract zone review.

The sellers, Thomas and Mary Merrill, and the proposed buyer, The Ecology School, are willing parties to the sale. The land trust is, we are led to understand, not persuaded that the proposed use should be allowed given the terms of the easement. Staff has nothing in writing from the land trust, nor do we believe it’s the City’s task to resolve that issue.

The one thing we did believe should be resolved, and for the Board to be aware of, is whether the conservation easement explicitly forbids the use of the 96.289 acres for educational purposes. Consequently, we turned to City Attorney Tim Murphy for his opinion: he believes the easement does not prohibit a school from being established.

Staff will therefore regard that issue as being settled from the City’s perspective, 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 is sufficient to meet the intent of this section.”

Staff has heard from abutters and other neighbors of the property. Issues including traffic, sight distance, the need for sprinkling the proposed buildings, lighting, and noise have been raised, all of which are more properly addressed as part of site plan review.

In addition, staff attended an informational meeting held on the subject property by the applicant, on Oct. 25. There were 18 attendees who signed an attendance list, and several more besides that. We are appreciative that the applicant voluntarily held the event, and explained what they hope to establish on the property.

Jesse Thompson, Architect for the applicant: Showed two examples of an aerial view of the site plan showing the placement of the building structures. No indoor classrooms except in bad weather.

Peter Scontras: I see this as a dynamic site that will expand over time. He finds it hard to believe it won't grow. **Jesse:** There are controls in the easement and if something were to be added, such as another building, they would have to come back to the Planning Board.

Drew Dumsch, Executive Director of the Ecology School: the Merrill property is a special property. They would not change the character of the property. They want to continue the existing conservation and farming uses on the property, introducing students to hands-on field ecology and agricultural activities. Their programs provide nature and field science experiences, adult training in systems thinking and agro ecology (sustainable food system). Community dynamics is what they teach the kids.

Peter: What is the student per acre ratio? **Drew:** One student per acre. **Jesse:** The format may change to more buildings that would house fewer students. They would work toward minimal impact on the land. **Drew:** they have committed to \$52,000 to local schools such as C.K. Burns and Middle School. In previous years it was over \$100,000 to local schools. **Peter:** He is concerned with the next person who might buy that land. **Drew:** There is limited use on that property. There are land easements that limit certain uses.

Donna: I move to open the public hearing, seconded by Peter. Vote was 6-0.

Ron Michaud, 143 Bay View Rd: He was part of writing the Contract Zone section into the zoning ordinance. Zoning has a function. We know it can be complicated. There is the impact on neighbors. I think there should be a cap put on how many students there should be. You should have specific criteria such as specific operating times, so as not to impact neighbors. You might ask the question,

why are schools not in the C-1 district? I think it may be because of volume and impact. It's a great school, but there may be a long term impact. You should think about it.

Jim Molleur, 40 Hickory Hollow: He echoes' Ron's comments. Applicant says 2, maybe 3 buildings. The footprint should be limited to how many and the size of buildings. And it should state a specific number of students.

Tom Klak, 166 Simpson Rd: He teaches at UNE and he is familiar with the concepts of what they are teaching at the Ecology School. The program is great for the children and the community. He is excited about it.

Inga Browne, 161 Simpson Rd: She had submitted a letter to the Planning Board and highlighted a few things. She is a huge fan of the Ecology School and its mission, but has concerns about the placement of it. This is a rural, residential area. It will be like a Holiday Inn for a lot of exited kids. What about the quality of the neighborhood? The Board should carefully read the conservation easement. It says that the property shall remain pristine, historic, keep to farming, forestry, animal husbandry. That is very different than a school of this magnitude. Non-profits have to evolve to survive. It would have to grow.

Henry Beeuwkes, 168 Simpson Rd: He is a direct abutter. This will be a substantial change to the landscape, as well as an expensive proposition.

Mary Johnson, 76 Simpson Rd: She is concerned with them using a contract zone for this proposal. Both the Comp Plan and the Bridge 2025 plan say that open space is needed. It would take a huge amount of money to get this school going. How many students will it house? She can't imagine that when they are gone that someone will take their land and use it like they want to use this land, when their intent was to leave it in Conservation such as the Merrills intended.

Neil suspended the public hearing.

Rene: He walked the site and thinks it is a great place for it. **He is, however, concerned about the Saco Fire Dept. having access if there were to be a fire, with no access to Stackpole Bridge.** **David Pendleton, Deputy Fire Chief:** Buxton Fire Dept. would get there before Saco. They are on their call list.

Rene: Would you rather see a developer put 10 house lots?

Mike O: This is working farm land. He doesn't understand Peter's point. There are no animals or agriculture. **Donna:** The Board is not to look at the intent of the easement. It is not for the planning board to figure the easement out. It is the City solicitor's job.

Peter: Bricks and mortar don't disappear. Look what happened on the Loudon Road. **He is concerned with the impact growth will have if they acquire and utilize the adjoining Fogg parcel. How many buildings will they construct, 3, 4?** **Don G:** He can see both sides. He is concerned with the number of students. I think we need to state in the contract zone how many buildings will be on site. The facility will be serviced by trucks for food deliveries and such, so that will cause traffic. ~~There needs to be a plan on how the site will be.~~

Rene: what is the size of your existing site? **Drew:** 36 acres. **Donna:** She agrees with Don in recommending the number of students and not put a number on how many buildings should be built.

Phil Saucier, attorney, Bernstein Shur: They are okay with taking it out of the contract zone. The land goes with the use, meaning the applicant. It would go away with another use or buyer.

Neil re-opened the public hearing.

Tom Merrill, nephew to Mary Merrill: they are the title owners. The easement restricts the uses and puts restrictions on the land. The Saco Valley Land Trust oversees the easement. The school was never thought of back in 1998. The desire was not to have it subdivided and it was recommended by an attorney to put it in a conservation easement to prevent from any development. His aunt was very interested in education. She would be very happy to have this ecology school. It is a perfect use for this property.

Inga Browne: the conservation easement states only four uses can be used on that property, that fall under low impact recreation only. **Peter:** you say limited uses as examples. That doesn't mean just exclusive uses.

Mike O: I move to close the public hearing, seconded by Rene. Vote was 6-0.

Mike: They are a non-profit, so they don't pay any taxes? **Neil:** They have offered \$50,000 in educational services to the local schools. I would consider that as a sufficient substitute.

Voting on the 4 standards:

- A. **Is the land of an unusual nature or location? Peter moved for a positive finding, seconded by Don. Vote was 6-0. Motion passes.**
- B. **Is it consistent with the Comprehensive Plan? Mike moved for a positive finding, seconded by Rene. Vote was 5-1 (Peter). Motion passes.**
- C. **Is it consistent with, but not limited to, the existing uses and permitted uses within the original zone. Peter moved for a negative finding, seconded by Mike. Vote was 1-5 (Mike, Don, Donna, Neil, Rene). Motion fails**

Donna: Moved for a positive finding, seconded by Mike. Vote was 5-1 (Peter). Motion passes.

- D. **That the conditions proposed are sufficient to meet the intent of section 1403-D. Don moved for a positive finding, with the conditions that: the number of students be limited to 120; that section II.B of the contract zone agreement be based on a total floor area (not footprint) of 9,000 s.f. for each dormitory building, and 7,000 s.f. for the proposed dining hall/kitchen/classroom building; that each building be subject to the existing 35 foot limit on overall building height; and that the language in section III.D "shall run with the Property" be**

deleted and that this contract instead be specific to this applicant only, seconded by Donna. Vote was 6-0. Motion passes.

Don: Based on the findings of Sec. 1403-6 A, B, C, and D, I move that the Board forward a positive recommendation to the City Council for the contract zone application submitted on behalf of The Ecology School that would allow a School use to be established on the parcel at 184 Simpson Road, seconded by Rene. Vote was 5-1 (Peter). Motion passes.

3. Public Hearing: review of a proposed amendment for the Boynton Brook subdivision plan at 103 Grant Road. Applicant is Nancy Moulton. Tax Map 124, Lot 6. Zoned C-1.

Hamblen: Applicant Nancy Moulton proposes to create one additional lot from her 75+ acre parcel off Grant Road. A single new lot was created in 2012, and then she applied for and received approval for a five lot subdivision on Oct. 15, 2013. The new lot, as is true of each of the other lots, would have frontage on Grant Road. Aside from electricity, cable and phone, public utilities are not available or nearby, so all lots are or would be serviced with private wells and septic systems. No street construction is needed or proposed.

Project manager Bill Thompson, BH2M, is representing Ms. Moulton.

We are guided in this instance by Sec. 7.1 of the Subdivision Regulations:

7.1 PROCEDURE

An applicant for a revision to a previously approved plan shall, at least three weeks prior to a scheduled meeting of the Board, request to be placed on the Board's agenda and submit a written statement explaining the proposed revisions. ***If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan and final plan approval shall be followed.*** If the revision involves only minor modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

Preliminary Subdivision – in 2013, the following waivers were granted by the Board:

- 5.2.2(12) stormwater management plan
- 5.2.2(17) erosion control plan
- 5.2.3(4) stormwater analysis
- 5.2.3(10) financial and technical capacity
- 5.2.3(15) stormwater quality plan
- 5.2.2(16) sidewalk

The applicant has included a request for the waiver of:

- 5.2.2(7) Topography
- 5.2.2(12) Management of surface drainage

5.2.2(16) Storm Drainage

5.2.3(4) Storm drainage

Mike: I move that the Board waive the specified submission requirements due to the circumstances of the lots proposed for subdivision, and in order to provide for a more practical and economical development, seconded by Rene. Vote was 6-0. Motion passes.

Donna: I move to find the application for preliminary subdivision review to be complete, seconded by Peter. Vote was 6-0. Motion passes.

Neither open space nor recreational facilities are proposed, so payment of an impact fee is addressed in the Conditions of Approval. This is not a new dwelling unit, so staff is taking the position that neither a Traffic Impact Fee nor a Fire Dept./EMS Fee are due. We have not heard concerns expressed by neighbors. We believe that the plan and application are at the point that preliminary approval could be considered by the Board.

Bob Libby, BH2M: the amendment involves creating one lot around the existing house that is on the front westerly corner of the remaining land. Ms. Moulton is proposing to sell this existing house with 82,757 sq.ft. of land.

Mike: I move to open the public hearing, seconded by Rene. Vote was 6-0

Ron Michaud, 143 Bay View Rd: the Subdivision Regulations speak of “flag lots” where the width of a lot at its narrowest point shall not be less than 75 percent of the width of the lot frontage. The Board might want to review that. **Bob:** that would be in Sec. 10.6.8.

Don: I move to close the public hearing, seconded by Donna. Vote was 6-0.

Don: Either a waiver will need to be granted, or the lot configuration will need to be changed. Neil and Mike said it should be waived.

Don: I move that the Board grant waiver of Sec. 10.6.8 of the Subdivision Regulations for minimum width requirement, seconded by Rene. Vote was 6-0. Motion passes.

Don: Move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the proposed Boynton Brook subdivision based on the attached Findings of Fact and Conditions of Approval dated November 10, 2015.”, with provisions that lot coverage be changed, to not be less than 75% of width of the lot frontage, seconded by Peter. Vote was 6-0. Motion passes.

4. **Public Hearing: review of a proposed amendment to the site plan for Sure Winner Foods at 12 Lund Road. Applicant is sure Winner Foods, Inc. Tax Map 69, Lot 14. Zoned I-2.**

Hamblen: Sure Winner Foods proposes to expand an existing 42,775 s.f. distribution use on Lund Road with the addition of 9,025 s.f. of refrigerated warehouse space. Sebago Technics has prepared the application and plan; Mark Irving of Sure Winner will also likely be at the meeting.

This project triggers the need for amendment of the existing site plan, last reviewed in 2002 when an approximately 15,503 s.f. addition was approved. Based on the 2002 application and approval, and the submitted amendments, the application is complete save for a lighting plan, for which a waiver has been requested.

Rene: There is a discrepancy on the setback 60ft vs 25ft. Which is it? **Bob:** 25ft is the correct setback.

Rene: I move that the Board waive submission requirement 1104-1.18, lighting plan, due to the project being of such a nature as to make the information unnecessary, seconded by Donna. Vote was 6-0. Motion passes.

Rene: I move that the Board find the application for review of an amendment to the Sure Winner Foods site plan to be complete, seconded by Peter. Vote was 6-0. Motion passes.

This plan has been signed off on by FST.

Shawn Frank, Sebago Technics: It will be tight in the back corner, but they do meet the setback. The new addition will match what is out there already. There will be gravel parking enough for 52 vehicles. Wall pack lighting fixtures. Same layout and same amount of trucks.

Rene: I move to open the public hearing, seconded by Peter. Vote was 6-0. No public comments made. Rene: I move to close the public hearing, seconded by Peter. Vote was 6-0.

Rene: Move that the Board grant approval under the provisions of the Saco Zoning Ordinance, Article 11, Site Plan Review, for the proposed amendment/expansion of the Sure Winner Foods building based on the Conditions of Approval and Findings of Fact dated November 10, 2015, seconded by Peter. Vote was 6-0. Motion passes.

- 5. Public Hearing: review of a proposed contract zone that would allow a 10-unit multi-family dwelling to be constructed at 21 Bay Avenue. Applicant is Seaside Saco LLC. Tax Map 1, Lots 48 and 49-1. Zoned B-5.**

Hamblen: Applicant Seaside Saco LLC requests consideration of a contract zone for the parcels at 16 Bay Avenue (the former Wormwood's Restaurant) and 13 Beach Avenue (single family dwelling). The proposal is to combine the two abutting parcels and develop a ten unit multi-family dwelling.

A similar proposal was reviewed and subject to public hearing on March 17, 2015. That plan called for twelve units on a 16,800 s.f. parcel. BH2M has identified additional square footage, bringing the parcel

up to 24,000 s.f., and the applicant is willing to reduce the number of units to 10. Staff judged these changes as being sufficient to merit another meeting with the Board.

The contract zone is proposed due to multi-family dwellings not being an allowed use in the B-5 zone. The CZ agreement also proposes a greater density than is currently allowed, and a reduction to the front yard setback from 15 feet to 10 feet.

The objective for a contract zone application is a recommendation that would be forwarded to the City Council. The application is complete, in staff's opinion.

Donna: I move that the Board find the application submitted for a contract zone at 16 Bay Avenue and 13 Beach Avenue to be complete, seconded by Rene. Vote was 6-0. Motion passes.

Hamblen: In the B-5 zone, Multi-Family Dwellings are not an allowed use. Section II.3 of the draft CZA should be amended to recognize that; something along the lines of "Notwithstanding Section 410-9. B-5 Marine Business and Residential of the Zoning Ordinance, Multi-family Dwellings shall be a permitted use on the subject property." The City Assessor reports that tax records show there to be 5 existing multi-family dwellings at Camp Ellis; whether apartments or condos was not determined. These, of course, are regarded as grandfathered nonconforming uses.

Other issues:

- The 24,000 s.f. parcel is proposed for 10 units, which calls for a density of 2,400 s.f. per unit. In the B-5 zone, 7,500 s.f. is required for a single-family, and 7,500 s.f. per unit is required for a two-family. At 2,400 s.f./unit, a developer could fit three units onto a 7,500 s.f. parcel. Proposed density is equal to or greater than downtown zoning, which would not be particularly compatible with the existing neighborhood.
- The parcel and neighborhood are in the AO flood zone, meaning that flood depths of 1-3 feet may occur in a 100 year flood.
- The parcel is in the Saco River Overlay zone, thus is subject to a permit from the Saco River Corridor Commission. (Granted Oct. 29, 2014)
- Assumedly there would be a need to secure a Sand Dune Permit from the DEP.
- See excerpt from 2011 Comprehensive Plan. Mixed uses are encouraged, with an emphasis on marine-related businesses and support facilities. Residential uses with a density of up to six units per acre should be allowed, meaning about 7,260 s.f. per unit. Infill development consistent with the pattern of the neighborhood is stated.
- Members may be aware of the Sea Level Adaptation Working Group which Saco, Old Orchard Beach, Biddeford and Scarborough are members of. Attached is a copy of a 2010 vulnerability assessment completed by SLAWG and partner agencies. Note the graphic titled "Potential Inundation Scenarios" on p. 17, where it is projected that under a severe weather incident, building footprints would be impacted in much of Camp Ellis.

It's clear that investment in Camp Ellis has occurred slowly compared to many other areas of the City. The possibility of a "fix" for the erosion problem remains just that – a possibility. Agree or not with sea

level rise and climate change, if such scenarios are added to the existing erosion problem, one could argue that development in a location such as this is compounding an existing problem.

With that said, it is understood that new buildings in the AO zone must be elevated as follows, per the City's floodplain ordinance:

F.

Residential. New construction or substantial improvement of any residential structure located within:

(1) Zones A1-30 and AE shall have the lowest floor (including basement) elevated to at least three feet above the base flood elevation.

[Amended 5-21-2012]

(2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

(3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

(a) At least three feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

[Amended 5-21-2012]

(b) At least three feet if no depth number is specified

Staff's understanding is the proposed structures would be elevated sufficiently for vehicle parking beneath them.

As stated in Sec. 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."

David Ordway, lawyer for the applicant: He handed out copies of the 30 endorsements in favor of this project, as well as a tax map of the neighborhood. There are erosion issues in this area, which has plagued Camp Ellis and has affected its development. This is a creative strategy to add growth by using contract zones. The Board and the City should encourage development, and take into consideration its

surroundings. As the building is now, it could diminish the value of the surrounding properties. Something needs to be done or it will be a blight in the neighborhood. The only interested party in this property so far is Mr. Saulnier. But he has to make it work for him. This proposal is investing in Camp Ellis and looks to the future.

Neil: What about the construction in the City's ROW? **David:** there is on-site parking for 2 vehicles per unit. Access requires 3 or 4 spaces along street, 6 spaces reserved for the public. **Mike O:** the additional 24,000 sq.ft. area, isn't some of it under water? **Rene:** shouldn't be included, because you can't build on it. **David:** it is considered a second means of egress. **Mike O:** why are the driveways on the outside of the lot line? **David:** it's just considered a demarcation.

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

Kellie Mueller, 19 Beach Ave: What is the address of the property? Because her property is at the end of that parcel, which is hers. She takes care of that property.

Mark Bourque owns two properties, 15 & 17 Bay Ave: He did not submit comments to the Board; however he did read some of his concerns. This project is in direct conflict with the Comp Plan and the zoning ordinance. It is overcrowding of real estate. If you allow this project, you will prevent job creating business in this area. This project is not consistent with the existing pattern in this area. If it was, it wouldn't be reviewed as a contract zone. Camp Ellis is a limited growth area. The zoning ordinance is in place for our guidance.

Robert Bourque, 15 Bay Ave: He would like to have Wormwood's taken down. There is too much traffic. Where will they park 20 cars? He disapproves of this project. **Peter Marks, 26 North Ave:** He welcomes the applicant's efforts. They support this project.

Cindy Wormwood, owner: the restaurant has been abandoned for some time now. Parking became an issue. This is the only real offer they have received. A ten unit condo project with all the parking off street would be better than all the parking that is currently on the street. **Pam Greaney, 33 West Ave:** She is in favor, but they need condo docs. This would be good for the neighborhood.

Rene: I move to close the public hearing, seconded by Donna. Vote was 6-0.

Rene: He takes issue with the added lot and the 24,000 sq.ft. He doesn't think they should be able to use the lot that is under water. **Don:** Can we see what the net residential density says in our ordinance? **Bob** read the definition in the zoning ordinance. **Don:** So is 2,400 sq.ft. appropriate? **Neil:** He can't in good conscience agree to increase the density. **Peter:** The parking issue is something we can't ignore.

Don: land is not unique, not consistent, residential 2400 s.f. per unit, and the ordinance requires 7500 s.f. per unit. A multi-family is not enough to make it consistent. **Rene:** He disagrees on item a. He would say it is unusual. Otherwise he agrees on the other three standards. **Peter:** It is not compatible. **Mike:** It is an unusual location and not consistent with the Comp Plan.

Voting on the 4 standards:

- A. Is the land of an unusual nature or location? Don moved for a positive finding, seconded by Mike. Vote was 5-1 (Don).**
- B. Is it consistent with the Comprehensive Plan? Don moved for a positive finding, seconded by Rene. Vote was 1-5 (Neil, Don, Rene, Donna, Mike). Motion fails.**
- C. Is it consistent with, but not limited to, the existing uses and permitted uses within the original zone. Peter moved for a positive finding, seconded by Mike. Vote was 2-4 (Neil, Don, Rene, Mike). Motion fails.**
- D. That the conditions proposed are sufficient to meet the intent of this section 1403-D. Don moved for a positive finding, seconded by Mike. Vote was 0-6. Motion fails.**

Don: I move that the Board forward a negative recommendation to the City Council for the contract zone application submitted on behalf of Seaside Saco LLC that would allow a Multi-Family Dwelling to be constructed on the parcels at 16 Bay Avenue and 13 Beach Avenue, seconded by Mike. Vote was 5-1 (Peter) .

Meeting adjourned at 10:30 p.m.

Respectfully submitted by,

**Maggie Edwards
Board Secretary**