

Minutes

Planning Board Meeting

Tuesday, December 15, 2015

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

5:00 p.m. Workshop:

Discussion of draft changes to MU-3 zone.

The Board has discussed potential amendments to frontage requirements in the MU-3 zone during a series of workshops beginning in August. Some of the comments from the most recent session, Oct. 27:

- It may make sense to hold the current 200 foot requirement on Rte. 1, but require less frontage for streets off Rte. 1.
- Should the Board have the latitude to allow shared driveways?
- We should reduce to less than 200 feet for side streets, and that should start as soon as possible.
- If two lots are proposed, 100 feet of frontage for each with a single access point is okay.
- If a reduction would kick-start development along that section of Rte. 1, then we should do it.
- The possibility of a footnote being added to Table 412-1 that would maintain the 200 foot requirement, but allow it to be reduced to 150 feet when a shared access point is proposed for abutting parcels was mentioned.
- Such a footnote, as well as a lesser requirement (75 feet?) for side streets would be worthwhile.

A. Proposed Amendments

a. Maintain 200 feet as required frontage for a parcel in the MU-3 zone, but, add footnote 24 to Table 412-1 as follows: If single point of access (curb cut) to Rte. 1 is shared between two or more parcels, frontage may be reduced to 150 feet for each parcel.

b. Add footnote 25 to Table 412-1 as follows: Street frontage for a parcel not obtaining frontage from Rte. 1 may be reduced to 75 feet

Board discussion:

Don: Did we not discuss that we wanted to minimize curb cuts on Rte. 1 as well? Did we want to have 300ft or 250ft?

Bob read Sec. 709-1.2 of the zoning ordinance. "Curb cuts serving lots on Rte. 1, 5, and 112 and providing access to one or more said routes shall, for each lot, be separated by at

least 500 ft as measured along the street line”. The Board agreed that that won’t work if the street frontage is only 150ft times 2 as a shared driveway.

The Board agreed that 200ft would work and that some amendments to the zoning ordinance are in order.

5:45p.m. Regular meeting:

1. Minutes of December 8, 2015

Peter moved to accept the minutes as written, seconded by Marty.

Discussion: Rene: Would like to add on page 2 under Don’s comments, that there is currently an existing house on the lot that is being rented by the owner, and that was the main motivation of the owner purchasing that house and lot. That is what precipitated the whole process.

Michael: He wanted to make it clear that he recused himself from the review of the sketch plan of 107 Flag Pond Rd.

Peter accepted the amendment and Marty seconded. Vote was 7-0

2. Public Hearing: Site plan review of a proposed 6,000 s.f. commercial building at 730 Portland Road. Tax Map 43, Lot 6. Zoned B-6. Applicant is Michael Doherty.

Hamblen: Applicant Michael Doherty proposes to re-develop the 1.7 acre parcel at 730 Portland Road with the construction of a 6,000 s.f. building that would house an “Accessory Retail Sales of Goods Manufactured on the Premises” use. Included would be gravel display areas for the small utility building that “Shed Happens” would be selling, a 3,626 s.f. paved parking area, lighting and landscaping.

This project triggers the need for site plan review due to proposed new construction of a nonresidential building in excess of 1,000 s.f. The building is subject to design review; building elevations are included in the application materials.

A. Determination of Completeness

Site plan review -- the applicant is requesting the waiver of several submission requirements:

1104-1.2(c) sketch map showing general location

1104-1.2(i) the location and delineation of natural resource areas

1104-1.9 landscape plan

1104-1.11 location of sign

1104-1.12 waste disposal plan

1104-1.13 medium intensity soils plan

1104-1.18 lighting plan

The applicant proposes 9,626 s.f. of new impervious area, comprised of the proposed building and parking area. So, the threshold of 10,000 s.f. is not met. Recognizing that the site is within the Goosefare Brook watershed, City Engineer Joe Laverriere has suggested as follows: “The proposed (stormwater) revisions to the ordinance will include redevelopment, so what I would like is for his plan to include a note of all new and redeveloped impervious area. That way with the ordinance change, he will definitely need to do something with any change in the future.

Bottom line is we need to get storm water quality controls on existing sites as part of redevelopment or we will not make any headway on the Goosefare Brook water impairment issue.”

The applicant’s response: “Given that the lot is almost entirely compacted, impervious gravel now and we will be increasing the pervious area on the lot (loam and seed) by about 10,000 sq ft which is about 14% of total surface area on the property we believe we are exempt from this requirement. Our project does not include any new impervious surface area.”

Don: A newly proposed 6,000 s.f. building, plus 3,626 s.f of paved parking, plus there is an existing building on site that will put him over the 10,000 s.f. threshold. **Bob** read Sec. 1104-1-14 of the zoning ordinance that says in short; “for projects which will create over ten thousand sq.ft. of impervious surface”. **Don:** This is where Joe Laverriere’s comments come from. He is saying that in total, there is over 10,000 sq.ft. of impervious surface being disturbed, with the inclusion of the existing building on the site. It is close enough to the threshold as well as to the Goosefare Brook Watershed, that a Stormwater Management plan should be done.

Bob: The Board has the right to table and require that the applicant hire an engineer to produce a stormwater management plan.

Mike Doherty, applicant: The zoning ordinance says “create” meaning new impervious.

Rene: the board needs to decide whether to include the existing building to the impervious total or not, especially seeing it is so close to the 10,000 sq.ft. threshold.

Bob: the ordinance clearly states that any Site Plan over 10,000 sq.ft. of impervious surface, must have a Stormwater Management Plan. If the Board so desires to include the already existing building to the total impervious, they have the right to ask the applicant to provide a Stormwater Plan.

Peter: Is there a criteria for impervious? **Don:** The potential is an affected resource that is nearby Goosefare Brook. We don't want to endanger the brook.

Mike Doherty: The Lot is completely impervious, edge to edge. He is adding 10,000 pervious lawn, loam and seed. Drainage is not going out to Rte. I. He is adding more pervious than impervious.

Don: We need a complete Stormwater Management Plan that shows that it is not adding more impervious, but that he is adding less impervious. A plan that shows medium intensity soils and the location and delineation of natural resource areas.

Mike O: "I move that the Board waive submission requirements, 1104-1.2, 1104-1.9, 1104-1.11, 1104-1.12, 1104-1-18, as the project is of such a nature and scale as to make the information unnecessary.", seconded by Peter. Vote was 7-0.

Rene: The southwest corner shows propane tanks. Usually we prefer bollards, not jersey barriers. We don't want them to set a precedent.

Don: NFPA is standard for barriers. Bollards are stronger and better.

Mike Doherty: Can I get the Board's input on the buildings elevations?

Rene: there should be a buffer on both the north and south side of the property. The last thing that the Motel wants to see is a commercial manufacturer next door.

Kevin Morse, owner Wagon Wheel Motel: There is only a 50ft setback between the applicant's property and his property. It's not very appealing for his customers to be looking out the window at a manufacturing site.

Don: Move to table until a Stormwater Management Plan is provided as discussed tonight, seconded by Donna. Vote was 7-0. Motion passes.

3. Public Hearing: proposed amendments to the Zoning Ordinance, Section 805. Stormwater run-off.

Hamblen: A few Board members may recall the last significant updates to this section of the Ordinance: drafted by former City Engineer Angela Blanchette, in response to new rules at the time put forth by the Maine DEP in 2009.

These current amendments, drafted by Joe Laverriere, would likewise update the City's approach to stormwater management as required by the Maine DEP, and keep the City in compliance with the Small Municipal Separate Storm Sewer Systems program (MS4). This is one piece of a comprehensive stormwater plan designed to reduce the discharge of pollutants within Saco's urban area, and to protect water quality in keeping with requirements of the federal Clean Water Act.

Also included in the attached materials, a draft stormwater system maintenance agreement that developers will be bound by via conditions of approval, a Map of Saco's MS4 area, and the first few pages of Saco's Storm water Management Plan.

Joe Laverriere consulted with Mary Beth Richardson of DEP and sent her the entire section of 805 proposed amendments. She came back with only 2 corrections in the first 2 pages, largely siting the correct dates, and also referencing not only Chapter 500 Stormwater Management rules, but also Chapter 501 and Chapter 502, and she suggested that in a couple of different paragraphs. Otherwise she is satisfied with the overall revisions to 805.

Mike O: He thought that Joe was concerned about not only the right reference to the last revision, but somehow save it and not have to revise it every time there is a future revision?

Bob: Yes you are right about that. We are going to have to revisit with Mary Beth at DEP, because as you all have seen, we can find spots in the ordinance where we say exactly that. We don't want to have to keep revisiting it every few years the DEP or DOT updates it. He doesn't know if Mary Beth even considered that. So if you are ok with providing that kind of latitude to me and Joe, then we will address that, whichever way she allows us to go.

Peter: What does Stormwater do? **Bob:** It is designed for emergency spillway. It's treated and released to streams or wetlands. DEP wants to see it captured, treated, and then released. That is for all Stormwater Management Plans.

Don: To mention Mike's question, the only comment that she made relative to a date, was the 2009 vs. 2006. But then if you read what Joe has written on the other 2 comments, Maine State Stormwater Management. All she has done is include Chapters 501 and 502. It looks like he has already drafted the latest revision of. On the following page, he's done it again, in the most recently revised version of the Environmental Protection, Chapter 500. All she has done is to add Chapters 501 and 502.

Rene: The first comment was July 1st, 2009 was a threshold date.

Donna: Move to open the public hearing, seconded by Marty. Vote was 7-0

No public comments made

Peter: Move to close the public hearing, seconded by Marty. Vote was 7-0.

Don: I move that the Board forward a positive recommendation to the City Council for the proposed amendments to section 805 of the Zoning Ordinance, seconded by Rene. Vote was 7-0. Motion passes.

Meeting adjourned at 7:00pm

Respectfully submitted by

Maggie Edwards
Board Secretary