



# CITY OF SACO, MAINE

**Planning**  
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Minutes  
Planning Board  
May 16, 2017

## Attendance Record

✓ = Present / A = Absent / E = Excused

- |                               |                   |
|-------------------------------|-------------------|
| ✓ Neil Schuster, Chair        |                   |
| Don Girouard, Vice-Chair -- E | Marty Devlin -- E |
| ✓ Michael O'Toole             | ✓ Peter Scontras  |
| ✓ Rene Ittenbach              | ✓ Vangel Cotsis   |

**NOTE: Meeting is audio recorded. These audio records will be posted on the City's website and available for public review within one week of the meeting.**

5:00 p.m.  
Regular Meeting

1. Minutes of May 2, 2017 – **motion by Peter to accept the minutes as amended, seconded by Rene, and so voted, 5-0.**
2. Public Hearing: final plan review of the proposed Clarks Hill Lane five lot subdivision off Ferry Road. Applicant is JW Group, LLC. Tax Map 18, Lot 8. Zoned R-1a.

Hamblen: this 5 lot subdivision (one existing house, four new lots) received preliminary plan approval by the Board on May 2, 2017. The applicant has provided responses to the City Engineer's most recent comments. Otherwise, little has changed. Lots would be served by public sewer and water, and underground electric, cable, and telephone. Project engineer Paul Gadbois has designed a stormwater management plan that incorporates capturing runoff from roof drip edges, a Best Management Practice promoted by the Maine DEP, and a filter pond just east of the turn-around at the end of the street.

Other items that remain in place:

- Open space required is 7.5% of the overall parcel, or 11,140 s.f. No open space is proposed, and the applicant proposes to pay both the open space and the recreational facilities impact fees.
- Traffic: a single family dwelling generates an average of 9.57 trips per day, so 39 new trips are projected, falling well short of the need for a traffic study. All residential lots proposed in Saco are subject to a traffic impact fee, addressed in the conditions of approval.
- The wetland delineation by Mark Hampton has been reviewed by a City consultant, and found acceptable.

- The project includes a Tier 1 wetlands permit being submitted to the DEP. Initial feedback is that the DEP may be seeking less impact than is proposed, with the potential for the road being shifted. Staff has discussed this with the applicant, and suggested he move forward with the plan as drafted. If in fact the DEP requires the road to be revised, that would represent an amendment to the plan, and depending on the significance of the shift, would either be reviewed as a minor amendment by staff, or as an amendment meriting PB review. A draft condition of approval addresses this.

**Michael: I move that the Board find the application for the Clark's Hill Lane final subdivision plan to be complete, seconded by Vangel, and so voted, 5-0.**

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

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

The Board voted at the 5/2/17 meeting to grant a waiver of two standards for street construction found in the Subdivision Regulations:

- Sec. 11.11: a five foot wide esplanade is required between curb and sidewalk. The Board voted to allow the esplanade to be reduced to zero feet.
- Sec. 11.8.1: "Embankments outside of the street right of way shall be evenly graded and pitched at a slope of not greater than three (3) horizontal to one (1) vertical..." The Board voted to allow the side slopes to be reduced to 2:1.

**Rene: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the final plan submitted for the five lot subdivision proposed by applicant JW Group LLC, based on the Findings of Fact and Conditions of Approval dated May 16, 2017, seconded by Peter, and so voted, 5-0.**

3. Public Hearing: proposed amendment of the April 18, 2017 approval granted for a conditional use permit for the proposed addition of a residential unit to an existing single-family dwelling at 6 Outlook Avenue. Applicant is Girouard Home Services, LLC. Tax Map 11, Lot 113. Zoned R-1c and Coastal Development Overlay District.

Michael recused himself for this item. Attorney Sandra Guay represented the applicant.

Hamblen: the Board approved this application for a conditional use permit at its meeting of April 18, with the added condition that the issue of the proposed deck and it being partially located within the flood zone be resolved. CEO Dick Lambert asked for input from the Maine Floodplain Office, which in turn sought input from the FEMA Region 1 office in Boston. The e-mail reply from FEMA is in the packets, in which a floodplain specialist concludes that a deck that is located in the floodplain in whole or in part, and that is connected to the dwelling, means that the entire building must meet the standards of the Special Flood Hazard Area (the 100 year flood zone). So, if any portion of the deck is in the flood zone, then the entire structure, house and deck, must be elevated to 3 feet above the 100 year flood elevation, as long as the deck is to be structurally connected to the house. Dick has stated that he will follow the advice of the FEMA office.

Applicant Girouard Home Services, LLC has submitted a response to the FEMA input, in the packets. The deck is now a thing of the past, and a landing and stairs will be proposed, outside the flood zone. An on-grade patio will take the place of the deck. This represents an amendment to the approved plan, so returns to the Board for review. The applicant has provided materials illustrating the revised proposal, attached. Floodplain Coordinator Dick Lambert has reviewed the amended approach, and finds it acceptable.

Sandra: to clarify, the steps and landing are not in the floodzone. The patio is, but patios are not regulated by the Floodplain Ordinance. Peter: the deck's been amended, and that was the only issue. The deck could have been built if it stayed completely outside the floodzone.

**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.**

**Peter: I move that the Board find that the proposed amendment satisfies Section 901-4.8 of the Zoning Ordinance, and that the condition imposed by the Board as part of its April 18, 2017 action requiring clarification of the deck as it applies to the flood zone has been complied with in full, seconded by Rene, and so voted, 4-0.**

~~4. Public Hearing: review of paper streets in existence on Sept. 24, 1997 and recommendations for disposition of same.~~ POSTPONED

5. Public Hearing: preliminary subdivision review of a proposed 10 lot residential subdivision off Ross Road. Applicant is Michael Mitton. Tax Map 35, Lot 10. Zoned R-2.

Hamblen: this 10 lot subdivision includes a proposed 750 foot dead-end street off Ross Road, actually the site of an existing private road, Lombard Lane. The project would be serviced by public sewer and water, the former available thanks to an easement from the abutting Ross Ridge subdivision. Stormwater is proposed to flow to an existing pond at Ross Ridge, also thanks to easements worked out with that developer, Elliott Chamberlain. Other issues for the Board to consider:

- Open space required is 12% of the overall parcel, or 16,256 s.f. No open space is proposed, and the applicant proposes to pay both the open space and the recreational facilities impact fees.
- Ninety-six Average Daily Trips are projected, with 8 trips in the a.m. peak hour, weekdays and 10 trips in the p.m. peak hour. Sight distance to the east is not great, but the project engineer has suggested that the trimming of vegetation will improve this.
- The wetland delineation by Mark Hampton has been reviewed by a City consultant, and found acceptable.

**Rene: I move that the Board waive Sec. 5.2.3.3 and 5.2.3.10 for purposes of discussion, seconded by Michael, and so voted, 4-1 (Peter).**

**Rene: I move that the Board find the application for the preliminary subdivision plan to be complete, with the exception of a letter of capacity from Maine Water Co., and a statement of financial capacity, seconded by Michael, and so voted, 4-1 (Peter).**

**Rene: I move to open the public hearing, seconded by Michael, and so voted, 5-0.** Can trees be retained? Construction vehicles will travel Ross Road to Lombard Lane. Fall 2017 start, paving in Spring,

two year completion. Trees should be retained to provide buffer. **Vangel: I move to close the public hearing, seconded by Rene, and so voted, 5-0.**

**Vangel: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the 10 lot subdivision proposed by applicant Michael Mitton, based on the Findings of Fact and Conditions of Approval dated May 16, 2017, subject to a second and suggested amendments to the motion by Rene: a. easements for a potential connection to abutting property, b. a neighborhood meeting re: trees, c. trail connection if possible to Ross Road, and, d. pending resolution of Joe Laverriere's comments. Vangel agreed to the amendments, and so voted, 5-0.**

6. Public Hearing: final plan 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 Nov. 15, 2016. This being a clustered subdivision, subject to both the usual Subdivision Regulation process but also the clustered development process found in Article 6 of the Zoning Ordinance, the project is subject to each level of review and the potential for final approval of each at this meeting. 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, including a meeting between city and project engineers on May 1. Traffic was essentially finalized prior to the preliminary plan approval, as a study was submitted and found to be accurate and in compliance with standards by the City's consultant, Gorrill-Palmer.

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 – see below. Accordingly a homeowners association will be established to own and maintain the open space.

Items that bear consideration:

- This item was discussed by the Board prior to the preliminary plan approval, but is worth re-visiting: Phase 1 includes the construction of Samuel Marshall Drive, roughly 1,400 feet in length, and then turns the corner and constructs about 100 feet of Remick Drive. This gets the developer back to both the first detention pond, and to the pump station for the entire project. So, Phase 1 could be viewed as being a dead-end street longer than 1,000 feet, which is only possible if allowed by the Board (Sec. 10.11.5.9.A). This same subsection allows no more than 15 units on a dead-end street; 18 or more are proposed. This staff member recognizes that, worst case, SM Drive could be built and languish for years during a market downturn, with a 1,500 foot dead-end and more than 15 approved (and maybe built!) lots. At the same time, the road is the first of four phases which are designed so that no dead-end longer than 1,000 exists. The Fire Department, inasmuch as the health, safety and welfare of the house-buying public is the primary concern, has been asked for its opinion, and Deputy Chief Pendleton offers this: "I would support a road that was greater than 1000 feet but where the last house was no greater than 1000 feet from the nearest hydrant."

The applicant's engineer confirms that four hydrants total are proposed, and that no lot would be more than 1,000 from a hydrant.: "We propose 4 hydrants:

- On Jenkins Road near the intersection with Chamberlain Drive.
  - On Samuel Marshall Drive at station near station 5+50 (just below intersection with Elias.
  - At end of Wingate Drive at the intersection with Remick.
  - At end of Remick, near intersection with West Side Drive.
- 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. As part of the 2016 approval, the Board indicated its feeling that this will be a substantial neighborhood, and it should offer recreational facilities. There is now a greater range of recreational facilities proposed within the subdivision than back in November. At that time, a basketball court and a community garden were proposed. This has been revised to include a fenced dog park, a larger community garden, and "a series of walking trails" in the open space. The 2015 approval included an impact fee of \$1,200 per lot (3.2 people per three-bedroom dwelling x \$375/capita). Multiply this by 90 lots, and the City can expect \$108,000 in revenue. With the improvements proposed at an estimated cost of \$80,000, the per lot fee would drop to \$312, for a total of \$28,000 due for the rec facilities impact fee.
  - See Sec. 608 for the procedures to be followed for a cluster subdivision review:
    - 1) Preliminary Clustered Residential Development Review – granted 9/17/14.
    - 2) This is followed by preliminary subdivision review – granted 11/15/16.
    - 3) Final subdivision review.
    - 4) Final Clustered Residential Development Review is conducted simultaneously with final subdivision review, with the determination for Final Clustered Residential Development Review necessary before a determination on final subdivision review. Procedures are as outlined in the Saco Subdivision Regulations, except where alternative procedures and requirements are set out in this Article.

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.
- Nov. 15, 2016 – preliminary subdivision plan, re-approved.
- May 16, 2017 – consideration of final plan and final cluster plan.

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

**Michael: I move to hope the public hearing, seconded by Vangel, and so voted, 5-0.** Jon Korda, 12 Ashwood Drive: is Country Woods Road to be used as a construction route? I thought there'd be a plan for buffering the Turnpike. Traffic concerns. Will the Water Company pay for the water main extension? Will sewer accommodate others along Jenkins Road? Chris ???: underground utilities? Trail off Country Woods Drive? Could connect to development. Craig Camire: I'm moving from Camire Drive, don't want to be a part of it. Lil Camire, Camire Drive: we've been there 20 years. This is too much. Chris Striker, 6 Ashwood Drive: I recognized the potential for growth in my backyard. A traffic signal is needed at Jenkins and 112. Should be installed at the beginning of the project. Is the dog park proposed near existing houses. Will there be duplexes along the Turnpike? Appreciate the impact fees for traffic. Scott Dobson, Brookside II: this will bring public water up the road, that's good. Aaron: we're not touching trees between Country Woods Drive and the Turnpike. There will be no construction traffic on Country Woods Drive. Trails will be wood chips, a natural trail. The traffic is bad. Neil: the homeowners association will manage the rec facilities and the fence? Yes. Stormwater will be the City's to maintain. The homeowners docuemtns restrict uses to single family dwellings. Korda: the Superfund resolution provided the money for another 6 feet of road. Sidewalks should be safe. There's been a death at Flag Pond Road and Jenkins. **Vangel: I move to close the public hearing, seconded by Rene, and so voted, 5-0.**

**Vangel: I move that the Board grant approval under the provisions of Article 6 of the Zoning Ordinance for final clustered residential development review for the proposed West Side Village subdivision, based on the attached Findings of Fact dated May 16, 2017, seconded by Rene, and so voted, 4-1 (Peter).**

**Vangel: I move that the Board grant approval under authority delegated to the City by the Maine Department of Environmental Protection for a Site Location of Development permit for the proposed West Side Village subdivision, seconded by Rene, and so voted, 4-1 (Peter).**

**Vangel: I move that the Board grant approval under the provisions of the Subdivision Regulations for the final plan for the proposed West Side Village subdivision, based on the attached Findings of Fact dated May 16, 2017, seconded by Rene, and so voted, 4-1.**

Meeting was adjourned at approximately 8:30 p.m.

Submitted by,

Bob Hamblen, City Planner