

Minutes, Planning Board
November 15, 2016

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

November 15, 2016
City Hall Conference Room
Workshop
5:00 p.m.

Sketch plan review of a proposed self storage building and other improvements at 492 Main Street. Applicant is U-Haul Co. of Maine

Regular Meeting
5:15 p.m.

1. Minutes of October 4 and October 18, 2016 – not available.
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: this public hearing is the culmination of several months of discussion and negotiation by City Attorney Tim Murphy, and Bill Mann, Economic Development Director, as well as representatives of Theresa Desfosses and Bill Dodge Nissan. The comments discussed during the Nov. 1 workshop have been incorporated into the proposed amendments found below.

Board members may recall that they approved most of the revisions shown below, but the Board desired a couple of modifications (Definition of Height for instance; clarification on underground utility services) and a couple of typos needed correction. In addition, City Staff and Legal Counsel discussed if the revision needed to address the applicability to Saco's Subdivision Regulations to avoid later question or concern. It was concluded by the City that while such a project would normally require Subdivision review, that such review was not required in light of the equally if not more stringent standards set out below, as well as the requirement all such projects complete Site Plan review.

Rather than treating these minor final amendments as appropriate for Council review, all staff and Counsel agree the entire package of revisions should be fully considered by the Board.

City Attorney Tim Murphy was in attendance to handle questions. Board members, being familiar with the amendments, moved directly to the public hearing.

Don: I move to open the public hearing, seconded by Peter, and so voted, 6-0. Jon Komar, 12 Ashwood Drive: what is this about? Hamblen: explained the approval of the Bill Dodge Nissan project, a subsequent appeal of a decision made by staff regarding a retaining wall, and how the matter was remanded to the City for further review by the Law Court. No further questions. **Don: I move to close the public hearing, seconded by Peter, and so voted, 6-0.**

Don: one change I'd like to suggest, Sec. 705-2, we talked last time about adding a heading: "Requirements Specific to Elder, Non-Congregate Detached Housing." Still think it's a good idea. Others agreed.

Don: I move that the Board forward a positive recommendation to the City Council for the proposed amendments to Articles 3, 4 and 7 of the Zoning Ordinance, and 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 Peter, and so voted, 6-0.

~~3. Public Hearing: a request to accept a portion of Trailside Circle, open space, and public utilities at the Ross Ridge subdivision off Ross Road. Applicant is Chamberlain Properties, LLC. Tax Map 35, Lots 8 and 37. Item was not taken up and will be rescheduled to Dec. 6.~~

4. Public Hearing: preliminary plan and Site Location of Development review of a proposed 90 lot subdivision off Jenkins Road. Applicant is Pinehurst Development, LLC. Tax Map 89, Lot 35 and Tax Map 90, Lots 24-2, 21 and 23. Zoned R-1d.

Hamblen: approval for the preliminary subdivision plan was granted by the Board on August 4, 2015. Per Sec. 6.1 of the Subdivision Regulations, if the final plan is not submitted within six months of preliminary plan approval, the Board may require resubmission of the preliminary plan. The applicant has chosen to re-submit, and seek approval for the preliminary plan at this time. Meetings to date on this project:

Sept. 17, 2014 – approval, preliminary Cluster Residential Development Subdivision Plan.

June 30, 2015 – site walk.

June 16, 2015 – preliminary plan review, tabled.

Sept. 17, 2014 -- preliminary clustered residential development review, approved.

June 16, 2015 – preliminary subdivision plan review, tabled.

Aug. 4, 2015 – preliminary subdivision plan, approved.

The project includes 90 lots on about 86.5 acres. The project would be serviced with public sewer and water. The details of the proposed sewer extension are close to being finalized with staff.

Somewhat more than 60% of the site – roughly 58 acres -- is proposed to be set aside as open space, well in excess of the required 35% of the subject parcel for open space. The Parks and Recreation Dept., the usual advisor on open space issues, has no interest in the City acquiring title to this acreage, and the applicant proposes it be conveyed to and owned by a homeowners association.

Items that bear consideration:

- Lot size may be reduced to as little as 7,500 s.f. with a cluster subdivision in the R-1d zone. Proposed: 7,500 s.f. and larger.
- Lot frontage may be reduced to 75 feet in a clustered subdivision, from the usual 100 feet in the R-1d zone.
- Front yard setbacks may be reduced by half, from the R-1d required 25' as allowed under 602-7.C.
- Side and rear yard setbacks may be reduced from the R-1d required 20' as the Board sees fit, as allowed under 602-7.D at the Board's discretion. Proposed: 10 feet, side and rear.
- Based on an average density per dwelling unit of 41,920 s.f., 5% (4.47 acres) of the parcel must be developed for active recreational facilities, per Sec. 604-12. A fee in lieu may be paid, which was determined to be \$1,200 per lot, or \$108,000. The Parks and Recreation Department has stated that it prefers the fee in this case, rather than recreational facilities – see below. Since the 2015 approval, the applicant has added a basketball court and a community garden.

The preliminary subdivision application was found by the Board to be complete on June 16, 2015. However, with the resubmittal, it is advisable that the Board vote once again to find the re-submittal complete:

Mike: I move that the Board find the application for preliminary subdivision plan review to be complete, seconded by Rene, and so voted, 6-0.

Jeff Amos, P.E.: this is a 4 phase project. In phase 1, the water main would be extended along Jenkins Road, Samuel Marshall Drive would be built, the pump station would be installed. Phase 2 would include the gravity sewer main extension in Jenkins Road. Phase 3 would include Wingate and Remick Drives. Phase 4 would include West Side Drive. Lots are generally in the 7,800 s.f. to 10,000 s.f. range. A gravel wetland will handle stormwater from phases 1, 2 and 3. The project is in the Goosefare Brook watershed hence the gravel wetland for enhanced quality treatment. A basketball court and a community garden are included as recreational facilities. Will address City Engineer's comments with the final plan submission. A NRPA Tier 1 permit and an Army Corps of Engineers permit have been issued. A traffic study has been done and an impact fee of \$1,050 per lot agreed to.

Peter: active recreation was discussed in 2015. Given the location of the proposed basketball court, would it be removed in order to use the right of way? Jeff: it would be moved to an adjacent lot, which we can add to the final plan. Don: there will be a force main along Remick to Jenkins? Yes.

How far then to connect to the main in Jenkins? About 2,000 feet. The Brookside pump station can handle Phase 1 of WSV, but no more. For Phase 2, we'll have the sewer work complete. Peter: with sewer service to Flag Pond Road? Joe: no, that can't happen. Don: no need to ask for more capacity? Joe: no, that's been figured in already. Don: do houses on Camire Drive want access for the project to Camire Drive? Jeff: Camire didn't want access to the subdivision. Access is possible for sewer and water. Matt: we spoke to the Camires. We haven't been asked about connections for them. Peter: agree with the Camire connections, if they want. Don: should plan for future connections via Remick. Peter: Deputy Chief Pendleton, is there enough water pressure for your needs. Dave P.: the 8" main is good, not great pressure, but volume is good. Peter: what is the gravel wetland? Jeff: three cells, water to sump, to treatment cell. Most of time will be dry. One to 1.5 feet deep for 24-48 hours after a storm.

Don: I move to open the public hearing, seconded by Peter, and so voted, 6-0. Norma Grayer, 81A Jenkins Road: lights on Jenkins Road, or after houses? What is the length of the phases? What year will this be completed? I heard the road is to be lifted. We're three houses back from the brook, what impact will we see? Pam Kieffer, 174 Jenkins Road: traffic is my concern. Jon Korda, 12 Ashwood Drive: the sewer is being designed for 880 lots? Will the City have to upsize the sewer? A cluster subdivision; we've never had this before, only 20 feet between houses is a concern. Sprinklers should be mandated. Is a sound barrier going to be demanded of the City? A cul de sac – is the street design okay for plows? We probably can't stop this, but we can affect it. How is the open space planned? What is the impact on the value of homes? Do any Board members live nearby? Water should be extended to Flag Pond Road. Sidewalks are an issue, we need one all the way down Jenkins, and the developer should foot the bill.

Russ Grenier, 81R Jenkins Road: average price of a house? Larry Tripp, 242 Flag Pond Road: I object to this, the neighborhood is growing too quickly. This is a glorified mobile home park. It will be a slum. This should be more like abutting neighborhoods. Open space next to the Turnpike is not good. Drainage will be an issue. The Jenkins Road pit overflows in an average year. Will there be cellars? What will the impact be on the schools? What are guidelines for open land? Is a ball park required? Ninety houses, 180 kids – where will they plan? What is anticipated square footage of land per lot, less the house? Scott Cyr, 9 Ashwood Drive: I'm opposed, as the Turnpike will be a problem. A signal at Jenkins and 112 is overdue. Will we be required to connect to sewer and water? Cathy Cyr, 9 Ashwood Drive: lots could be as small or as big as what? What is the reasoning behind 90 lots? It's like a trailer park. Noise, it will be loud in summer. Fewer, nicer homes would be better. Scott Cyr: it's 40 mph out there, better enforcement is needed. The flashing stop sign at Jenkins/Flag Pond Road is good. Buxton Road, Flag Pond Road are unprepared for the traffic to come. There could be 3-4 cars on every lot. They could have 160 homes? Even 90 – why is that right? Pam Jandreau, 158 Jenkins Road: traffic, with 180 cars or more a day. Block one of the curb cuts from Hillview Heights, would be a help. Does the sewer line widen the road? Neil: thank you, I'll put comments on hold at this time, and we'll bring discussion back to the Board.

Jeff: net density calculations allow 160 lots. This is a growth area, and we are compliant with zoning. The plan is driven by Ordinance requirements. By summer 2017, we hope to be moving along with Phase 1, with Phase 2 hopefully soon after. The Turnpike will impact lot values. We plan a six foot fence and a 15' wide landscaped buffer. Neil: how about the brook crossing? Jeff: we anticipate elevating the road, and tapering in affected driveways. Neil: the sidewalk disappears at the brook.

Jeff: it will be a curbed, raised sidewalk for about 2,000 feet. All 8” and 10” utility lines, which can handle future growth. Neil: types and prices? Matt: 1,500-2,200 s.f. houses, just below the Ross Ridge price point, so about \$300-400,000. Jeff: basement drains will flow to stormdrains. Lots will be raised for positive drainage. The stormwater plan accounts for runoff from all surfaces. Soils are not very filtrative. Neil: will there be an association? Matt: yes, they will manage the basketball court. We have a 12 page HA document, which dictates the exterior appearance of houses. Neil: traffic? Tripp: was traffic measured at the peak hour, or over a day? Hamblen: both, the report followed ordinance requirements for a standard traffic study, and has been reviewed by an engineer on behalf of the City. Joe: either a cul de sac or a hammerhead are acceptable turnarounds in Saco. We have dimensions that must be met. The 880 lots for Jenkins Road was determined by the consultant that did a master plan for utilities, and is the anticipated full build-out. The plan explains sewer capacity calculations. A second pump station is probable for the Flag Pond end of the road. Buildings within 150 feet of a gravity main must connect upon the failure of an existing septic system. Tripp: will sewer work result in a ruined road, or will it be repaved? Joe: the work will take up half a lane, which will be rebuilt. Korda: will a lift pump be necessary to connect to the sewer? Joe: the line is 6-8 feet deep now, and more shallow at the brook. Most buildings will have the grade to connect by gravity.

Korda: will an upgrade be needed in Rte. 112 for the 800 lots? Joe: the utility plan i.d.’d the system. The existing pump station at Deep Brook was upgraded 2 years ago, and has the capacity for more than it now handles. The plan is on-line. Will the assessed value of our homes be impacted? Korda: is there a blog? Is there an Ordinance in place that allows this? Hamblen: yes. Tripp: has a decibel study been done? Any ordinance on noise levels, state or local? Will the City be obligated to build a sound wall? Safety: the knoll on Jenkins Road creates a blind spot – should the developer reduce the knoll? Jeff: sight distance was measured – we meet sight distance requirements. Cyr: notices? Some neighbors didn’t receive. Don: you’re not happy about a project like this, and all the growth happening. The Comprehensive Plan is under review. Get involved. Korda: the cluster approach is drastic. Cyr: does the Comp Plan say no clustering? No. Is a 3-way stop sign possible? Don: you can talk to the Traffic Safety Committee about it. Peter: ask Chief Paul. **Mike: I move to close the public hearing, seconded by Peter, and so voted, 6-0.**

Peter: recreation space and kids. Fees go to Parks and Rec, but not necessarily to this neighborhood. If there’s not a better effort, I can’t support this. A buffer fence along the Turnpike? What do others require? I won’t ask those 12 houses to be moved, but quality of life is a concern. An official asked us not to accept the open space, they can’t maintain it. Don: the City doesn’t want it. An association can own and maintain it. Matt: liability is a problem, and the costs to an association is a problem. Neil: is there interest in recreational facilities? Rene: I would be interested in that. Matt: we’re hoping for preliminary plan approval, with info asked for tonight at final, along with the association documents. Don: when Cori Acres was proposed next to the off-ramp I was concerned, but they’re oblivious to the noise. Rene: it’s up to the buyer. If someone buys near the Turnpike, it’s the choice of the buyer. Vangel: the concern raised due to clearing – is it a reasonable ask to respond to a buffer, more than a stockade fence? Mike: the developer owns the property – he can clear-cut, if he wants. Vangel: I understand, but the human element should be considered. No harm in asking.

Rene: I voted to approve in 2015, and will again. But, buyers will determine the level of interest in these lots. Don: should we table, or move to preliminary? Mike: those were good concerns raised about stormwater, but the DEP has approved permits, and our staff have accepted the plan. Neil:

and based on standards in the Ordinance – is anyone willing to make a motion? Don: Vangel, do you want to see your point made part of the motion?

Vangel: I move that the Board grant approval under the provisions of the Subdivision Regulations for the preliminary plan for the proposed West Side Village subdivision, based on the attached Findings of Fact dated November 15, 2016, with the added conditions that the applicant return with a recreational facilities plan, and homeowners association documents, and a good faith response to a buffer from the Turnpike better than a stockade fence, said buffer to be the responsibility of the association, seconded by Peter, and so voted, 6-0.

5. Public Hearing: preliminary plan review of a proposed 7-lot subdivision off Jenkins Road. Applicant is Sebago RE Investment LLC. Tax Map 91, Lot 3. Zoned C-1.

Hamblen: this 7 lot subdivision has been reviewed as a sketch plan by the Board in August, September and October. Applicant Paul Hollis has the 79.86 acre parcel under contract, and proposes to create six new lots fronting on Jenkins Road, while a 7th lot would include the existing farmhouse. The applicant would retain roughly 66 acres of land to the southwest of the proposed lots, and has mentioned conveying portions to abutters.

Lots would be served by private wells and septic systems, as no public sewer or water are within several hundred feet or more of the site. Lots would be serviced with underground electric, cable, and telephone. The Board should further consider:

- Open space required is 2.5% of the overall parcel, or 86,967 s.f. No open space is proposed. The Parks and Rec Department has indicated it has no interest in open space being set aside as part of this project. Therefore, the applicant is subject to both the open space and the recreational facilities impact fees.
- Traffic generated by the project is about 60 trips per day, not enough for a traffic study to be required. Due to location on Jenkins Road, staff is recommending an impact fee of \$1,050 per lot, revenue that will bring a new signal at the intersection of Jenkins and Buxton Road that much closer to reality.
- The wetland delineation by Joseph Noel has been reviewed by a City consultant, and found acceptable.
- Joe Laverriere has asked for a couple of changes to the plan in his comments of Nov. 8, which assumedly we will see on the final plan.
- Deputy Chief Pendleton has asked that either sprinklers or a cistern be incorporated into the project. The applicant is leaning toward a cistern, which will be added to the final plan.

There are a few waiver requests, which include:

Sec. 5.2.2(13) location and species of street trees (*staff recommends trees be required, and applicant is amenable*).

5.2.2(16) location of streetlights, utilities and street trees on the plan.

Don: to allow discussion to go forward, I move that we waive the submission requirement

for a utilities plan, Mike seconds. Peter: meaning utilities to each home? Don: yes. **Motion was voted on, 6-0.**

5.2.3(4) storm drainage arrangements.

5.2.3(15) stormwater quality plan.

Mike: why no stormwater plan? Joe: not concerned with it, we will capture what's necessary as part of the street opening permits. Neil: are culverts needed? What size? Rene: I have never seen flooding here. Don: would like to see a series of deed covenants to control activities impacting groundwater, in lieu of a stormwater plan.

Don: I move that the Board waive submission items 5.2.3(4) and 5.2.3(15) in order to permit a more practical and economical development, seconded by Rene, and so voted, 5-1 (Neil).

Don: I move that the Board find the application for the Hilltop on Jenkins Road preliminary subdivision plan to be complete for the purposes of this evening's discussion, seconded by Rene, and so voted, 6-0.

P. Hollis: wetlands have been reviewed by Normandeau on behalf of the City, I have combined four lots into two shared driveways, we will add streetlights, I'm okay with adding trees, underground utilities are okay if they're required. Cisterns or sprinklers have been requested, I'm okay with a cistern, and it's been added to the plan. Rene: is the existing pond okay for fire protection purposes? D/C Pendleton: we're moving away from ponds. Some have dried up this summer and fall. Don: the groundwater testing results you've provided show coliform and e. coli counts. These are drilled wells, not dug. Hollis: Nelson said wells need to be chlorinated. Don: where is the contamination coming from? Rene: in my neighborhood, we chlorinate every year. Don: we don't know if new wells will deliver bad results. Hollis: you need to educate people. Don: as a planning board member, my responsibility is to respond to that information. Jesse Lloyd Young: we owned the Preble residence and got the same results, the well was continuously running over. The Mooradian well results also show coliform and e. coli. Peter: the land has been farmed. There's a Superfund site northeast of the site. Mike: there's a 15" culvert proposed at the driveways. Hollis: that's just an example. Will install an 18" if Joe wants. We can ask Mooradian how he maintains his well. Neil: it's up to the applicant to provide that info. Don: it may be very simple, but we don't know. Vangel: there are two types of wells, and problems with each? Less so with artesian than with dug.

Neil: you can only protect future buyers so much. Vangel: what are some remedies? A filtration system for each house. Hollis: what if a system is required in each house? Vangel: that's a good start, but we'll leave it up to the applicant to find out. Neil: other items? Vangel: what is the issue with frontage and access on Jenkins Road? Don: we don't encourage strip development. Peter: we can't prohibit development due to the lack of sewer and water. Vangel: we wouldn't want 7,500 s.f. lots along Jenkins Road, but 2 acre lots would be less of a problem. West Side Village is 90 lots, and has two curb cuts. Here, we have 7 lots and 4 curb cuts. Neil: is that a motion?

Hamblen: per Section 10.8.10.1 of the Subdivision Regulations,

“No residential lot created after the adoption of this section, that is part of a subdivision, shall have its required street frontage on a road listed above unless the Planning Board determines that conditions particular to the parcel justify allowing access to the road. Access shall be granted only if the Board finds that one of the following conditions is met:

- A. There is too little road frontage to reasonably allow for the creation of a local street or private road; or
- B. The shape or physical condition of the parcel does not permit access to or the creation of a local street or private road; or
- C. There will be no further subdivision of the parcel.

If the Board is agreeable with the applicant’s request to establish six new lots with required street frontage on Jenkins Road, then it needs to make such a finding.

Mike: I move that the Board find that there will be no further subdivision of the subject parcel, and therefore Lots 1-3 and 5-7 may establish both frontage and access on Jenkins Road as shown on the plan, seconded by Rene. Vangel: shall we specify restrictions on deeds? Mike: not at this point. **The motion was voted on and passed, 4-2 (Neil, Don).**

Rene: I’m okay with utilities above ground to the houses; it’s in character with neighboring houses. **Rene: I move to open the public hearing, seconded by Vangel, and so voted, 6-0.** Larry Tripp, 242 Flag Pond Road: my family’s been on the abutting strip of land since 1939, was Lloyd and Lois Leary. Karnak has moved in on a piece of this parcel, and has been a good neighbor. I’m concerned about the possible division of the rear piece. Rene: it can be divided, but it can’t be developed. Larry: where houses have been built by the brook on Jenkins Road, the 25 year storm is going to be a problem. Jon Korda, 12 Ashwood Drive: reverse osmosis can treat these contaminants. Cathy Cyr: why aren’t sewer and water being provided? Due to the distance from each. Scott Cyr: there are 101 houses proposed on Jenkins Road. This will open up things, so overhead utilities will be visible.

Jeff Brochu, 267 Buxton Road: there will be more houses and cars, and more access allowed to Jenkins Road. Why not build a street with a single entrance to Jenkins? This is a messy start to a major intersection: driveways, utility poles, overhead utilities. **Vangel: I move to close the public hearing, seconded by Rene, and so moved, 6-0.**

Mike: I’d like to address what Mr. Tripp said. We won’t condition future division of the back parcel as part of the waiver, but deed restrictions won’t work. It may have to be a conservation easement. Planner will ask city attorney for guidance.

Issues to be addressed: wells and water issue; utilities – Mike and Neil would like to see underground. Peter agrees. Hollis agreed to show this on the plan. The entire parcel will be shown on the plan. Neil: shall we table, or vote on the preliminary plan? Hollis: will you consider a note as to water filtration on each lot? Rene: I’m okay with voting on the plan tonight. Also, street trees to be addressed by Joe Hirsch. Vangel: I’m with Rene; issues will be addressed.

Rene: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the seven lot Hilltop on Jenkins Road subdivision by Sebago Real Estate Investment, LLC based on the Findings of Fact and Conditions of Approval dated November 15, 2016, with added conditions that street trees be subject to Joe Hirsch's review and approval; utilities be underground to each lot; that a note appear on the plan addressing water treatment filtration to be included with each lot; that the City Attorney weigh in on how best to prevent development of the rear parcel; and the entire parcel shall be shown on the plan, seconded by Vangel, and then voted, 2-4 (Neil, Don, Mike, Peter). Motion by Mike to table so that issues raised in Rene's motion can be addressed, seconded by Don, and so voted, 4-2 (Vangel, Rene).

The final two agenda items were not taken up due to time considerations.

6. Public Hearing: proposed amendments to the approved site plan for an expansion of the KOA campground at 814 Portland Road. Applicant is Sun Saco RV, LLC. Tax map 59, Lots 7 and 11. Zoned B-6, I-I and contract zone.
7. Public Hearing: a request that the Planning Board evaluate alternatives for the disposition of the property at 90 Maple Street, as outlined in Chapter 81 of City Code. Tax Map 52, Lot 46-1.

The meeting adjourned at approx. 11:10 p.m.

Submitted by,

Bob Hamblen, City Planner