

Minutes, Planning Board
September 6, 2016

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

Workshop
5:00 p.m.

- Discussion with City Administrator Kevin Sutherland pertaining to development, the extension of utilities, the desirability of greater density in the downtown area, and the upcoming Comp Plan review process.
- Sketch plan review of a proposed six lot residential subdivision at 258 Jenkins Road. Applicant is Paul Hollis. Tax Map 91, Lot 3. Zoned C-1 and R-1d. – applicant Paul Hollis dba Responsible Estate Development presented his update on plans to develop 7 lots on an 80 acre parcel. Sewer is 9,500 l.f. away, would be 8,000 l.f. away if West Side Village is built. The Planning Board has discretion when it comes to curb cut limitations on Jenkins Road. Rene: done any water monitoring? Neil: concern is more lots, and problems in the future with possible groundwater issues. City would be stuck with the bill if residents have problems. Vangel: what is the liability if wells go bad? Is the City liable? Rene: the eventual availability of public water in this location – when? Don: has an assessment been done of sewer needs? Mr. Hollis will return with more information.
- Sketch plan review of the proposed redevelopment of 16 and 28 Cutts Avenue. Applicant is Hardy Pond Development. Tax Map 38, Lots 105, 105-1, and 106. – Bob Gaudreau and Frank Carr of Hardypond Development attended and discussed plans, still very early. About 80 units will be proposed, about 35 parking spaces will be possible, meaning a reduction of about 20 spaces that would be proposed to be achieved via the contract zone. Would like to see HPC input on the proposed structural changes to church, and to the new buildings. Don: what would the City like to see done along Cutts Street? Vangel: it is reasonable to ask for pedestrian improvements, being mindful of access to the Shaw's shopping center across Elm Street. Bob G.: we like pedestrian access. Could a one-way street be an answer? Applicants will return for contract zone review at Oct. 4 meeting.

Regular Meeting
5:45 p.m.

1. Minutes of August 2, 2016 – **motion by Don, seconded by Vangel to accept the minutes as presented, and so voted, 5-0.**
2. Public Hearing: proposed amendments to Articles 3, 4 and 7 of the Zoning Ordinance, and an amendment to the Zoning Map to rezone parcels identified as tax map 74, lots 1 and 2 and portions of tax map 60, lots 1 and 7 from I-1 to B-6.

Hamblen: resolving the Bill Dodge-Desfosses appeal includes a small handful of amendments to the Zoning Ordinance, and an amendment of the Zoning Map. The amendments are the result of much discussion between the City, in particular City Attorney Tim Murphy and Economic Development Director Bill Mann, and the parties involved in the appeal: Bill Dodge Nissan and Theresa Desfosses.

The proposed amendments:

(Proposed language is underlined).

Article 3. Definitions

Automotive/Transportation Warehouse or Distribution Facility: A four season building intended for the shipping, receiving and/or warehousing of automotive or transportation parts, equipment, articles and material (but not whole vehicles themselves) which may include some on site assembly, finishing and packaging. Retail activity may be allowed provided no more than 15% of the available floor area is devoted to such use. No outside storage of any parts, equipment, articles or material is allowed.

Elder Non-Congregate, Detached Housing: A planned development, subject to the standards set out in Section 705-2, serviced only by public sewer and water.-Lots may be separately owned, or owned by one person or entity and leased. At least one resident of each individual dwelling shall be age 55 or older and no resident shall be under age 18. Residences are not congregated but are detached, and shall be manufactured housing or traditional on-site built homes. All such residences shall be fully insulated, year-round homes, with all customary utilities, and may be sited within a development serviced by private streets.

The planned development may include a community center, an exercise and fitness center for development residents and their guests only, management and sales offices, and temporary storage of manufactured homes. Permitted accessory uses and structures include, but are not limited to, storm water maintenance facilities, parking areas, utility services, site amenities and outside recreational areas.

Article 4. District Regulations

410-9-A.. B-6 HIGHWAY BUSINESS AND COMMERCIAL DISTRICT (Amended 2/12/02, 1/6/93, 12/5/94, 3/2/92, 2/19/02, 4/7/03)

Permitted Uses

- 51. Automotive/Transportation Warehouse or Distribution Facility
- 52. Elder Non-Congregate, Detached Housing

Conditional Uses

- 15. Elder/Disability Housing Facility
- 16. Elder Disability Limited Service
- 17. Elder/Disability Care Facility: Full service

Article 7. Standards of Performance

Section 705. Siting of Manufactured Housing Units

705-1. Manufactured housing units which are placed on lots outside of mobile home parks must:

- 1) Be constructed in accordance with applicable state and federal standards; as defined in Section 302 of this Ordinance.
- 2) Have pitched roof with a minimum pitch of 3 inches vertical for each 12 inches of horizontal run and covered by approved wood or asphalt composition shingles.
- 3) Have their exterior wall surfaces covered with materials similar to conventional construction, such as but not limited to cedar shakes, wood, vinyl or metal clapboards, boards and batten siding, etc., but not including flat, ridged or corrugated metal or plastic panels;
- 4) Be placed on permanent foundation, including a concrete pad over gravel base, with skirting around the bottom of the structure, or a concrete frost wall, or a full basement;
- 5) Be sited such that a minimum horizontal dimension of 14 feet faces the street in the C-1 zoning district and a minimum horizontal dimension of 20 feet faces the street in other residential zoning districts where manufactured housing units are permitted.

705-2. Notwithstanding Section 705-1, Manufactured Housing and on-site built homes sited in Elder Non-Congregate Detached Housing projects are not subject to Section 704, but all such projects must:

- 1) Meet the same building standards set out in Section 705-1, Subsections 1-4.
- 2) Be sited on lots not less than 5,000 square feet in size, which lot shall not have less than 50 feet of frontage on any public or private way.
- 3) The structure built on such lots shall have not less than 10 feet of front and side yard set backs, and a 15 foot rear set back.
- 4) Structures built on such lots shall not exceed 45% coverage of the lot area shall not exceed a height of 35 feet above grade.
- 5) Such lots must be serviced by public sewer and public water, although the infrastructure within the development shall be privately owned and maintained.
- 6) Electrical service shall be provided underground from pad mounted transfers to lots.
- 7) Telephone and cable service shall be underground throughout the project.
- 8) All water, sewer, electrical and other utilities shall be installed in conformance with applicable state and local rules and regulations.
- 9) Each lot shall have adequate off street parking for at least two vehicles/autos.
- 10) Exterior street lighting for the project shall be provided to sufficiently enlighten illuminate internal roads.
- 11) Landscaping shall be planted on each lot including trees.
- 12) Proper layout and location of the interior roads servicing all lots shall be provided.
- 13) To the extent any standard set out herein directly conflicts with a standard in the City's site plan or subdivision standards, the standards set out herein shall control and supersede the other. The minimum lot and yard standards set out in Table 412-1 for the B-6 zone are replaced by those standards set out herein.

Zoning Map

Find attached an excerpt of the zoning map showing the proposed rezoning of two parcels – tax map 74, lots 1 and 2 – and portions of two other parcels – tax map 60, lots 1 and 7 – from I-1 to B-6.

Tim Murphy: these amendments will help resolve the situation at Slater Hill. The City will follow this with a more global look at the remainder of the I-1 zoned land between Rte. 1 and the Turnpike. Joe Laverriere: will the proposal be a subdivision? Hamblen: yes, as three or more units would be proposed. Rene: is there intent to extend Willey Road? **Tim:** the belief is that Desfosses may want a right of way to Spring Hill Road, and the right of way to accomplish that is reserved by the City. **Don:** Sec. 705-2(4): regarding height above grade,

from what point is this measured. Verify with Dick Lambert. **Hamblen:** will do. **Tim:** utilities throughout the development would be private.

Mike: I move to open the public hearing, seconded by Rene, and so voted, 5-0. Erika Donneson, Pleasant St.: I've lived in Saco for 32 years, studied geriatric issues among other things in college. Don't isolate the elderly. My intent is elder care being provided to me in my home. Elders should be involved in the community. **Mike: I move to close the public hearing, seconded by Rene, and so voted, 5-0.**

Rene: I move that the Board forward a positive recommendation to the City Council for the proposed amendments to, a) Articles 3, 4 and 7 of the Zoning Ordinance, and, b) to the Zoning Map for parcels identified as Tax Map 60, portions of Lots 1 and 7, and Tax Map 74, Lot 1 and 2, seconded by Don, and so voted, 5-0.

3. Public Hearing: final plan review of a proposed eleven lot subdivision at 300 Bradley Street. Applicant is M&B Land Holdings LLC. Tax Map 66, Lot 49. Zoned R-2.

Hamblen: the Board granted approval for the preliminary plan at its August 23 meeting. The applicant has been in contact with all pertinent City departments during the review process, and each has signed off, and/or agreed with their particular aspects of the plans. The waivers of standards voted on at the August meeting have been added to the plan as Note 25.

This 11 lot subdivision was reviewed as a sketch plan by the Board on July 19. It will eventually include 16 condominium units created on the same parcel, with separate entrances from Bradley Street. The parcel abuts the Sawyer Woods subdivision, approved in 2004. At the time, a future connection was provided to this parcel. However, the presence of wetlands makes the possibility of a street connection difficult, so the developments will remain separate. Lots would be served by public sewer and water, and underground electric, cable, and telephone. A vegetated underdrained swale would handle runoff from the street and the fronts of lots.

Issues the Board should consider:

- Open space required is 7.5% of the overall parcel, or 72,527 s.f. No open space is proposed, and the applicant proposes to pay both the open space and the recreational facilities impact fees.
- Traffic data has been provided by Gorrill-Palmer, recognizing both the current 11 lot subdivision, and the second phase of the project that would include 16 condominium units. There are no High Crash Locations reported in the immediate vicinity. No capacity concerns were identified and sight distances are adequate. G-P projects 105 Average Daily Trips (ADTs) being generated by the 11 lot development, with 11 trips in the peak P.M. hour, and 9 in the peak A.M. hour.
- The wetland delineation by Mark Hampton has been reviewed by a City consultant, and found acceptable.
- BH2M has responded to comments from staff with an Aug. 17 e-mail that includes the Gorrill-Palmer traffic report.

Don: I move that the Board find the application for the 300 Bradley Street final subdivision plan to be complete, seconded by Rene, and so voted, 5-0.

Hamblen: staff is aware of no concerns on the part of neighbors. Unless issues become obvious at the meeting, staff would support consideration of granting final subdivision approval. **Mike Eon:** addressed issues with driveways for Lots 9 and 11, and an easement for City access to the detention pond.

Don: I move to open the public hearing, seconded by Vangel, and so voted, 5-0. No comments. Don: I move to close the public hearing, seconded by Rene, and so voted, 5-0.

Don: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the final plan submitted for the 300 Bradley Street subdivision by M&B Land Holdings LLC, based on the Findings of Fact and Conditions of Approval dated September 6, 2016, with the minor changes to the Findings of Fact as noted, items 11 and 12, that the letters have been received, seconded by Vangel, and so voted, 5-0.

4. Public Hearing: review of the property at 90 Temple Street, under Chap. 81 of City Code pertaining to the disposition of City-owned real estate. Tax Map 38, Lot 168. Zoned R-3.

Hamblen: as outlined in Chapter 81 of City Code, consideration of the sale of City-owned property is referred to the Planning Board "...for evaluation and a report to the City Council." See Dick Lambert's attached report on the building at 90 Temple Street, built in 1890, listed on the National Register of Historic Places, and now threatened due to a 2012 fire and in a state of neglect.

The City has come into ownership due to a lien maturing on Jan. 11, 2016, because of the non-payment of property taxes from fiscal year 2014. The City now seeks to divest itself of the property, and/or to arrive at a recommendation that the majority agree is the best way to move forward.

Staff visited the property a few months ago with Christopher Closs and Greg Paxton of Maine Preservation. They suggested a clean-up of the inside and possible repairing the roof prior to listing it for sale. The interior is as though it was evacuated at a moment's notice, with furnishings, clothing, all manner of belongings still in place and strewn about. The roof was opened up in fighting the fire that broke out due to electrical problems, and was never closed back up or covered – over three years open to the elements at this point. My personal opinion was that Chris and Greg could have gone either way – "it's a teardown," or "it can be rehabbed" – neither would have surprised me. They sided with rehab – it can be saved. The question is, who and how?

In that the property in question is listed on the National Register, the Historic Preservation Commission met on Aug. 31 to review and offer its own thoughts. After discussion, the HPC recommended to the Council that the property be offered for sale through a Request For Qualified Proposals process, with details to be decided by the City Administrator and City Attorney.

Per Chapter 81, several departments have provided comments, attached. The Council "...may decide to retain the property", or may have "...an interest in selling a City-owned property." Again, Chapter 81: "If the Council decides to offer any City-owned property for sale...the Council shall determine the method of sale, whether by ...sealed bid, sealed request for proposals, auction, by negotiation with the previous owner, or by contract with a real estate broker at predetermined prices for such real estate and real estate interests."

Don: a buyer may need a break, from property taxes, or a TIF. **Mike:** if the City is owed \$5,600 in taxes and that's forgiven, that's an incentive. Would a potential homeowner be most interested, or a developer? We don't know, but that latitude should be provided in an RFQP. **Neil:** who has the best idea? **Don:** the HPC should have a say in any RFQP; I would defer to the HPC.

Rene: I move to open the public hearing, seconded by Vangel, and so voted, 5-0. Johanna Hoffman, Pepperell Square: I'm chair of the Historic Preservation Commission. We hope to see it remain on the National Register. We uphold the Ordinance, and what it says about guidance on the replacement of historic features. Ninety percent of the needs for this house are inside. The carriage house is intact. The cellar is dry. It is a 126 year old house with a brilliant history, as was shared with me by Jim Pate recently. **Alyssa Bouthot,** HPC member: we should consider the highest and best use for the property, and whether any zoning changes could be helpful. Dick Lambert has said it could be a three-unit, so rental income could be a help for the owner. There are tax credits available for an income producing property. **Johanna:** this is a stable neighborhood, with well maintained properties. The location is good, and near the shopping center. **Beth Johnston:** I also live on Pleasant Street. The redevelopment of this house could be a catalyst for the neighborhood and the City. It is a beautiful house that should be preserved. **Johanna:** the old Saco firehouse is a good example of the restoration of a historic building. **Richard Plamondon,** 101-103 Pleasant St.: I would like to see the building restored, my property backs up to it.

Don: I don't want to detail too much, as we shouldn't bind the hands of potential buyers. **Vangel:** this is an opportunity to encourage improvements in the area. The Board reached a consensus that the property should be offered "as is," with no clean-up or restoration costs to be borne by the City. **Johanna:** the HPC would like to see it retain its National Register status, as that could be helpful with tax credits.

Don: I move that the Board recommend to the City Council that the property identified as 90 Temple Street be offered for sale through a Request for Qualified Proposals process for the restoration of the building, and the retention of the National Register status, with details to be worked out by the City Administrator and City Attorney, seconded by Rene, and so voted, 5-0.

5. Public Hearing: conditional use, site plan and preliminary subdivision review of a proposed ten unit subdivision at 32 Market St. Applicant is Southern Maine Affordable Housing. Tax Map 51, Lot 35. Zoned R-3.

Hamblen: on Oct. 24, 2011 the City Council accepted the gift of a 2.75 acre parcel at 32 Market Street from Downeast Energy of Brunswick. Elevated heating oil storage tanks were on the site until 1998. The City pursued and was awarded a \$200,000 EPA grant to remediate contamination issues, which began in Spring, 2014. The Council directed that the higher, drier land nearest Market Street be developed for housing, about 1.3 acres. The remainder will be added to the existing Diamond Riverside city park abutting the parcel.

Guy Gagnon of Southern Maine Affordable Housing, and Saco Housing Authority and Biddeford Housing Authority, worked with the Council's Housing Committee to develop a concept plan: cottage-style houses to be sold to downsizing seniors. The parcel would be sold to SMAH, owned by SMAH, with the houses to be purchased and owned by private parties.

Mr. Gagnon has retained Ransom Consulting, Inc., which has prepared a site plan and submitted an application. Ten units are proposed; it is viewed as an Elder/Disability Multi-Family Dwelling by the Code Enforcement Office. It is subject to conditional use, site plan and subdivision review. A single curb cut from Market Street will provide access. Utilities all public. No open space, so an impact fee would be assessed for that and recreational facilities, though the project being what it is, the applicant may seek to have the fee requirement removed by the Council.

Stephen Bradstreet, P.E., is project engineer, and Carl Lakari is a housing consultant.

Neil: let's address the completeness of applications.

- **Conditional Use -- Mike: I move that the Board waive submission requirement items 901-2.1 m, lighting and o, signage for the purposes of discussion, seconded by Vangel. Don: there may be a problem with that, if we're going to decide the conditional use permit this evening. Make the conditional use approval conditional on lighting and signage info? The Board agreed with this, and so voted, 5-0. Mike: I move to find the application for conditional use review to be complete for discussion purposes, seconded by Vangel, and so voted, 5-0.**
- **Site plan review -- Mike: I move that the Board waive submission items found in Sec. 1104-1.11, and 1.18 for the purposes of discussion, seconded by Rene, and so voted, 5-0. Mike I move to find the application for site plan review to be complete, seconded by Rene, and so voted, 5-0.**
- Preliminary subdivision – Mike: I move that the Board waive submission requirement 5.2.3(3) letter from Maine Water Co., for the purposes of discussion, seconded by Rene, and so voted, 5-0. Mike: I move to find the application for preliminary subdivision review to be complete for the purposes of discussion, seconded by Rene, and so voted, 5-0.
- Design Review – the Board agreed to defer this determination to the next meeting.

Steve Bradstreet, P.E.: this is a brownfield site that has been remediated and capped. We're building up, not digging foundations. There is a detail for the dumpster enclosure in the 8/16 submittal, along with responses to the Joe Laverriere comments, but there have been subsequent comments from Joe. A new tactile warning surface will be part of the crosswalk, ADA signage is proposed; a 10 foot separation of the sewer main will be observed. Mindful of separation between CMP lines and any plantings. The berm separating the RR tracks from the site will be lengthened to help with guiding runoff away from the project, and be about 1 foot high. Stormwater management and reporting has been and will be addressed. Grass pavers along the sides of the walkways will support fire truck access. There would be about a 150 foot pull for a fire hose. We're waiting on a letter from the Water Co., though a 10 inch main exists in Market Street so we're not concerned. Fifteen parking spaces are proposed. Units are about 750 s.f. footprint, and are separated 10 feet from each other. Plan to bring a 6inch water service into the site. All utilities will be underground. The sewer main in Market Street will be extended about 290 feet to the site. An underground tank constructed of stacked blocks will provide stormwater detention, outletting to an existing stream location. There is about a six foot embankment at the 'top' (north) of the site, with about a 2% grade from there to the river.

Kenton van Boer, architect: we propose 8 inch walls, R-40 insulation, R-60 in the roofs, triple glazed windows, and an air recovery unit. Asphalt shingles, double-hung 6 over 1 windows, and a "cottage court" layout. A folk/classical revival style. One bedroom on the first floor, about 750 s.f. in area, and a second bedroom upstairs, about 300 s.f. Rene: a second bedroom is desirable for visitors. Neil: appreciate your survey of the neighborhood. Steve: from the property south to the river, there is a CMP easement, the paper Thatcher Street, Irving Street, then the Diamond Riverside park.

Vangel: I move to open the public hearing, seconded by Rene, and so voted, 5-0. Casey: I live on Market Street, and it floods in heavy rain. Public works department hasn't fixed this. There is ponding that occurs on the other side of the RR tracks. It's a storm drain issue. **Debra Moore, 9 Market Street:** will these

be affordable? The street is not very safe. Can we request traffic calming? Now 25 mph zone. When the Water Company backflushes the Biddeford system, our water runs brown. **Roger Berry**, 154 Lincoln St.: the ages of tenants? Grandchildren will be allowed? Residents of Harrison Avenue, Sec. 8 housing has been an issue. **Guy Gagnon**: intended for 55 years and older, with income restrictions. Trying to keep it affordable, at under \$200,000. These are owned units intended for independent living. It will be turned over to the association once a majority of units have been sold. Owners will own the land as an association. It will be subject to MSHA income guidelines, and be limited to 115% of median income in York County. Units will remain affordable. **Berry**: sometimes you'll see people walking on the train tracks – should consider a fence.

Rene: I move to close the public hearing, seconded by Vangel, and so voted, 5-0.

Steve: the property is not in the flood zone. **Neil**: clearly some forethought has gone into this. **Vangel**: is there a direct correlation between the site and the flooding problems? Traffic: the Maine Local Roads program is available for help with signage or pedestrian lights. **Hamblen**: will seek input from the PD. **Don**: public works should look at the stormwater system in Market Street to verify this site won't contribute to the existing problem. We should condition any site plan approval on consideration of improvements by the Traffic Safety Committee.

Mike: I move that the Board grant approval under the provisions of the Saco Zoning Ordinance for a conditional use permit for an Elder/Disability Housing Facility use for the ten (10) unit project proposed by applicant Southern Maine Affordable Housing based on the attached Findings of Fact and Conditions of Approval dated September 6, 2016, with the added condition that the applicant comply with Sec. 901-2.1 n and o to the satisfaction of staff, seconded by Rene, and so voted, 5-0.

Rene: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the ten (10) unit Elder/Disability Housing Facility proposed by applicant Southern Maine Affordable Housing based on the attached Findings of Fact and Conditions of Approval dated September, 2016, with the condition that signs, lighting plan, dumpster and enclosure, Maine Water Co. letter, and a complete design review application be submitted or addressed, seconded by Vangel, and so voted, 5-0.

The meeting adjourned at approx. 9:30 p.m.

Submitted by,

Bob Hamblen, City Planner