

Minutes, Saco Planning Board

April 19, 2016

Members Present: Don Girouard, Co-Chairperson; Michael O'Leary; Rene Ittenbach, Peter Scontras, Marty Devlin, and Bob Hamblen, City Planner, Joe Laverriere, City Engineer. Absent: Neil Schuster

Workshop 5:00 p.m.

Discussion of Planning Issues: Hutchins to Hannaford, Pedestrian Pepperell Square.

**1. Minutes of April 5, 2016**

**Marty: I move to accept the minutes of April 5, 2016 as written, seconded by Rene. Motion passes 5-0.**

- 2. Public Hearing: subdivision review of the final plan for a proposed five lot single family residential subdivision at 107 Flag Pond Road. Applicant is Bill Koch. Tax Map 76, Lot 5. Zoned R-1a. Preliminary plan approval was granted Feb. 23, 2016.**

**Michael O'Toole recused himself because of his relationship with the applicant, and took a seat in the audience.**

**Hamblen:** The Board granted approval for the preliminary plan for Apple Tree Lane at its Feb. 23 meeting. The Board included four conditions of that approval, which are addressed in the applicant's April 8 cover letter. Find also, sign-offs from City Engineer Joe Laverriere and from Terradyn Consultants' Jason Vafiades, P.E.; they are satisfied that the stormwater plan and other technical aspects of the application have been addressed. The comment provided by Joe re: buffer deed restrictions have been included in the draft conditions of approval.

Applicant Bill Koch proposes to create four new lots from a roughly 5.54 acre parcel with frontage on Flag Pond Road. Lots 1, 3, 4 and 5 would each be accessed via the proposed Apple Tree Lane. Frontage for Lot 1 would be via Flag Pond Road. Frontage and an existing driveway would be provided via Flag Pond Road for Lot 2, an existing single family dwelling. Lots would be serviced with public water and septic systems. No open space is proposed; the draft conditions of approval require payment of an open space and recreational facilities impact fee. Based on feedback from the Board during sketch plan review, the proposed right of way includes a connection as a future ROW to the abutting parcel to the east, 980 Portland Road. Project manager Mike Tadema-Wielandt, P.E., is representing the applicant.

**Peter: I move to find the application for final subdivision review to be complete, seconded by Rene. Motion passes. 4-0.**

**Michael Tedema-Weildant, Terradyne Consultants:** The ROW to the cemetery exists today and they would park along Flag Pond Road. **Rene:** There is a trailhead nearby where people can park and walk to the cemetery.

**Rene: I move to open the public hearing, seconded by Marty. Motion passes. 4-0**

**Marilyn Ives, 133 Flag Pond Rd:** She maintains her ancestor's cemetery, and has been allowed access by Ms. Picard next door. She is concerned that if in the future Ms Picard moves, she might lose that access. With this new development, she would like to have them give her access in case she needs it.

**Peter: I move to close the public hearing, seconded by Marty. Motion passes 4-0.**

**Bill Koch, applicant:** He would be willing to clear some of the trees and brush in the ROW. It shouldn't be clear cut, but limb them up on time. **Marilyn:** she asked who has the right to clear that access: **Bill Koch:** you would have the right. **Peter:** Maybe Ms. Picard could add in the purchase and sale agreement when she does decide to sell her property to add a note "property to keep the access of ROW for Ms. Ives."

**Rene: Move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the final plan submitted for the proposed Apple Tree Lane subdivision based on the attached Findings of Fact and Conditions of Approval dated April 19, 2016, seconded by Marty. Motion passes 4-0.**

**3. Public Hearing: subdivision review of the final plan for the proposed 16-lot Juniper Knoll II subdivision off Richards Way. Applicant is Mezoian Development LLC. Tax Map 23, Lot 20. Zoned R-1a. Preliminary plan approval was granted March 1, 2016.**

**Hamblen:** The Board granted approval for the preliminary subdivision plan for Juniper Knoll II at its March 1, 2016 meeting. The submittal of a final plan, which occurred on March 18, has been subject to staff review. Applicant MSB LLC is represented by Mike Mezoian, seeking approval 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 6<sup>th</sup> 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 projects 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. Note that on lots of 40,000 s.f. or more, a two-family dwelling may be built in the R-1a zone, if a conditional use permit is granted. Homeowner's association documents may prohibit anything other than single-family dwellings, however.

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 to 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 allow instead 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.

We have received several emails from residents such as, John Perry, Caroline Rossignol and Councilor Kevin Roche, who expressed that they are against this project. Applicant agreed to provide access to the trails.

**Rene: I move that the Board find that final plan application for the Juniper Knoll II subdivision to be complete, seconded by Marty. Motion passes 5-0.**

- The Department of Public Works has recommended that Richards Way be identified as the sole construction route for the project, same as for Juniper Knoll and Copper Leaf. Also, they are requesting that the Board impose a \$1,098 per lot fee that would go toward an overlay of Richards Way at the completion of this project. This fee has been required of lots within the Juniper Knoll and Copper Leaf subdivisions to date, was first collected in February, 2012, and totals \$30,766.40 to date – 28 houses. This is addressed in the draft conditions of approval.
- Traffic – addressed in part with the Traffic Movement Permit granted by the Maine DOT in 2015. Also, the Traffic Safety Committee met on 9/25/14 and discussed the potential for a 4-way stop at Richards Way and Ocean Greens Drive, which was at the time a 2-way stop. It is now a 4-way. Also, streetlights off Ocean Greens Drive by the detention pond in Strawberry Fields, and by the ball field off Richard Way. Both have been installed.
- The public works department has installed a signalized crosswalk at the corner of Richards Way and Ferry Road. This is a requirement of the applicant, set forth in the TMP issued July 7, 2015. The draft conditions of approval required that costs incurred by the DPW related to installation of said crosswalk and signal shall be reimbursed to the City.
- Stormwater – the subsurface chamber system for collecting stormwater has been scrapped in favor of a wet pond and a vegetated, underdrained filter. The DEP has approved the Site Law modification for this project, which includes a Stormwater Permit and an NRPA permit. The latter is necessary due to the proposed alteration of 17,388 s.f. of forested wetlands. The DEP is handling this by requiring a contribution of \$70,943 to compensate for the permanent alteration of the wetlands, an amount due prior to the start of construction.
- The applicant has added trail access points that appear on Sheets 1 and 5 of the plan set. The draft conditions of approval require this, also the installation of signage.

The existing median where Richards Way meets Ferry Road has been identified as being an issue, as large vehicles tend to ride up on it and beat up the curbing. DPW is willing to either remove the median, or have it removed. The Planning Office has mailed a request for input on this – at least one Richards Way homeowner would like to see the median remain. If the majority preference is that it remains, the applicant will be required to make any repairs that may become necessary do to construction vehicle traffic. Addressed in draft conditions of approval.

This project should be very close to closing out the Strawberry Fields, etc., subdivision, though at least a couple of undeveloped house lots remain the property of the former owner. With the Site Law and NRPA permits being issued, the technical review of environmental impacts has been completed by the ultimate review authority in the state, and found to be consistent and compliant with existing state law and DEP regulations. Upon completion of the Copper Leaf subdivision and Juniper Knoll II, the \$1,098 per lot fee that has been collected for each lot will be utilized by the City to finish pave Richards Way, the authorized construction route. The City will have collected roughly \$53,800 in fees for the overlay. The City will have collected roughly \$83,260 in Open Space and Recreational Facilities impact fees, as well.

**Bill Thompson and Steve Blake, BH2M:** The detention pond has already been reviewed by the City. Location of the Trailhead locations have been noted on plan. We are requesting waivers for Sec. 11.11 regarding the radius on Taylor Berry Lane. **Peter:** do you meet the 100ft stream setback? Lots 2 and 4 are close to Goosefare Brook. **Bill:** Yes. They meet DEP's requirement. **Mike Mezoian, applicant:** His subdivisions have actually improved Goosefare Brook. **Bob:** Stormwater for this project has met DEP standards. **Mike:** Has anything been done about lights flashing on the house on the corner of Richard's Way and Taylorberry Lane? **Bill:** Lights were not a detriment to that resident. Taylorberry Lane will be one way. **Bob:** #31 in the COA addresses Taylor Berry Lane into Richard's Way, with Mr. Duffy's permission for buffering. **Mike:** He marked the center line and the headlights are not even close to shining on Mr. Duffy's property. **David Ordway:** Considering that he just received new comments, he would recommend that the applicant have the opportunity to respond. He would ask the planning board to limit some of the comments.

**Mike: I move to open the public hearing, seconded by Marty. Motion passes 5-0.**

**Cathy Porter, 13 Ocean Greens Drive:** She wanted clarification on a few items. Is Taylor Berry Lane one-way or two-way? Where is the access to the two Trailheads, where are the pathways? Is the ball park, pond, and open area that is part of Strawberry Fields buildable, sellable? What is the requirement of the radius. Is the area labeled as open space to be conveyed to an existing homeowner? **Bill:** Taylor Berry Lane will be a one-way. Lot 7 will have signage to the trailway. It will be graded for vehicle access. The no-cut buffer (stormwater) may be changed by the developer, without the consent of homeowners, but DEP would have to give their consent. **James Audiffred, attorney representing Mark McCallum:** He started to talk about the ROW, and Right, Title and Interest. **Don:** I don't believe that Strawberry Fields has any relevance to this Juniper Knoll II project. **Mark McCallum:** He presented an email that showed his right, title and interest in a lot that was connected to this subdivision. **Bob:** Item #5 in the findings of fact addresses the RT&I. It has been looked at in depth. **Don:** The RT&I has been satisfied by the Board.

**Marty: I move to close the public hearing, seconded by Rene. Motion passes 5-0.**

**Peter:** Bob said it is unlikely there would be further development, but I would say there is a lot more land to be developed. **Don:** It has been mentioned that maybe the construction on Richard's Way wasn't being followed. **Bob:** They get an occasional complaint.

**Rene: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the final plan submitted for the sixteen (16) lot subdivision proposed by applicant MSB, LLC based on the attached Findings of Fact and Conditions of Approval dated April 19, 2016, with amendments pending review of the supporting documents in the Final subdivision application regarding: a) Final Plan Subdivision Application. b) Declaration of Protective Covenant, Conditions, Restrictions, and Common Easements; c) Road Maintenance Agreement; d) Sewer Facilities Agreement; and addition of language regarding pedestrian easements to access the two (2) trail head locations as indicated on Sheet 1 of the Final Plan, seconded by Marty. Motion passes, 5-0.**

Meeting adjourned at 8:30 p.m.

Respectfully submitted by,

Maggie Edwards  
Board Secretary