

Minutes  
Planning Board Meeting  
Tuesday, June 21, 2016

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

**Workshop 5:00pm**

- a. **Sketch plan review of a proposed ten unit senior affordable housing project at 32 Market Street. Applicant is Southern Maine Affordable Housing. Tax Map 51, Lot 35. Zoned R-3. No minutes taken**
  
- b. **Sketch plan review of a proposed eight unit Multi-Family Dwelling at 284 Bradley Street. Applicant is Doyle Enterprises. Tax Map 66, Lot 18. Zoned R-2. No minutes taken**

**1. Minutes of June 7, 2016**

**No minutes were provided**

- 2. Public Hearing: review of a proposed amendment to the site plan for Hannaford. Applicant is Hannaford Bros. Co, LLC. Tax Map 41, Lot 12. Zoned B-2d.**

**Hamblen:** The Hannaford Bros. Co. LLC proposes to move its existing can and bottle redemption operation (“Clynk”) from inside the building to a freestanding 10’ x 32’ prefabricated unit in the southeasterly corner of the parking lot. It would be set onto existing pavement, and a trench dug to install underground power.

The property is subject to existing site plan and Site Location of Development permits. Consequently, staff has scheduled this for review by the Board rather than treating what is a fairly minor change as a staff level review.

Hannaford last appeared before the Board in January 2002, when it sought approval to expand its then-existing 43,885 s.f. store by approximately 11,000 s.f. Just prior to that, in November 2001, Hannaford sought and received approval for an integrated sign plan for the plaza.

An LOC will not be required for this project, so the conditions of approval will need to be changed. Number 11 of the FOF, Lighting; will also need to be changed to read LED fixtures.

Staff recognizes that there is an existing vehicular connection from Horton Avenue, across the McDonald’s property, and into the Hannaford Plaza at a point within about 50 feet of the proposed Clynk location. The 2005 Main Street Access Study attached importance to the notion of formalizing this connection. As the Board is aware, this item was a point of discussion recently as various planning issues City-wide were discussed.

A letter to the owners of the McDonald's property has gone out inviting a discussion. Staff is curious as to Hannaford's interest in better defining, or formalizing, public access to and across the plaza.

The Plaza originally required a Site Location of Development permit from the DEP. The current proposal requires no action by the City on the permit, confirmed by Jennifer Harris of the Portland office, as less than 10,000 s.f. of existing developed area would be disturbed.

Bo Kennedy, P.E., Stantec, is the project engineer. Bill McKenney is project manager with Hannaford.

**Waivers of submission items are listed below**

Sec. 1104-1.      10. Standard boundary survey  
                         11. Signs  
                         13. Soils map  
                         15. Traffic estimate  
                         18. Lighting plan

**Don: "I move that the Board waive submission items Sec. 1104-1.10, .11.13.15.18 as noted above."**  
**Seconded by Mike.**

**Discussion: Mike, my understanding is that the reason they don't need a lot of these things is because those things are already in place, and the fact that this is going in there isn't going to change that. Bob: that is correct. Those things were addressed back in 2002 with the larger project back then. Motion passes 6-0**

**Don: "I move that the Board find the application complete.", seconded by Peter. Motion passes 6-0.**

**Bill McKenney, project manager for Hannaford:** We are here to get approval for a "bottle recycling unit".

**Bob:** just a couple of moving targets. Bill and I were swapping emails today and there are just of couple of moving targets. Bill had asked about the need for an LOC, which my draft conditions of approval call for. I am satisfied that a LOC would not be required for a minimal use such as this. Staff would be satisfied if no LOC was required. So that would change the COA a bit. We talked to Dick Lambert about the electrical. It's possible that the electrical would be extended overhead and if that doesn't make sense, they may simply run a circuit from the store. So that would alter the findings of fact just a bit. Dick recommended that the plan would have a note stating that it would be in conformance with the national electrical code. Bill M suggested that the "clynk" might jump up from 320 sq.ft. to 384 sq.ft., which is a minor change. My findings may suggest that additional lighting. In fact there would be 2 -12 watt LED fixtures on the exterior of this unit, with full cut off fixtures.

**Bill M:** As Bob mentioned in his memo, the plan is to move the Clynk bottle recycling unit that is currently inside the store, to the far south side of the Hannaford parking lot, where there is less traffic. It will be a free standing unit. Electrical service would run from the store to the unit, and will be according to the electrical code. Two LED cut-off light fixtures will be installed at the site. Bags will have stickers that will be scanned and allow the door to the unit to open.

**Don:** He is concerned with the connector from Hutchins to Hannaford, with control from the City, making that a city street. We should give that consideration. Does the City want to have control of that? And if electrical is coming across from where it is, and that is ultimately the pathway/travel way for the Hutchins Street to Hannaford would Joe Laverriere want the engineering of that passage way under the road? Without holding Hannaford hostage, we need to keep in mind that Hannaford to Hutchins St.. **Bill M:** It already exists now and is working. We have no plans to change it. He has not seen the sketches of the connector that were done by Don. Bob showed Bill the plans that Don had sketched out.

**Neil:** We can't hold the applicant hostage. Is this a pre-fabricated building? And will it just sit there and not be bolted down? **Bill M:** That's correct. It would be brought in on a flatbed and placed on the site.

**Vangel:** So it would be placed on existing parking spaces that are around the perimeter of the Hannaford parking lot, which aren't being used? **Bill:** Yes. **Vangel:** Then I don't understand Don's point with maintaining access with Hutchins's and Horton's, and this pre-built structure sitting on their existing parking spaces? **Don:** I can't see where the positioning is helping right now, but thinking ahead in the future, if the "clink" operation was successful in that area there, would there be a situation where the truck would pull up and would then be blocking the access way? That would be one consideration. The only other thing would be is if there would be an electrical feed going to that pad across to the Wendy's location. The underground electrical crosses that pathway. A scenario, what if Hannaford, and McDonald's should sit down and discuss a common electrical connection for both businesses and others as well. The city would cast in stone that travel way that we would never lose in the future. Would that underground electrical that is going across there now conform to what we would normally require under a public street or ROW.

**Joe Laverriere, city engineer:** If it would become a Public ROW we don't typically have private electrical services crossing the private ROW. Drops come off the poles and are usually in the public ROW. I think what we are trying to get is the right of passage. So I don't think that would necessarily take the form of a city street. **Don:** Would we seek to redesign that area? We should look ahead. **Neil:** How will the new location work? **Bill:** The Clynck truck would go around the store up to the site and back in. The truck would come twice a day. **Mike:** What will the building look like? **Bill:** A metal building with a gable roof.

**Marty: I move to open the public hearing, seconded by Mike. Motion passes 6-0.**

**Al Sicard:** He is not an abutter, but he is a consumer: There are vacancies on the end that are not being used. What happens once they are filled? That will impact the traffic. Making Horton into a thru street would be a blessing. If they could go out to Hutchins, it would be great to accommodate buses.

**Mike: I move to close the public hearing, seconded by Peter. Motion passes. 6-0**

**Mike: "I move that the Board grant approval for the amended site plan for the proposed Bottle and Can Redemption Outbuilding in Hannaford Plaza based on Conditions of Approval and Findings of Fact dated June 21, 2016." With edits to remove language "Letter of Credit" from the COA, and to add language on #11 of the FOF, "LED" fixtures required, and that the electrical will be conformed to the city code, seconded by Marty. Motion passes. 6-0.**

3. **Public Hearing: review of a proposed subdivision plan amendment for Simpson Farms. Applicant is Simpson Farms, LLC. Tax Map 115, Lot 12-1-1. Zoned C-1.**

**Hamblen:** The Board is asked to review a minor amendment to a lot line involving Lot 1 of the subdivision and abutting parcel on Ginger Lane. A 20x250 foot strip of land would be conveyed from Simpson Farm, LLC to Krista Meserve, 15 Ginger Lane. This would allow Ms. Meserve to split her property and create a second lot.

The four lot subdivision was approved by the Board on Dec. 17, 2014. The applicant returned to amend the plan with the addition of a fifth lot, approved by the Board on June 2, 2015.

To date, lots 3, 4 and 5 have each been built on and occupied. A house on Lot 1 is under construction. Lot 2 was an existing house at the time of approval.

The 10,000 gallon cistern proposed for fire protection has been installed, and stormwater drainage improvements made along the Simpson Road frontage. Steve Blake, P.E., of BH2M is the project engineer.

**Mike: "I move that the Board find the application for final subdivision review to be complete.", seconded by Vangel. Motion 6-0**

**Don: I move to open the public hearing, seconded by Marty. Motion is 6-0**

**No comments from the public**

**Don: I move to close the public hearing, seconded by Marty. Motion is 6-0**

**Peter:** Is there enough dry land to build there? **Bob:** That is up to Code to make that determination.

**Don:** "I move that the Board grant approval under the provisions of the Subdivision Regulations for the amended plan for the Simpson Road Five Lot subdivision, based on the Findings of Fact and Conditions of Approval dated June 21, 2016.", seconded by Peter. Motion passes 6-0.

4. **Public Hearing:** review of proposed amendment to the Park North contract zone. Applicant is Park North Development, LLC. Tax Map 62, Lot 1, and Tax Map 48, Lot 4.

**Hamblen:** Park North subdivision developer Elliott Chamberlain is proposing an amendment to the Park North contract zone that would allow residential development to occur on the rear portion of Lot 18, which had been reserved for commercial uses only as originally approved.

The Park North subdivision was approved on January 8, 2008. Within a relatively short time the Rte. One sewer main had been extended to the property with the aid of a TIF approved by the Council, and a road and utility network constructed. A handful of lots were sold and developed over the next several years as the market for new construction struggled. A few minor amendments to the original plan came and went.

As the market improved, developer Elliott Chamberlain worked on the details of the first phase of the residential piece of the project. The Board reviewed and approved this on March 4, 2014

Development Proposed: details for portions of Parcels 3 and 4 as identified on the original Park North plan, to include 43 lots that include 117 units and 68 apartments, to be constructed in nine phases. This represents an amendment to the subdivision plan approved on Jan. 8, 2008, and a Modification to the Site Location of Development permit granted by the Maine DEP on Jan. 25, 2008; the latter will be submitted to and reviewed by the DEP.

The current proposal is to amend Parcel I of the overall plan by allowing the rear third of the parcel to be developed with multi-family housing. Much discussion was devoted during review of the Park North contract zone in 2007/08 to the mix of commercial and residential uses that make up Park North – the existing zoning, Business Park (BP), allowed a range of commercial uses, but no residential. Much of what the contract zone agreement achieved was to allow residential on the easterly portion of the parcel, thereby reserving Rte. One frontage for commercial. When approved, the 2008 configuration looked like this: 290 residential units of multi-family dwellings and approximately 200,000 s.f. of commercial space. Little commercial development has taken place.

**Elliott Chamberlain, developer:** line item #17 for permitted uses will be changed to multi-dwellings. Proposal is the back third of Lot 18 and 19, Parcel I. The buildings will be strictly multi-family with 600ft to Rte. One

**Mike:** Will you continue to have multi-family in the first 600ft? **Elliott:** If this is approved, he has someone who is interested in those lots. **Don:** The wording needs to be changed on #17 of the permitted uses to allow Multi-Family Dwellings. **Elliott:** It is the only allowed use in Parcel I, Lots 18 and 19.

The Board discussed various ways of wording/changing the language.

**Marty: I move to open the public hearing, seconded by Vangel. Motion passes 6-0.**

**No comments from the public**

**Marty: I move to close the public hearing, seconded by Peter. Motion passes 6-0**

**Peter: “I move that the Board forward a positive recommendation to the City Council for the proposed amendment to the Park North contract zone that would allow residential development on the easterlymost portion of Lot 18, heretofore reserved for commercial development only.” With the condition that the City Planner and legal council finalize the language for Parcel I, Lots 18 and 19, seconded by Marty. Motion passes 5-1 (Vangel abstained)**

**5. Public Hearing: conditional use, site plan, and preliminary subdivision review of a proposed Multi-Family Dwelling at 265 North Street. Applicant is Broden Properties, LLC. Tax Map 54, Lot 8. Zoned R-2.**

**Hamblen:** Applicant Broden Properties, LLC, represented by Tim Madden, proposes to convert the existing structure at 265 North Street into a five unit Multi-Family Dwelling and retain roughly a 1,100 s.f. space for office use. The building was used previously as professional office space, and is regarded as grandfathered.

Multi-family dwellings are a conditional use in the R-2 zone. Converting the structure into a multi-family dwelling triggers site plan review. Dividing the structure into 3 or more units within a five year period triggers subdivision review.

The existing curb cut from North Street provides access to the site. Existing utilities are all public. No soil disturbance is proposed, and no new provisions for stormwater are proposed. No open space, so an impact fee would be assessed for that and recreational facilities for the five residential units. Traffic generation is estimated at forty trips per day.

### **Finding of Completeness**

No new construction is proposed. No new lighting, landscaping, roads or sidewalks are proposed. A number of submission items are judged by staff to be 'Not Applicable,' and the applicant has requested waiver for a number of other items. If the Board is in agreement with this, then the applications may be found complete.

- Conditional use review – judged to be complete.

**Vangel: “I move that the Board find the application for a conditional use permit complete.”, seconded by Marty. Motion passes 6-0**

- Site plan review – some items are N/A. One item requested for waiver:  
Sec. 1104-1. 10. survey

**Vangel: “I move that the Board waive submission item 1104-1.10 field survey as being unnecessary given the scope of the application.”, seconded by Mike. Motion passes. 6-0**

**Vangel: “I move that the Board find the application for site plan review to be complete.”, seconded by Peter. Motion passes 6-0.**

- Preliminary subdivision review – the following waivers are requested:  
Sec. 5.2.2 (3) field survey  
(7) topography  
(10) monuments, hydrants, utilities  
(12) stormwater plan  
(13) street trees  
(16) monuments, street lights, sidewalks, street signs, utilities, curbs, gutters, storm drainage, easement service buildings, dumpsters  
Sec. 5.2.3 (2) copy of deed  
(4) storm drain plan  
(5) soil survey  
(10) proof of financial and technical capacity  
(14) amount of land covered by buildings, pavement and other impervious surface

Some additional information provided by the applicant:

- Three 1-bedroom and two 2-bedroom units are proposed.
- Four to seven employees are anticipated, with business hours from 8 a – 5 p.
- The applicant is aware of the size of the parcel and that the possibility of future expansion exists, but nothing beyond the existing building is proposed at this time.

Sixteen parking spaces are required for the apartment units and the office use. It appears that ample space is available, as 26 spaces are shown on the site plan.

**Vangel: “I move that the Board waive the submission items noted in order to provide a more practical and economic development.”, seconded by Peter. Motion passes 6-0.**

**Marty:** This is multi-family. Isn’t this the same as Elliott, being a mixed use? **Bob:** There is already an office in there.

**Vangel: “I move that the Board find the application for preliminary subdivision review to be complete.”, seconded by Peter. Motion passes 6-0.**

**Tim Madden, applicant:** Parking will be in the front of the building. They will be adding 7 spaces.

**Mike:** You’re not using the back parking lot? **Tim:** Just the front for now.

**Marty: I move to open the public hearing, seconded by Mike. Motion passes 6-0.**

**Al Sicard, 259 North St:** He is okay with this proposal. He is, however concerned if and when he develops the back of the lot.

**Philip Prince, 267 North St:** He would be concerned if they develop the land out back, because that abuts his property.

**Mike: I move to close the public hearing, seconded by Marty. Motion passes 6-0.**

**Mike:** What is the density? **Bob:** 5,000 sq ft. per unit for a multi-family in the R-2 zone. **Don:** the plan shows a building on the side. Is that a garage? **Tim:** There is no garage on the property. That building you see has been there and was being used from the previous owners as storage. **Don:** With that out building to be moved 7ft , and 23ft of side yard; is that going to be wide enough for a 2-way? Because that will have to become a 2-way travel way if he develops the back. **Bob:** 24ft is required, plus a 5ft setback from the property line would be required. **Don:** So if he needs a 24ft travel way and a 5ft setback now that would be 29ft. So the removal of 7ft off the garage (storage building) is not going to be enough. The plan should be corrected. That means you don’t have the 23ft. and that you only have 16ft. **Bob:** The plan before you does not include back development. It says nothing of a 2-way travel lane. **Don:** The final plan

should show accurate existing conditions. **Peter:** I thought that the parking for this multi-family structure and offices were going to be in the front? Are we supposed to approve this Conditional Use, everything that is on this sketch, including the 16 spaces in the back? If that is not part of this project, but part of some future project, why don't we eliminate them from this presentation, and just deal with it when something else is presented in the future. **Tim:** I grabbed that plan from the file itself. That is how the lot is currently. **Peter:** I am wondering if we are committing ourselves to those 15 spaces in the back by a yes on this Contract Zone (corrected, Conditional Use). **Mike:** Has Dick Lamberts comments been addressed? **Bob:** Both Code and Fire Dept. issues have been addressed. We have a 7-page purchase and sale agreement, boundary survey is waived, and traffic meets the requirements. **Peter:** There are 16 parking spaces in the back, which were used for past parking. Applicant said he will only use the front parking, so that should be all that is indicated.

**Vangel:** Is that true, that it shouldn't show on the plan if that's not what the applicant is asking for? **Bob:** The draft FOF, hand written # 23, item 9 on parking. Total spaces for both uses requires 13 spaces, and 26 spaces exist on the site. There's no minimum spaces required, no maximum spaces required. So it sounds to me like in this particular request, more is better. As a Board member, I don't feel that it binds me to some future commitment. **Don:** If Bob says that 13 spaces are needed, then that means at least one of the spaces would come from the back parking. **Peter:** When he had asked the applicant where the parking was going to be, he said in the front. Well in the front there are only 12 spaces. Bob just said we need 13, so that means that the back is going to be used for parking. That opens up the whole back area. In his opinion, we are starting the second development. **Tim:** He's not changing anything. There is enough parking in the front to cover what is required by the zoning ordinance. **Neil:** what is on the ground now, exceeds what this project requires, whether it is in the front on the back. I don't care where people park. The applicant stated the parking will be in the front. I don't think what is put on a plan, and what is currently on the ground now, impact any future development.. I can't see how he can't put it on the plan, if it already exists now. Marty agreed. **Don:** He would like to go back to Sec. 708. The plan is showing 16 parking spaces in a back. Access drive to those parking spaces, doesn't the ordinance at some point specify the size of the access drive based on the number of spaces it's servicing? **Bob:** As you may know, parking spaces in the City are 9 x 18, isles between rows of parking spaces shall be at least 24ft wide, except that one-way isles may be not less than 16ft wide. The conversation for the potential of development on the rear of parcel that is there was a driveway say 20ft in width that would merely mimic any condominium projects that have been developed over the past several years, we do not have any control once they enter into the condominium complex. At that point it is just considered no more than a private driveway. As long as a fire vehicle can pass it would be considered adequate. An example is the Cornforth Farms condominium that has a private road, which is considered 18ft. Post development, we encouraged them to widen it, which they brought out to 20ft, which proved to be suitable. **Don:** Should we be concerned about the width of the access



drive to the back. Does it need to be wide enough for 2-way traffic? This plan should represent what will work.

**Neil:** He suggested to the applicant to come back with a plan that reflects what the current dimensions are, and your desire for parking is to be, so that the Board can see what they are voting on. The Board agreed

**Vangel:** “**Move that approval be granted for a Conditional Use permit for a Multi-Family Dwelling at 265 North Street, under the provisions of the Saco Zoning Ordinance, Article 9, Conditional Uses, based on the Findings of Fact and Conditions of Approval dated June 21, 2016.**”, seconded by Marty. Motion passes 6-0.

**Peter:** I move to table Preliminary subdivision and Site Plan, seconded by Vangel

**Discussion:**

**Mike:** Applicant has told us what he wants.

**Vangel and Marty withdrew their motion, as well as Peter withdrew.**

**Don:** “**Move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the five unit multi-family dwelling proposed by applicant Broden Properties, LLC based on the attached Findings of Fact dated June 21, 2016.**” With added conditions that applicant submit a satisfactory plan, seconded by Marty. Motion passes. 6-0.

**Don:** I move to table site plan, seconded by Marty. Motion passes. 6-0.

Meeting adjourned at 8:15p.m.

Respectfully submitted by,

Maggie Edwards  
Board Secretary