

Minutes
Planning Board
February 9, 2016

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

4:45 p.m.

Workshop

Discussion of Planning Board issues: Don provided information on four planning issues that he feels merit discussion. To be revisited in March.

Sketch Plan: proposed multi-family dwelling at 44-46 Storer Street. Applicant is Landmark Development Group, LLC. Tax Map 38, Lot 35. Zoned MU-1.

5:45

Regular Meeting

- 1. Minutes of Jan. 19 and Jan. 26, 2016 – motion by Peter that the minutes be accepted, seconded by Donna. Donna asked that the Jan. 26 minutes be clarified that on her motion found on p. 5, the second was provided by Mike. The clarification to the motion was accepted by Peter, and so voted, 6-0.**
- 2. Public Hearing: Site plan and Site Location of Development review of a proposed 22,676 s.f. dormitory at Thornton Academy. Tax Map 40, Lot 29. Zoned R-2.**

Hamblen: Thornton Academy began welcoming international students to its campus in September 2009. Some Board members will recall the first two dorm projects reviewed:

- An 18,200 s.f., two-story, 38-bed and four apartment dormitory, since named Nelson Hall.
- A 19,660 s.f., two-story, 42-bed and four apartment dorm, since named Stasio Hall, the second of four planned dorms.

Nelson Hall is located within the Historic Preservation District. The building's design was reviewed and approved by the Historic Preservation Commission. Stasio Hall and dorm 3 are in the R-2 zone, and not in the historic district. Nonetheless, PDT Architects will provide graphics of the exterior elevations of the proposed building.

Stormwater would drain to the existing underdrained stormwater pond southwest of the dorms, which outlets to the municipal storm drain network in Main Street, thence to Bear Brook, a tributary to Goosefare Brook. The proposed building has a footprint of roughly 11,600 s.f. There are seventeen proposed new parking spaces, intended to accommodate the current proposal and the fourth dormitory shown as part of the Campus Master Plan. A landscaped stormwater bio-retention filter will be constructed between the relocated basketball court and Dorm 3.

Lighting and landscaping would mimic that which is in place for the existing dorms. Traffic was addressed in 2009 via a Traffic Movement Permit from the Maine DOT, which required closure of the former driveway to

the Alumni House from Main Street, installation of the overhead pedestrian flasher at the Main Street crosswalk, and realignment of the main entrance from Main Street.

Any substantive changes to the T.A. campus result in the need for amendment of both site plan and the existing Site Location of Development Review permit, as was the case with the 1994 Arts Center project, in 2010 with the fieldhouse, in 2006 with the Middle School project and 2007 with the science building parking lot, and in 2008 and '11 with the dorm projects.

Mike: I move to find the application for amendment of the existing site plan to be complete, seconded by Peter, and so voted, 6-0.

Michael Tadema Wielandt, Terradyn Consultants, LLC: I'm here with Marilyn Leivian of PDT Architects. Proposed exterior materials and color are same as existing buildings. Evergreens will remain as a screen from Main Street. Seventeen new parking spaces are proposed, which would provide two spaces per apartment for all dorms at build-out. Existing basketball court would be moved about 30 feet. A barrier gate would be installed at the vehicular entrance, and residents of the apartments would have a transponder for access.

Peter: what is capacity of stormwater pond? **MTW:** that is addressed by the stormwater report, done to first flush standards and designed for up to a 50 year storm. **Donna:** why here, on Rte. 1? **MTW:** the dorms were designed here per the Master Plan reviewed by the Board in 2010. **Peter:** so the infrastructure is in place already.

Peter: the dorms look like an army barracks. Use fake cupolas or something to improve their appearance.

Marilyn: the building includes articulated projections. **Peter:** same color as existing buildings? **Marilyn:** we can vary the colors of the protrusions. Exterior siding is hardy plank. **Peter:** shutters? TA could retrofit the earlier buildings, too. **Marilyn:** the existing evergreens along Main Street on the TA campus would screen the building's appearance from Main Street. We're seeking a village look. **Don:** the southeast elevation looks like the back of the building. Fenestration and entrances facing Rte. 1 would improve the appearance from Main Street. The size of the windows facing Main Street is small, a problem. **Marilyn:** it's the same as buildings 1 and 2. **Marty:** I agree with Don and Peter, more architectural detail would be an improvement. **Peter:** what is the square footage of the buildings, and the footprint? **Marilyn:** about 11,500 s.f. footprint, with 22,676 s.f. of total floor area. **Mike:** the plantings on the Rte. 1 side of the building, what would be the proposed height? **Marilyn:** about 12 feet. Ornamental trees could be added to the Main Street side.

Peter: is the setback from Main Street enough in case of a runaway truck? **MTW:** there's a curb, fence and arborvitae between traffic and the building, and the building is 50 feet from the Main Street curb. I'm comfortable with the separation.

Donna: I move to open the public hearing, seconded by Marty, and so voted, 6-0. No comments.

Donna: I move to close the public hearing, seconded by Marty, and so voted, 6-0.

Donna: there are concerns about the building's design, so tabling may be in order. Peter agrees. **Donna: I move that the Board table further review pending a response to the design issues as discussed, seconded by Peter. Don:** would the Board consider imposing conditions, and consider an approval this evening? Trees could help on the Main Street side, they would screen the smaller windows. **Peter:** I would agree, but would rather see this come back with the changes suggested. **Donna:** agrees, would like to see

changes. **Marty:** I agree with Peter and Donna. **Mike:** by tabling, are you looking for changes to the exterior only? **Donna:** yes. **The motion was voted on and passed, 5-1 (Don).**

MTW: could the Board clarify what it's looking for? **Peter:** small windows are a concern, and color. Could it be more Colonial in appearance, or Federal? **Donna:** less institutional. **Marilyn:** is it windows? Trees could help. **Donna:** if it looked less like the other dorms, and more like other existing buildings on campus.

Marilyn: I think a fantastic job was done on the first two buildings. Those house about 40 students, and apartments. **Peter:** cupolas? Shutters?

3. Public Hearing: preliminary subdivision review of a proposed 16 lot subdivision off Richards Way. Applicant is Mezoian Development LLC. Tax Map 23, Lot 20. Zoned R-1a. Item was tabled at the May 19, 2015 meeting.

Hamblen: when last seen, this project was being tabled by the Board at its May 19, 2015 meeting with the request that permits required by other agencies be obtained by the applicant prior to preliminary plan approval being considered. That has occurred, with the December issuance of Site Law and NRPA permits by the DEP, and the July, 2015 issuance of a Traffic Movement Permit by the MDOT. Copies of said permits are in the packet. A site walk took place June 2, 2015.

Applicant MSB LLC has submitted an updated preliminary subdivision plan for the sixteen lot Juniper Knoll II project, off Richards Way and Ocean Greens Drive. Originally proposed as a clustered subdivision, the current application is a standard format subdivision, all lots 20,000 s.f. or larger, all lots with 100 feet of frontage or more.

This project would be the 6th that will be considered as a "common scheme" development – formerly in common ownership of a single owner -- starting with Ocean Greens II approved in 2002, Strawberry Fields approved in 2004, Carson's Point (2011), Juniper Knoll (2011), Copper Leaf (2013), and now Juniper Knoll II. Combined, the acreage occupied by these six project is 104+/- acres, and would total 108 lots if the current proposal is approved.

Single family homes would be built on the lots, which range in size from 20,000 s.f. to 49,682 s.f. All lots would be accessed via a proposed 675 foot extension of Ocean Greens Drive or the proposed 1,604 foot "Taylor Berry Lane." Each is designed as a City street, though Taylor Berry Lane would deviate from those standards with the support of the Department of Public Works, by narrowing it to 15 feet, with one-way traffic. Waivers granted by the Board on 5/19/15 included allowing Taylor Berry Lane to be a one-way street and be reduced from 24 to 15 feet in width (Sec. 10.11.1.2), and to waive a cul de sac on Ocean Greens Drive and instead construct a hammerhead turnaround (sec. 10.11.5.9.a).

All utilities would be public. No open space is proposed, therefore a per lot fee would be assessed for open space and recreational facilities, addressed in the draft Conditions of Approval. Project engineer is Steve Blake, BH2M, and project manager Bill Thompson.

Neil: questions from the Board? **Donna:** a layperson would see the no-cut buffer and accept it as such. **Don:** wasn't the no-cut buffer essential to the stormwater plan? But it is no longer, so shouldn't the Strawberry Fields plan be amended to recognize that?

Thompson: we have attorneys Barbara Dresser and David Ordway here to discuss. A culvert would be installed into the no-cut buffer. We've transferred responsibility for that into a new pond within Juniper Knoll II. **Ordway:** the issue is with the developer of Strawberry Fields; he was obliged to protect a deed

restriction, but didn't. This developer (Mezoian) has done the job that Strawberry Fields didn't do. **Bailey:** what does the no-cut buffer on the Strawberry Fields plan mean? **Ordway:** the area was outside the Strawberry Fields subdivision. **Donna:** does anyone have a right to view the Strawberry Fields plan and expect the no-cut buffer to exist? **Ordway:** the DEP said the no-cut buffer was not a requirement. If the no-cut buffer was integral to the project, it was the original developer's to protect, not the responsibility of someone downstream. This developer has taken the original developer off the hook.

Girouard: "...did not require that the area be protected from disturbance" is not the full story. The no-cut buffer was not protected by deed, but it is integral to the stormwater plan. **Ordway:** this applicant has provided some benefit, with an alternate manner of treating stormwater. Mezoian is not a successor to Strawberry Fields. There is no easement on the no-cut buffer area. Is it the fault of Strawberry Fields if indeed the no-cut buffer was required to be reserved. **Girouard:** it was the owner of the no-cut buffer's to protect. **Ordway:** this applicant has done all he can to manage stormwater. He has no control of Strawberry Fields. **Donna:** I disagree. Strawberry Fields is subject to the Strawberry Fields plan. The land of Juniper Knolls II is not conveyed with reference with Strawberry Fields. At this point, Hamblen retrieved the Strawberry Fields plan for review of the Board.

Donna: we've looked at the MMA's legal opinion of May 22, 2015, but I wouldn't object to another legal opinion in more detail. **Ordway:** the no-cut buffer area is not within the Strawberry Fields land. The land was not conveyed to the Juniper Knolls II developer with that responsibility. There are no easements creating a deed restriction on the no-cut buffer. If the Board wants the Strawberry Fields plan amended, this applicant has no standing. He has done what he can do to make up for the no-cut buffer situation. **Don:** if not Mezoian's burden, then whose is it? Could the Maine Municipal Association or Tim Murphy advise us, given what Juniper Knoll II is proposing, whether the City can take on amending the plan? Can we initiate this in-house? **Ordway:** Mezoian is willing to grant an easement to address the drainage plan. That is as much as this developer can do. **Don:** can we continue forward, or is this a threshold issue? **Neil:** I think it is a threshold issue. I recall many nights of review, and the Board was assured a grand scheme of development. The Board made decisions based on good faith at the time. **Marty:** I agree, another legal opinion is needed to move forward.

Peter: I move to table further review until the issue of the no-cut buffer and the Strawberry Fields/Juniper Knoll II relationship is cleared up, and that we seek a legal opinion to do that, seconded by Donna, and so voted, 5-1 (Neil).

Meeting adjourned at 8:15 pm

Respectfully submitted by,

Bob Hamblen, City Planner