



CITY OF SACO, MAINE

Planning
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Minutes
Planning Board
November 7, 2017
City Hall Conference Room

Attendance Record

✓ = Present / A = Absent / E = Excused

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

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 September 19 and October 17, 2017 – **motion by Rene to accept the minutes as presented. Don noted an error on p. 7, that a negative recommendation had actually been specified in the motion. Don then seconded the motion as amended, and it was so voted, 3-0-2 (Peter, Vangel had not attended the meetings).**
2. Public Hearing: conditional use, site plan and preliminary subdivision review of a proposed six unit residential condominium at 64 Ocean Park Road. Applicant is Plowman Development Group, LLC. Tax Map 34, Lot 18. Zoned B-2c.

Hamblen: this six unit Multi-Family Dwelling was reviewed as a sketch plan by the Board on August 8. Consideration was given to re-orienting the project so as to emphasize the buildings by bringing them closer to the road, and de-emphasizing the parking by moving it to the side of rear of the building. The applicant has moved forward based on input from the meeting. The project would be accessed via a private one-in/one out driveway configuration. The two-bedroom units would be served by public sewer and water, and underground electric, cable, and telephone.

Multi-family projects in the B-2c zone are subject to conditional use, site plan, design review, and subdivision review.

Issues to consider:

- Open space and recreational facilities are not proposed; the applicant proposes to default to paying an impact fee.
- Traffic: no capacity concerns were identified and sight distances are adequate. The applicant projects 35 Average Daily Trips (ADTs). This does not trigger the need for a traffic study.
- The wetland delineation by Frick Associates has been reviewed by a City consultant and found to be accurate.

Conditional use review –

Don: I move that the Board waive submission requirement item 901-2.1 m, lighting plan, seconded by Rene, and so voted, 5-0. Don: I move to find the application for conditional use review to be complete, seconded by Rene, and so voted, 5-0.

Site Plan Review –

Don: I move that the Board waive submission item Sec. 1104-1.18, lighting plan, seconded by Rene, and so voted, 5-0. Don: I move to find the application for site plan review to be complete, seconded by Rene, and so voted, 5-0.

Preliminary Subdivision –

Don: I move that the Board waive submission requirements for streetlights, sidewalks, and curbs and gutters found in Sec. 5.2.2(16) based on the reasoning provided by the applicant, seconded by Rene, and so voted, 5-0. Don: I move to find the application for preliminary subdivision review to be complete, seconded by Rene, and so voted, 5-0.

Design Review –

Peter: I move to find the application for design review to be complete, seconded by Don, and so voted, 5-0.

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 Vangel, and so voted, 5-0.

Don: I move that the Board grant approval under the provisions of the Saco Zoning Ordinance for a conditional use permit for the 6 unit Multi-Family Dwelling proposed by applicant Plowman Development Group, LLC based on the attached Findings of Fact and Conditions of Approval dated November 7, 2017, 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 preliminary plan submitted for the 6 unit Multi-Family Dwelling proposed by applicant Plowman Development Group, LLC based on the Findings of Fact and Conditions of Approval dated November 7, 2017, seconded by Rene, and so voted, 5-0.

3. Public Hearing: proposed amendment to the Perkins subdivision off Flag Pond Road. Applicants are David and Janet Perkins. Tax Map 92, Lots 18, 18-4, and 18-5. Zoned C-1.

Applicants David and Janet Perkins propose to create a fourth lot within the Perkins subdivision, thereby making necessary an amendment to the 2006 subdivision plan. This three lot subdivision was created in 1998 by the Perkins. In 2006 they acquired 2.41 acres of additional land from an abutter, and enlarged and realigned each of the three lots with the additional acreage. The Board approved the amendment on 2/21/06, see attached minutes.

A change that should be done to the plan before it's returned for signing: just as the abutting Varney lot includes street number and tax map and lot data, each of the subdivision lots should be labeled with this info as well. And, a private road is now part of the subdivision, providing access to lots 1 and 4 – it should be added to the plan prior to signing.

In that the subdivision has been approved, then amended in the past 19 years, the applications for both preliminary and final plan review have been found complete. In the opinion of staff, the information necessary to determine whether a 4th lot can be created by re-drawing lot lines has been submitted in the form of an amended plan, deeds, and earlier plans showing changes that have occurred and are proposed.

A unique sequence of events is in play here, as follows:

The Perkins approached the City about creating a new lot in order to convey it to their son, where he would build a house. The acreage was there for that to happen, but not the frontage. It was suggested that a private road could provide the frontage. Staff was not aware at the time that the lots were part of a subdivision.

The Perkins moved forward with the private road plan, which was approved on 8/23/17. A call from the applicants' bank was received, curious about the creation of a new lot within an existing subdivision – news to staff! Staff delved into Planning Department files, and there were the 1998 and 2006 subdivision plans. It became clear at that point that the proposed 4th lot would make PB review of a subdivision plan amendment necessary.

Staff consulted with the City Attorney as to whether any further response may be necessary, e.g., voiding the private road plan, or requiring the private road to be upgraded to a City street. Tim Murphy recognized that on occasion, what has occurred in the past is going to be missed. A modular home has been ordered by the applicants and/or their son, and weighing the greater good has led us to conclude that cleaning up the subdivision situation while allowing the private road to proceed is the “right” thing to do.

Vangel: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for amendment of the David Perkins subdivision based on the Findings of Fact and Conditions of Approval dated November 7, 2017, seconded by Peter, and so voted, 5-0.

4. Public Hearing: review of Phase 3 of the Ross Ridge subdivision for acceptance of a portion of Trailside Circle as a City street. Applicant is Chamberlain Properties, LLC. Tax Map 35. Zoned R-2.

Hamblen: at the request of developer Chamberlain Properties, LLC the Board is asked to provide a recommendation regarding the acceptance of the remaining unaccepted portion of Trailside Circle.

Members may recall that the streets found in Phases 1 and 2 of the Ross Ridge subdivision were accepted by the City in 2014. Phase 3 has been under construction since that time. In January of this year, we expected that the developers would return in Spring in order to request acceptance of the remainder of Trailside Circle, Lots 46 and 47 -- both open space parcels -- and to address any remaining loose ends. Well, Spring has turned into Fall, a number of items have been completed, but a few remain.

For the benefit of those who were not involved in earlier review, the Ross Ridge subdivision, accessed via both Woodman Avenue and Ross Road, was approved on 8/7/07, then amended significantly on 5/20/08 by eliminating all multi-family units in favor of single family lots, thus reducing the project's density from 111 residential units to 75 house lots. The '08 plan is what's been built; all lots are built.

Probably a good time to review the Conditions of Approval from the 2008 amended approval, which are attached:

- One open space parcel is owned by the homeowners association, Lot 45. Lots 46 and 47 are proposed to be offered to the City. A ball field has been graded and loamed, not yet seeded or mulched. The tennis court is complete.
- See Joe Laverriere's 12/9/16 comments, a progression that started in June 2016. You'll see that a great deal has been accomplished, but that a handful of items remain.
- The City holds \$11,300 as a financial guarantee. At this time, the expectation would be the City will continue to hold this into 2018, and that it would be released upon the completion of the remaining items mentioned above.

A copy of the deeds and metes and bounds descriptions of the remaining portion of Trailside Circle that has not been accepted, and of Lot 46 (open space that includes the sewer pump station), and of Lot 47 (open space that includes the ball field and a detention pond) has been submitted, which the City Attorney has used to generate the attached deeds. Record drawings have been reviewed by the City Attorney and the Department of Public Works, and a final inspection of the road's condition has been conducted.

Also attached, an e-mail from a handful of Ross Ridge residents associated with the homeowners association. As with everything, there's another side to the story, too – in this case, it's Mr. Chamberlain's. He has a copy of the e-mail, and is prepared to discuss it on the 7th.

City staff is unanimous in recommending acceptance of the specified portion of Trailside Circle that is described in the attached deed, and of the open space parcels as described.

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

Don: I move to recommend to the City Council that the portion of Trailside Circle described in the attached Warranty Deed and as shown on the Ross Ridge subdivision plan be accepted by the City, seconded by Rene, and so voted, 5-0. (The Board specifically excluded any recommendation on open space parcels, regarding improvements on them as incomplete.)

5. Public Hearing: review of Joanna Drive in the Morrill Estates subdivision for acceptance as a City street. Applicant is Dearborn Family, LLC. Tax Map 125, Lot 2. Zoned C-1.

Hamblen: at the request of developer Dearborn Family, LLC, the Board is asked to provide a recommendation regarding the acceptance of Joanna Drive, a street built to City specifications, found in the Morrill Estates subdivision, off McKenney Road.

The project was approved on August 18, 2015: a nine lot subdivision on a 24.5 acre parcel at the corner of McKenney and Grant roads. It is well away from public sewer and water, and is instead serviced by private wells and septic systems. The street is approximately 725 feet in length. Also considered for acceptance are a stormwater detention pond and a 10,000 gallon fire cistern. Six of the lots have been developed or are in the process of being completed.

A copy of the deed and metes and bounds description is in the packet, as required under Section 11.24 of the Subdivision Regulations. Record drawings are under review by the City Engineer. The City Attorney has reviewed the metes and bounds calls and found them acceptable, and drafted the attached warranty deed and easements document. City staff is unanimous in recommending acceptance of Joanna Drive as a new street.

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

Rene: I move to recommend to the City Council that Joanna Drive and associated infrastructure and easements be accepted by the City, seconded by Peter, and so voted, 5-0.

6. Public Hearing: proposed amendment to the site plan for a Health and Fitness Club off Cascade Road. Applicant is Amari Holdings, Inc. Tax map 62, Lot 1-2. Zoned MU-3 and contract zone.

Hamblen: the Board approved this project at its March 14 meeting. Work has started on the site. The applicant has sharpened his pencil on the building details, with the result that a 23% floor area increase – not footprint, but floor -- will mean the need for eight additional parking spaces.

The proposed mezzanine areas measure out at 16'x48', or 768 s.f., and 24'x60', or 1,440 s.f., for a total of 2,208 s.f. This increases the total floor area from the approved 9,600 s.f. to 11,808 s.f. Total proposed parking spaces were at 51. With the added floor area, 59 are now required, and have been added to the westerly edge of the parking lot.

Walter Pelkey, BH2M, is the project manager. The site plan application was found complete at the Board's 1/3/17 meeting. It is staff's opinion that the information submitted recently is adequate to determine whether the proposed amendments to the site plan are in compliance with Ordinance standards. No further action needed. See Joe Laverriere's comments of Oct. 26.

The Cascades property is subject to an existing TMP permit. We are seeking input from the MDOT. The applicant is responsible for design and construction of a sidewalk along a to-be-determined portion of Cascade Rd frontage, and from Cascade Road along the existing private access drive. The applicant,

apparently, will need to seek an easement from the Maine DOT for placing the Cascade Road sidewalk in the ROW.

Vangel: I move to open the public hearing, seconded by Peter, and so voted, 5-0. D/C David Pendleton: is this an assembly? Greater than 50 occupancy? The building may need a larger water line.

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

Vangel: I move that the Board approve the proposed site plan amendment submitted by Amari Holdings, LLC based on the plans and supporting materials submitted, and on the Findings of Fact and amended Conditions of Approval dated November 7, 2017. The motion reflects the Board's review of City Engineer Joe Laverriere's Oct. 26, 2017 review comments; the Board asked that items 2, 3, 6 and 7 specifically be addressed. Seconded by Don, and so voted, 5-0.

7. Public Hearing: preliminary plan and Site Location of Development amendment review of a proposed four lot expansion of the Libby Landing subdivision off Grant Road. Applicant is Mezoian Development, LLC. Tax Map 124, Lot 6. Zoned C-1.

Hamblen: four new lots are proposed on a remaining portion of the Boynton Brook/Libby's Landing subdivision, which represents an amendment to the existing subdivision and a Major Amendment to the existing site law permit. The Board reviewed a sketch plan of the project at its July 11, 2017 meeting. Timeline and approvals to date:

- Applicant Nancy Moulton received approval on 11/12/13 for a seven lot subdivision called Boynton Brook. A single lot had been carved out of a roughly 75 acre parcel, then five lots, each fronting on Grant Road, were proposed, plus a multi-acre remainder parcel, resulting in the subdivision proposal.
- Mezoian Development LLC then sought and received final plan approval on 2/7/17 for the Libby's Landing subdivision, which was an amendment to the Boynton Brook subdivision. Combined, the two were large enough to trigger the need for a Site Location of Development permit: greater than 30 acres and more than 15 lots.
- The current proposal will increase the number of lots to 21. The street associated with Libby's Landing has been built, and at least four lots are in various degrees of construction. The earlier phase, Boynton Brook subdivision, with all lots fronting on Grant Road, is built out.

A nitrate study has been performed by Sweet Associates; we have requested a peer review of Sweet's findings on the City's behalf. The earlier phases of the project have been subject to a \$585 per lot fee for traffic impacts. Staff would recommend the same apply to the current proposal. No open space nor recreational facilities are proposed, so payment of an impact fee would be addressed in the Conditions of Approval, if the Board is agreeable. The Fire Dept/Emergency Services impact fee of \$500/lot is also in effect.

The applicant has included a request for the waiver of Sec. 5.2.2(16), sidewalks, streetlights, curbs and gutters.

Rene: I move that the Board waive the specified submission requirements and construction standard due to the circumstances of the lots proposed for subdivision, and in order to provide for a more practical and economical development, seconded by Vangel, and so voted, 5-0. Rene: I move to find the application for preliminary subdivision review to be complete, seconded by Vangel, 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 proposed Libby's Landing/Boynton Brook subdivision plan amendment based on the attached Findings of Fact and Conditions of Approval dated November 7, 2017, subject to data on nitrates and comprehensive water quality testing to establish a baseline given concerns about nearby agricultural activity and any naturally occurring concerns that may exist, within the boundaries of the proposed four lots, based on the forthcoming peer review, seconded by Don, and so voted, 5-0.

Meeting was adjourned at approximately 9:30 p.m.

Submitted by,

Bob Hamblen, City Planner