

Minutes, Planning Board  
October 4, 2016

Members Present: Neil Schuster, Chairperson; Michael O'Toole, Vangel Cotsis (arrived 7:05 p.m.), Rene Ittenbach, Peter Scontras. Bob Hamblen, City Planner, Bill Mann, Economic Development Director, City Engineer Joe Laverriere. Absent: Marty Devlin, Don Girouard.

Workshop  
5:00 p.m.

- Sketch plan review of a proposed five lot residential subdivision at 210 Ferry Road. Applicant is JW Group, LLC. Tax Map 18, Lot 8. Zoned R-1a.

Regular Meeting  
5:30 p.m.

1. Minutes of September 6, 2016 – **motion by Mike to accept the minutes as presented, seconded by Rene, and so voted, 3-0-1 (Peter, who did not attend).**
2. Public Hearing: proposed amendment to the site plan approved on August 4, 2015 for a commercial building at 7 Ocean Park Road. Applicant is Burrow Minot, LLC. Tax Map 34, Lots 118 and 119. Zoned B-2c.

Hamblen: applicant Phil O'Connor dba Burrow Minot, LLC seeks an amendment to the plan that was granted an approval by the Board at its August 4, 2015 meeting, for the demolition of two buildings totaling 3,620 s.f., then the construction of an 8,000 s.f. building on the property at 7 Ocean Park Road.

This project called for a single 24 foot wide curb cut for both entering and exiting vehicles. The amendment proposed would result in a one way in/one way out traffic pattern, with a second curb cut (one way out, 18 feet wide) established at the easterly end of the paved parking area between the building and Ocean Park Road. Section 709-1(1) of the Ordinance allows a second curb cut on a property if designed to operate as a "one-way pair."

City Engineer Joe Laverriere has been involved with this request, and some changes have been made to accommodate DPW's preferences. Section 1109 of the Ordinance says that approved plans can be amended with approval of the Board. Abutters have been notified, and the property owner nearest the proposed driveway has expressed concern with the change. Consequently the amendment is before the Board for its review and a public hearing.

The site plan application was found to be complete at the 8/4/15 meeting, after waiving the requirement for a photometrics plan.

Project Manager Jon Bell of Patco Construction provided this input on Friday: "The distance from the proposed entrance and the abutters property is 13.5 ft. with a sign and landscaping separating the two properties. We have one more item that needs to be added to the plans. The curbing on the street side should be continued from one entrance to the other creating an island so grass and landscaping does not get destroyed during winter plowing."

The proposed curb cut does not bring the edge of pavement closer to the abutter's property. The new paved drive would occur at a distance of between 37 feet and 52 feet from the near corner of the abutter's house. If the Board feels that the added impacts of a new one way out drive merit it, the installation of a fence could be considered – though as shown on the site plan, there is an "Existing Sign to Remain" in that location.

Mike: where is Martin's (abutter's) driveway? Rene: off Louise Street. Shawn Frank, Sebago Technics: the new configuration would become 18 feet wide into the lot, and 18 feet wide out. Parking spaces would be angled. This was one big curb cut prior to the site plan changes. We would also add curb on the Ocean Park Road side of the front of the lot. Peter: looks like you're losing one parking space. Is that okay? Bob: yes, still meets Ordinance requirement.

**Mike: I move that the Board open the public hearing, seconded by Peter, and so voted, 4-0.** Phil O'Connor, applicant: I talked to the abutter and explained why the change, and he seemed okay with it.

**Mike: I move that the Board close the public hearing, seconded by Peter, and so voted, 4-0.**

Mike: with Martin's driveway onto Louise Street, this makes little difference. It's good that exiting vehicles will be further from the intersection. Peter: I can understand the concerns of abutters, but this is an improvement. Shawn: existing traffic further from the intersection is good. Phil: winter in particular is a problem, this should help.

**Rene: I move that the Board grant approval for the POC Collision Center site plan amendment based on the exhibits provided, and the Findings of Fact and Conditions of Approval dating back to August 4, 2015, providing that item 8 in the Findings of Fact is amended to reflect the proposed one way in/one way out configuration, seconded by Mike, and so voted, 4-0.**

3. Public Hearing: review of a proposed demolition and reconstruction at 29 Cove Avenue. Applicants are Paul and Susan Calderone. Tax Map 2, Lot 156. Zoned B-5 and Saco River Overlay.

Hamblen: owners Paul and Susan Calderone propose to remove a single-family dwelling dating back to the 1930s from this parcel and replace it with a new structure that would be less nonconforming as to setbacks, while remaining nonconforming. Section 504-2 allows a non-conforming structure to be replaced as long as "...such reconstruction or replacement is in compliance with all dimensional requirements of this Ordinance to the greatest extent practical as determined by the Planning Board..." The Board's task is limited to that. The expansion of the 2<sup>nd</sup> story portion of the structure is also proposed, and will fall under shoreland zoning review by the Code Enforcement Office.

Dick Lambert notes no concerns in his comments. The project is also subject to permits from the DEP (Permit By Rule has been granted) and the Saco River Corridor Commission (was on 9/29 agenda) – see draft Conditions of Approval. Adam Goodwin is the project manager and will be representing the applicants.

The property is served by public water and sewer. Other issues the Board may consider:

- the size of the lot -- 0.103 acre, or 4,522 s.f.
- the slope of the land – flat.
- potential for soil erosion -- standard BMPs will be required, including silt fence or alternative, and soil stabilization measures.
- location of other structures on and abutting the property – the abutting property to the east would experience the proposed relocation of the primary structure as being currently 30 feet from house to house, to being reduced to about 23 feet. Abutters have been notified, and we've heard no concerns expressed about this.
- type and amount of vegetation to be removed – see draft conditions of approval.

Peter: how far is it from the nearest house? Rene: 23 feet, existing house is 30 feet, per the plan. Adam: the new structure would meet one side setback of 10 feet, and the other would be 7.6 feet. The DEP has visited twice. The Saco River Corridor Commission approved the project at its Sept. 29 meeting. Rene: are there neighboring structures to the west? Adam: no, it's vacant.

**Rene: I move to open the public hearing, seconded by Peter, and so voted, 4-0. No comments. Peter: I move to close the public hearing, seconded by Rene, and so voted, 4-0.**

**Rene: I move to approve the request from applicants Paul and Susan Calderone to remove the existing structure, and to relocate the footprint of the proposed structure at 29 Cove Avenue as**

**proposed, subject to the Conditions of Approval and Findings of Fact dated October 4, 2016, pending DEP and SRCDC approvals, seconded by Peter, and so voted, 4-0.**

4. Public Hearing: contract zone review of the proposed redevelopment of 16 and 28 Cutts Avenue. Applicant is Hardypond Development. Tax Map 38, Lots 105, 105-1, and 106.

Hamblen: the applicant, Cutts Avenue, LLC proposes a contract zone for the Notre Dame church properties on Cutts Avenue, that would allow greatly increased density and make possible up to 80 units of multi-family housing in three phases on 27,504 s.f. of area.

The B-3 zone is well suited to a project of this sort. As the draft CZ agreement notes, Multi-Family Dwellings and Elder/Disability Housing Facilities are permitted uses. The existing height limitation for a structure is 60 feet. Section 708 of the Ordinance offers support, too, by halving the requirement for off-street parking spaces.

As Board members who have participated in Comprehensive Plan updates know, support can be found in the Plan for infill housing, increased density, alternate forms of transportation, promoting development in existing service areas, and for neighborhood meetings. The applicant is to be commended for proceeding with such a meeting on Sept. 29 to solicit input from neighbors and interested parties; see the Sept. 30 letter with attachments from the applicant summarizing the proceedings.

As Board members are aware, the proposal has also been subject to workshop discussions on the Aug. 23 and Sept. 6 agendas. Hardypond Development Company has provided information on itself, past and current projects, and why it sees potential for a successful multi-family project on the Cutts Avenue parcels. A contract zone is the only alternative for the applicant to turn to in order to:

- Reduce the minimum lot area per dwelling unit from 1,500 s.f. per unit to 340 s.f. per unit;
- Reduce the minimum side and rear yard setback requirement of 10 feet to 5 feet, and;
- Reduce the required number of parking spaces for an 80 unit project from 47 to 33.

Bob Gaudreau, Frank Carr and Jeff Amos (Terradyn) were in attendance on behalf of Hardypond.

Neil: would entertain a motion on completeness of the application. **Michael: I move that the Board find the application for a contract zone submitted by Cutts Avenue, LLC to be complete, seconded by Rene, and so voted, 4-0.**

Neil: this is a challenge with just a sketch plan submitted, and no details yet submitted. Rene: with the subsurface parking, is that a 5<sup>th</sup> story, and a half story on top of the building? Are these four stories or not? Frank: we're not asking for relief on the 60 foot height limitation. The architect is moving toward 5 stories. Neil: so there is no request to modify the 60 feet limit. Peter: it's hard to imagine 60 feet.

Frank: phase one would be the church, phase two, removal of the rectory and construction of a new building, and phase three would be a new building in the existing parking lot space. Phases two and three would include underground parking. There would be little change to stormwater management given the existing level of development. We are seeking side setback relief from 10 feet to five feet. We plan to maintain as much architectural integrity as possible. Density and parking are tonight's concerns. Parking is proposed on the ground floor of each new building, and to the rear of the church. We'll be targeting millennials, with the availability of Uber, non-car ownership, and alternate modes of transportation. We expect fewer than one car per unit, and will have 33 off-street spaces. Peter: will you be removing public spaces? Bob G.: we have

easements to access 5-6 spaces on the property to the rear of the church.

Michael: why 340 s.f. per unit? What is the size of the units? Frank: all units would be 7-800 s.f., and all are 1-bedroom units. Peter: a 50% reduction in parking spaces in the B-3 zone? Bob H.: yes, Sec. 708-2 recognizes the difficulty of providing off-street parking in downtown, so parking for all uses in the B-3 and in the MU-1 zone is reduced by half. Bill Mann: cites parking trends in cities around the country: the high cost of free parking. A traffic management plan outlining alternatives to cars should be part of the applicant's plan. Peter: how many units are to be market rate? Frank: 25-27 units are projected as being 'active' 55 and older, the rest would be market rate. Peter: people have to work. Most don't use public transit. To go from 1.5 spaces per unit to 1 space or less doesn't work for me. Bob G.: Peter Morelli is now awith AARP educating on parking and car ownership. The Portland church we're currently renovating into apartments has 25 spaces and is on a bus line. Millennials are not choosing cars. Peter: most jobs are not in Saco, and people need cars. Studies are nice, but this is Saco. Bob H.: what were results of the public meeting? Frank: we heard about the train slowing down traffic, concerns about trash, and parking. Also the idea of extending retail down Cutts Avenue. Bob G.: held it in the community room, was well attended. Bill: everyone's for progress, but not everyone's for change. Bob G.: occupants would know that 2 cards are not going to work. Peter: I'm very concerned about the architecture, and what I'm seeing is two institutions on each side of the church. Please try for a façade that fits in.

**Michael: I move to open the public hearing, seconded by Peter, and so voted, 4-0.**

Marc Dial, 70 Middle St.: I retired here, and have bought into New Urbanism. I'd love to see the downtown redeveloped. It needs foot traffic. Glenn Mosely, 21 Shannon Lane, United Baptist Church trustee: I live in a 55 and older community, where two resident units have two cars. Snowstorms will create problems for on-street parking. To add 40+ vehicles to the immediate area would not be good. Eighty spaces are needed, 47 is too low, and 33 is too low. Joe Laverriere: the applicant should provide rationale for how 33 spaces would work. Rene: I move to close the public hearing, seconded by Michael, and so voted, 4-0.

Neil: it is a unique project. Mr. Dial talked about how more foot traffic is a good thing. Parking spaces would be a challenge. It's worth a shot to see how it works. Rene: it will be a test for downtown. The applicant will be upfront with possible tenants about parking. Old European towns don't have parking, and everybody works with it. GM: would retail space or a community room take up parking spaces? Bob G.: no, would not take away spaces. Peter: this could impact downtown. Things take a while to get to Maine. It could work, I wish it would work. This would put a slug of people here. Don Girouard has mentioned a Cutts Avenue Connector; this is the first of these types of project – how about a 2<sup>nd</sup> and a 3<sup>rd</sup>? We've got to do it right. You haven't decided on brick – okay. Michael: it's exciting to think that this could jump start downtown. Saco is pretty lucky with parking. Think of parking in Boston. Peter: this is Saco, not Boston. Vangel arrived at this point, 7:05 p.m., sat out the remainder of this item. Bill: a downtown organization needs people to support businesses. We're looking to disentangle ourselves from the automobile. Recently, I used Uber in Cleveland, and took a train from the airport. We should boldly move in that direction. Peter: I'm not saying don't do it, I'm saying do it right. Neil: ready to act?

The standards for a contract zone must be met in order for the Board to arrive at a positive recommendation, as set forth in Section 1403-6:

“If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:

**A. is for land with an unusual nature or location; motion by Rene, seconded by Peter, and so voted, 4-0;**

- B. is consistent with the Comprehensive Plan; motion by Rene, due to increased density and increased pedestrian traffic, seconded by Michael, and so voted, 4-0;**
- C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone; motion by Rene, seconded by Michael, and so voted, 3-1 (Peter), and;**
- D. that the conditions proposed are sufficient to meet the intent of this section.” Motion by Rene, seconded by Michael, and so voted, 4-0.**

**Rene: I move that the Board vote to forward a positive recommendation to the City Council for the application for a contract zone submitted by Hardypond Development Company on behalf of Cutts Avenue LLC, seconded by Michael, and so voted, 4-0.**

- 5. Public Hearing: final subdivision review of a proposed 51 lot subdivision off Rte. 5 adjacent to the Maine Turnpike. Applicant is Jason Labonte. Tax Map 87, Lots 1-1 and 1. Zoned R-1d and contract zone.

Hamblen: the Board granted approval for the preliminary plan at its meeting of April 14, 2015. A site walk was conducted by the Board on August 26, 2014.

New for this meeting: a) Plan set revised through 8/31/16; b) The sewer plan, both on site and crossing Turnpike, has been signed off on by the MTA; c) The Maine Water Company has issued a letter finding the proposed system design, and limiting of impacts on the existing main that bisects the site, to be acceptable; and, d) An open space impact fee will be paid, if acceptable to the Board.

Consideration should be given to Section 10.11.5.11 of the Subdivision Regulations, which requires sidewalks “...along all subdivision streets, and any street which abuts the subdivision, or gives access to it.” See draft conditions of approval. Joe Laverriere’s comments of 9/23/16, attached, remain to be addressed by the applicant.

The City Council approved a contract zone for this project on Sept. 16, 2013. The applicant agreed to extend public sewer across the Turnpike; public water is already available. The only yard and lot requirement affected by the Contract Zone Agreement is minimum lot size: reduced from 15,000 s.f. to 10,000 s.f. Setbacks and frontage remain as usual for the R-1d zone. The project would take place on just under 24 acres; 48 lots; about 13,960 s.f. of wetland impacts, for which a wetland alteration permit has been submitted to the DEP. Bill Thompson is the project manager, assisted by Andy Morrell, P.E. Jason Labonte is the developer.

See City Engineer Joe Laverriere’s comments of 9/23/16, item 4. Notes 14 and 32 on the plan, sheet 1, specify that overhead utilities are going to be allowed for Lots 46, 47 and 48 – three of the four lots in the project with frontage along Rte. 5. If the Board is agreeable with this, it will need to vote to waive Section 10.15.1 of the Subdivision Regulations, which requires that “All utilities, including house connections, shall be placed underground at the time of initial construction.”

Neil: we need to find the application complete. Jason: Lots 46, 47 and 48 are behind other lots. Lot 46 has overhead service already. Lot 1 service would be underground, after the house is picked up and relocated prior to Phase 2.

**Rene: I move that the Board waive Section 10.15.1 of the Subdivision Regulations in that overhead utilities specifically and only for Lots 46, 47 and 48 will not compromise the public’s health, safety or welfare and will permit a more practical and economic development, seconded by Peter, and so voted, 5-0.**

Morrell: there is one more waiver we would request, that Lot 46 be allowed to maintain its driveway off Rte. 5. The existing garage is incumbent on that driveway. After discussion, **Mike: I move that the Board waive subsection 10.8.10.1 of the Subdivision Regulations, in that there will be no further subdivision of the parcel, and in order to preserve the existing house, seconded by Rene, and so voted, 5-0.**

**Rene: I move that the Board find the submissions for a final subdivision plan to be complete, seconded by Peter, and so voted, 5-0.**

Morrell: the Water Company easement will be pinned in the field. Peter: is the pump station capacity adequate for this project alone? Morrell: it is sized also to handle the abutting parcel to the southwest, and a parcel with the capacity for about 40 lots across Rte. 5. Wetlands are subject to a Tier 1 NRPA permit, which we expect within a few weeks. Neil: as far as the screening along Rte. 5, might the topography make that unnecessary? General agreement that, with Rte. 5 elevation being well above the lots elevation, vegetative screening would serve little purpose.

**Mike: I move to open the public hearing, seconded by Peter, and so voted, 5-0. No comments. Mike: I move to close the public hearing, seconded by Peter, and so voted, 5-0.**

After further discussion, Neil asked if the Board was ready to take action.

**Peter: I move that the Board approve the final plan application submitted for the proposed Precious Hidden Estates subdivision based on materials submitted to date, and the attached Findings of Fact and Conditions of Approval dated October 4, 2016, seconded by Vangel, and so voted, 5-0.**

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

Submitted by,

Bob Hamblen, City Planner