

Minutes
 Planning Board
 December 8, 2015

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

5:00p.m. Workshop

- a. Sketch Plan review of a 5-lot subdivision at 107 Flag Pone Road. Tax amp 76, Lot 5. Applicant is Bill Koch.

The Board gave guidance to applicant to create an access to the abutting Kimball property by moving the lot lines between Lots 1 and 2, as well as utilities going underground from Flag Pond Road.

- b. Review of sidewalk policies

Patrick Fox, DPW Director: He would like the Board to take another look at the ordinance on what the City wants to do with sidewalks. He thinks that the City should maintain and encourage citizens to utilize the ones we have and not just build more, especially if they don't go anywhere.

6:00p.m. Regular Meeting

1. Minutes of Nov. 10, 2015.

Rene: Move to accept the minutes with the added text as discussed tonight, which is reflected in the Nov. 10th minutes, seconded by Don. Vote was 6-0.

2. Public Hearing: Final plan review of proposed amendment to the Boynton Brook subdivision plan at 103 Grant Road. Applicant is Nancy Moulton.

Hamblen: The Board approved the preliminary plan for an amendment to the Boynton Brook subdivision at its Nov. 10, 2015 meeting. As previously reported:

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.

The Board granted waivers of the following submission requirements at the 11/10 meeting:

- 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

The Board also granted a waiver for Sec. 10.6.8 at the 11/10 meeting, thereby allowing the width of Lot 6 at its narrowest point to be less than 75% of the width of the required 200 foot lot frontage.

Don: I move to find the application for final subdivision review to be complete, seconded by Peter. Vote was 6-0.

Bill Thompson, BH2M: this is an already existing lot with a house on it and is currently being rented. We are just looking to meet the lot size requirements. There are no other changes to the site.

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

Don: Move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the final amended plan for the Boynton Brook subdivision based on the attached Findings of Fact and Conditions of Approval dated December 8, 2015, seconded by Rene. Vote was 6-0. Motion passes.

- 3. Public Hearing: Site plan and Conditional use review to remove existing 2-family dwelling at 125 Beach Street and construct a 1,490 sq. ft. addition to existing building at 87 James Street. Tax amp 32, Lot 33, 34, and 38. Zoned R-3. Applicant is Cote Funeral Home.**

Hamblen: Applicant 87 James Street, LLC operates the Cote Funeral Home, which has operated at the corner of Beach and James streets since 1950. The applicant also owns the abutting parcel at 125 Beach Street, a two-family dwelling. The proposal is to demolish the two-family and expand the funeral home with a 1,490 s.f. addition. The driveway and walk from Beach Street would also be removed, and the entrance to the funeral home would remain as is, off James Street.

The proposal triggers the need for a few different review processes:

- Conditional use permits for expanding the existing funeral home onto the abutting parcel.
- Section 504-2. Reconstruction. The existing two-family dwelling is legally nonconforming as to setbacks, with encroachment into both the front and side (easterly) setbacks. The proposed new construction would also encroach into the required 25 foot side setback, but would be less nonconforming, with the existing setback of 2.92 feet becoming a new proposed setback of 15.96 feet. The applicant cites Section 504-2. Reconstruction in asking that the Board find that proposed dimensional requirements are met to the greatest extent practical.

- Site plan review due to proposed addition greater than 1,000 s.f.
- Design review due to proposed addition to a commercial building.

Paul Gadbois is the project engineer. Jim Bernard would be the general contractor for the project.

- Conditional use permit – A waiver has been requested for a landscaping plan.

Don: I move that the Board waive Sec. 901-2.1.I as being unnecessary due to the nature of this project, seconded by Donna. Vote was 6-0. Motion passes.

Don: I move that the Board find the conditional use application for the expansion of a funeral home to be complete, seconded by Rene. Vote was 6-0. Motion passes.

- Site plan review --The applicant has requested the waiver of:
1104-1.6 – stormwater management plan
1104-1.9 -- landscape plan
1104-1.13 – medium intensity soil survey
1104-1.18 – lighting plan

Staff concurs that none of these items are critical to a determination on this application.

Don: I move that the Board waive Sec. 1104-1.6, 1104-1.9, 1104-1.13, and 1104-1.18 as being unnecessary due to the nature of this project, seconded by Peter. Vote was 6-0. Motion passes.

Don: I move that the Board find the site plan application for the proposed expansion of the funeral home at 87 Beach Street to be complete, seconded by Peter. Vote was 6-0. Motion passes.

- Design review – In staff’s opinion, (with the info supplied by Jim Bernard), the application is complete.

Don: I move that the Board find the application for design review to be complete, seconded by Rene. Vote was 6-0. Motion passes.

Hamblen: A potential concern for any such project – expansion of an existing commercial building within an in-town residential zone – is the reaction of the neighborhood. We have not fielded any calls or e-mails registering concerns at this time.

Board members are probably familiar with the parking situation for this business – a paved lot about 130 feet south on James Street is also owned by the applicant. Section 708-3(2) allows off-site parking “...within 500 feet measured along lines of access.” In this case, the applicant proposes to stripe an additional eight spaces to arrive at a total of 40 spaces, which appears to be a space short of the 41 required. Joe Laverriere has suggested an option in his Dec. 1 comments which may remedy the problem.

Sec. 504-2 comes into play due to the proposed removal of the two-family at 125 Beach Street. To paraphrase 504-2, this nonconforming building can be removed and replaced provided that said replacement complies with dimensional requirements "...to the greatest extent practical as determined by the Planning Board in accordance with the purposes of this Ordinance."

Certain non-residential uses in residential zones are subject to a greater side and rear setback than otherwise exists in the zone. Funeral homes are required to have a 25 foot side and rear setback in the R-3 zone, as opposed to a 10 foot setback for dwellings. With a proposed 15.96 foot setback, the proposed addition does not meet the 25 foot requirement. So, if the Board finds that dimensional requirements are met "to the greatest extent practical" in accordance with the purposes of the Ordinance, then the addition may be found acceptable. The Purpose, from Article 1:

Jim Bernard, builder: The proposed addition will have the same materials on the exterior as the existing funeral home to blend as closely as possible. It will be a combination of brick and vinyl siding. The proposed chapel will be used for large funerals to allow all friends and family to gather in one space.

Michael O'Toole: will there be additional parking? **Paul Gadbois, engineer:** The requirement is for 41 spaces, of which 38 are from the existing paved parking lot, 1 space in the garage and 2 spaces in the driveway. So they meet the requirement. **Bryan Cote, applicant:** They park along Beach Street as well. The entrance will stay the same on James Street.

Mike: Move to open the public hearing, seconded by Rene. Vote was 6-0. No comments from the public. **Peter:** Move to close the public hearing, seconded by Donna. Vote was 6-0.

Don: I move that the Board find that the proposed replacement of the nonconforming structure at 87 James Street is in compliance with all dimensional requirements of this Ordinance to the greatest extent practical, in accordance with the purposes of the Zoning Ordinance, seconded by Peter. Vote was 6-0. Motion passes.

Peter: this is a great layout and good for the neighborhood. It opens up that whole area.

Don: I move that the Board approve the application for conditional use review submitted by applicant 87 James Street, LLC based on the Findings of Fact and Conditions of Approval dated December 8, 2015, seconded by Rene. Vote was 6-0. Motion passes.

Don: I move that the Board approve the application for site plan review submitted by applicant 87 James Street, LLC based on the Findings of Fact and Conditions of Approval dated December 8, 2015, seconded by Peter. Vote was 6-0. Motion passes.

Meeting adjourned at 7:00 p.m.

Respectfully submitted by,

Maggie Edwards

Board Secretary