



CITY OF SACO, MAINE

Planning
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Minutes
Planning Board
January 2, 2018
City Hall Conference Room

Attendance Record

✓ = Present / A = Absent / E = Excused

✓ Neil Schuster, Chair	
E Don Girouard	✓ Vangel Cotsis
✓ Alyssa Bouthot	E Marty Devlin
✓ Rene Ittenbach, Vice Chair	E 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.

Workshop 5:00 p.m.

Discussion of Planning Board issues.

Regular Meeting
5:20 p.m.

1. Election of Chairman and Vice-Chairman: per Section 4-34.C(6) of Saco City Code, a Chairperson and Vice Chairperson shall be elected by the Board. **Motion by Vangel that Neil Schuster be elected as chair of the Board, and that Rene Ittenbach be elected as vice chair, seconded by Alyssa, and so voted, 4-0.**
2. Minutes of December 5, 2017. Rene: the report of a vote on the 445 Main Street contract zone, item 3, is correct as to the 7-0 vote, and no member was opposed, though minutes reported Peter was opposed. Correction will be made. **Vangel: I move to approve the minutes as corrected, seconded by Rene, and so voted, 4-0.**
3. Public Hearing: final 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: the Board saw this last on Nov. 7, 2017, and voted to grant approval for the preliminary plan "... 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..."

The peer review is complete and summarized in the attached Dec. 11 letter from StoneHill Environmental, Inc. Cynthia Thayer, Certified Geologist, concluded that two wells drilled on Frances Libby Way have reported acceptable water quality results; that nitrate levels given soils and the projected septic plumes will remain below the City acceptable level of 5 mg/L.; and, that with the nearest significant agricultural activity about 0.3 mile away and separate from the project site by Boynton Brook. "it appears unlikely" that wells at Libby's Landing would be impacted adversely.

Staff is suggesting a Condition of Approval that a water sample be collected from each new well drilled, be submitted to a commercial lab for testing for basic drinking water quality parameters, and the results be submitted to the City's Code Enforcement Office prior to a CO being issued for each lot.

As the Board knows, 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, has been completed.

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. Project engineer Steve Blake, BH2M, is representing Mr. Mezoian.

Rene: I move to find the application for final subdivision review to be complete, seconded by Alyssa, and so voted, 4-0.

Vangel: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the final plan, and under the review authority delegated by the Maine DEP for a proposed Major Amendment to the existing Site Location of Development permit, submitted for the proposed Libby's Landing/Boynton Brook subdivision plan amendment based on the attached Findings of Fact and Conditions of Approval dated Jan. 2, 2018, seconded by Rene, and so voted, 4-0.

4. Public Hearing: site plan and final subdivision review of a proposed six unit Multi-Family Dwelling 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 by the Board on Nov. 7, which resulted in approval of a conditional use permit, and the preliminary subdivision plan. Up for review at this meeting: the site plan, design review, and the final subdivision plan. The applicant has been granted a Permit By Rule by

the Maine DEP for work adjacent to the unnamed stream along the easterly edge of the site. A vegetated buffer now appears on the plan, and a 75 foot setback from the centerline of the stream is also on the plan.

The project would be accessed via a private one-in/one out driveway configuration. The three-bedroom units would be served by public sewer and water, and underground electric, cable, and telephone. 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. See draft impact fee recommendation in the Conditions of Approval of \$675 per unit. The wetland delineation by Frick Associates has been reviewed by a City consultant and found to be accurate. Sidewalk: it is the City's policy to add to the existing sidewalk network when the opportunity presents itself. See draft impact fee recommendation in the Conditions of Approval of \$32.50 per linear foot of frontage along Ocean Park Road.

Rene: I move to find the application for final subdivision plan review to be complete, seconded by Alyssa, and so voted, 4-0.

Rene: I move to open the public hearing, seconded by Vangel, and so voted, 4-0. Richard St. Onge asked which side of Ocean Park Road might a sidewalk be built on? Very early to speculate as no plans exist for extending sidewalk along Ocean Park Road. **Rene: I move to close the public hearing, seconded by Vangel, and so voted, 4-0.**

Rene: I move that the Board grant approval under the provisions of the Saco Zoning Ordinance for the site plan 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 Jan. 2, 2018, seconded by Alyssa, and so voted, 4-0.

Rene: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the final 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 Jan. 2, 2018, seconded by Alyssa, and so voted, 4-0.

5. Public Hearing: site plan and preliminary subdivision review of a proposed three unit Multi-Family Dwelling at 43 Cumberland Avenue. Applicant is Plowman Development Group, LLC. Tax Map 28, Lot 19. Zoned R-4.

Hamblen: this three unit Multi-Family Dwelling was reviewed as a sketch plan by the Board on Oct. 3. The applicant has moved forward based on input from the meeting. The project is proposed to be accessed via a separate private driveway off Cumberland Avenue for each building. See the City Engineer's comments for why that will not be possible. The three-bedroom units would be served by public sewer and water, and underground electric, cable, and telephone. Multi-family projects in the R-4 zone are a permitted use. Site plan, design review, and subdivision review are in play.

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 17 Average Daily Trips (ADTs). This does not trigger the need for a traffic study. The applicant's agent has stated

that no wetlands exist on the site. See draft Conditions of Approval for suggested and/or required impact fees.

Rene: I move that the Board waive submission item Sec. 1104-1.18 re: lighting plan, seconded by Vangel, and so voted, 4-0. Rene: I move to find the application for site plan review to be complete, seconded by Vangel, and so voted, 4-0.

Rene: 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 Vangel, and so voted, 4-0.

Rene: I move to find the application for preliminary subdivision review to be complete, seconded by Vangel, and so voted, 4-0.

Vangel: I move to find the application for design review to be complete, seconded by Alyssa, and so voted, 4-0.

The applicant hopes to offer an individual driveway to each of the proposed three units. Joe has pointed to Ch. 186 in City Code which addresses permits for driveways and entrances in the compact or built-up area of the City. It has been the practice of the Board to allow a single curb cut for just about any multi-family project that comes to mind, recognizing that it is a private drive. Staff would not be averse to a one in/one out configuration. Note that Joe/DPW also would be open to this approach. Nor would staff advise the Board to steer clear of allowing only a single curb cut, frankly.

Vangel: I move to open a public hearing, seconded by Alyssa, and so voted, 4-0. Richard St. Onge, 46 Cumberland Avenue. Lance Pelletier, 44 Cumberland Avenue. Howard Turner, 48 Cumberland Avenue. Tom Small. Charlotte Parody, 39 Cumberland Avenue. Robert Reault, 35 Cumberland Avenue. All concerned about more development, more traffic, lack of sidewalks. **Vangel: I move to close the public hearing, seconded by Alyssa, and so voted, 4-0.**

Rene: I move to table further site plan and subdivision plan review, in order for the applicant to give attention of the matter of reducing the number of curb cuts to one for the three proposed units, seconded by Vangel, and so voted, 4-0.

6. Public Hearing: preliminary plan review of a proposed 13 lot residential subdivision at the corner of Flag Pond Road and Jenkins Road. Applicant is Lesley H. Leighton. Tax Map 91, Lot 6. Zoned C-1 and Resource Protection.

Hamblen: applicant Les Leighton seeks approval for a fifteen lot subdivision called Innes Landing on a 51-acre parcel on the southeasterly corner of the Jenkins Road/Flag Pond Road intersection. The Board reviewed a sketch plan for the project on 4/18/17.

Aside from electricity, cable and phone, public utilities are not available or nearby (per the project engineer, about 3,000 feet from the nearest public water main, and about 8,000 feet from the nearest sewer main), so lots would be serviced with private wells and septic systems.

As the Board is aware, development along the Jenkins Road corridor is likely to exacerbate the traffic conditions at the Buxton Road intersection. Other subdivisions along Jenkins Road, most recently the Hilltop at Jenkins Road project approved on 12/20/16, have been subject to a \$1,050 per lot fee for traffic impacts. Staff would recommend the same apply to the current proposal.

Significant open space, 19.07 acres, is proposed, including the swath of Cascade Brook that crosses the project. Recreational facilities are not proposed, so payment of an impact fee for the latter is addressed in the Conditions of Approval. The applicant is deciding how the open space would be owned and managed. Project engineer Michael Tadema-Wielandt, Terradyn Consultants, LLC is representing Mr. Leighton.

The applicant has included a request for the waiver of 5.2.2(16) sidewalks, curbs. Note that Deputy Chief Huntress has suggested the developer should be liable for sidewalk construction along the proposed Leighton Way. Staff can point to examples of the Board requiring sidewalk construction when there was no existing sidewalk nearby to connect to – Egret Cove, Hidden Field Estates off Burnham Road, The Landing off Hearn Road – but, at other times, being willing to waive the sidewalk requirement when no connection would occur for years: Libby’s Landing and Morrill Estates come to mind.

Vangel: I move that the Board deny the waiver request re: Sec. 5.2.2(16) sidewalk and curb, seconded by Rene, and so voted, 4-0.

Rene: I move to find the application for preliminary subdivision review to be complete for the purposes of discussion, seconded by Vangel, and so voted, 4-0.

Hamblen: wetlands: the applicant has stated that an NRPA Tier 1 permit will be required from the Maine DEP for approximately 7,329 s.f. of wetlands impacts. We await a review of the submitted delineation by Normandeau Associates.

Vangel: I move to open the public hearing, seconded by Alyssa, and so voted, 4-0. No comments.

Vangel: I move to close the public hearing, seconded by Alyssa, and so voted, 4-0.

Vangel: I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the proposed Innes Landing subdivision based on the attached Findings of Fact and Conditions of Approval dated January 2, 2018, seconded by Rene, and so voted, 4-0.

Meeting was adjourned at approximately 9:10 p.m.

Submitted by,

Bob Hamblen, City Planner