



# CITY OF SACO, MAINE

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Minutes  
Planning Board  
January 23, 2018  
City Hall Conference Room

## Attendance Record

✓ = Present / A = Absent / E = Excused

- |                              |                  |
|------------------------------|------------------|
| ✓ Neil Schuster, Chair       |                  |
| ✓ 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.

- Sketch plan review of a proposed multi-use subdivision on the easterly portion of Saco Island. Applicant is J&B Partners, LLC. Tax Map 37, Lot 6. Zoned B-4. Bernie Saulnier, Steve Bushey, P.E., Pat Carroll, RLA were in attendance to present the current status of the multi-use project. Hope to either submit and/or be before the Board in March.
- Discussion of zoning issues, tax maps 2, 3, 6, 10 and 11. Was not discussed due to lack of time.

Regular Meeting  
5:45 p.m. (or at conclusion of workshop)

1. Minutes of January 2, 2018
2. Public Hearing: review of the draft 2018 Downtown Comprehensive Plan.

Hamblen: Board members had a quick look at the draft 2018 Comprehensive Plan Update at the workshop of Oct. 3. Since then the Comp Plan Committee (CPC) has weighed in with further suggested edits, there have been joint meetings of the two groups, and now, a public hearing. In addition to taking public comment, the objective of this evening's meeting is to arrive at recommendations for the City Council.

The current effort started in November 2016, and has included review of the following topics:

Section 1	Population and Demographics
2	Local Economy
3	Transportation
4	Housing
5	Arts and Culture
6	Land Use
7	Sea Level Rise

For each of the sections there is an appendix, or inventory, and there are Goals, Policies and Strategies. The CPC hosted a public informational meeting on Nov. 28, which was followed by workshop sessions with the Planning Board on Dec. 5<sup>th</sup> and again on the 12<sup>th</sup>. Next, a public hearing was scheduled for Dec. 19<sup>th</sup>, but a quorum failed to materialize, so the meeting was not held. Title 30A §4324.8 requires thirty days notice for a public hearing on comp plan amendments. So, the ‘safe’ choice was made to re-schedule to Jan. 23, thereby meeting the 30 day requirement.

Reminder that the emphasis behind this effort has been to update the City’s approach to the downtown area. The topics selected from the 2011 Comp Plan – Population and Demographics, Local Economy, Transportation, Housing and Land Use – were judged to be those with the greatest impact on downtown and surrounding neighborhoods.

The Southern Maine Planning and Development Commission worked with the Committee to get to this point, and also recommended that the Sea Level Rise and Arts and Culture topics be added to the list. The one has little to do with downtown, while the other has a great deal to do with it.

As has been mentioned via e-mailed copies of the draft document, mark-ups are taking center stage. Edits were requested by the CPC at its Nov. 28 meeting, and then during the two joint meetings on the 5<sup>th</sup> and 12<sup>th</sup>. In order to allow the reader to distinguish between original text and later updates, “Track Changes” remains in place for the copy provided to the Board.

Copies of the 2018 Comp Plan Update are available on the table by the door. If you don’t get one and would like one, leave your name and contact info before you leave.

**Don: I move to open the public hearing, seconded by Vangel, and so voted, 5-0.**

**Neil: comments on Sec. 1, Population and Demographics?** Bette Brunswick: on p. 10, a population number is missing (2016 Population: 19,213). On p. 6, should we add schools to survey topics?

**Neil: comments on Sec. 2, Local Economy?** None.

**Neil: comments on Sec. 3, Transportation?** Kevin Roche: there is a proposed parking garage at the train station. A lack of central parking equals a lack of development.

**Neil: comments on Sec. 4, Housing?** Kevin Roche: see Bridge 2025 report for details. Shops and activities downtown were addressed. There’s less emphasis on that in this Plan.

**Neil: comments on Sec. 5, Arts and Culture?** Ted Sirois: the City should improve access to the Saco River, and make a commitment to do so. The City needs a swimming area. The map of the downtown area doesn't include Diamond Riverside Park, which has become a hangout for undesirables. Recreation should be an emphasis.

**Neil: comments on Sec. 6, Land Use:** none.

**Neil: comments on Sec. 7, Sea Level Rise:** Kevin Roche: there was negativity toward doing anything at the beach. Should be support for lifeguards, and for the private sector market. Keep taxes low, and provide recreational opportunities. Don't cede the beach to Sea Level Rise. A potential TIF at the beach to help with beach management would be good. Ted Sirois: traffic is an issue. A driver can maneuver around the downtown, but only if you know how. We should talk with Biddeford about diverting traffic streams so as to lessen congestion downtown.

Kevin Roche: people love access, but need more vibrancy, shopping, gathering places. The mill redevelopment has been a positive. The Bridge 2025 plan called for parades, coffee shops, greenspace at the post office – please include these things in the Comp Plan. Bette B.: valet parking was mentioned as a possibility for the Saco Island East project. This is a valid point – some may be able to offer this service elsewhere in the downtown.

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

Rene: the Table of Contents is not accurate. Vangel: a parking garage is fundamentally a positive concept, as is access to the river, but how do we pay? A revenue bond? Private/public partnership? I'm not clear about greater density – has there been enough public input? What is bothersome about greater density? Activity and commerce will be aided by greater density. Valet parking: how to incorporate that – not clear. Neil: shall we ask for clarification? Vangel: my comments are rhetorical. Don: I haven't heard anything I disagree with, and am ready to recommend with tonight's comments attached.

**Don: I move that the Board forward the draft 2018 Comprehensive Plan Update to the City Council for adoption, with comments received at the public hearing attached, seconded by Rene, and so voted, 5-0.**

3. Public Hearing: review of proposed amendments to the contract zone approved Feb. 1, 2016 for the property at 184 Simpson Road. Applicant is The Ecology School. Tax Map 121, Lot 6. Zoned C-1 and contract zone.

Hamblen: applicant "The Ecology School" recently recognized that the two year expiration of the Feb. 1, 2016 contract zone approval is looming. Accordingly, a request was made to the City Administrator's office to be scheduled for an extension request of that two year period. The workshop, First Reading and Public Hearing are complete, the latter having occurred this past Tuesday evening. The Second and Final Reading, and vote, will occur on Jan. 29.

The question was raised, are the amendments that are proposed such that not only Council review is needed, but perhaps also the Planning Board? The amendments, summarized:

- An extension of the CZA for an additional 1 year period, and the potential for a second 1 year extension, each requiring Council approval.
- Update of the holder of the conservation easement that restricts development on roughly 96 acres of the roughly 105 acre parcel: was Saco Valley Land Trust in 2016, was transferred to Maine Farmland Trust in November 2017.
- Update of the owner of the property: was Thomas and Mary Merrill in 2016, was transferred to and is owned today by Ecology Education, Inc.; copy of deed in packet.

At least a couple of current Board members were not serving in November, 2015 when the initial contract zone review took place. So, some background:

The Ecology School applied for a contract zone for the parcel at 184 Simpson Road in order to establish an ecology education program (“School”) on the subject property. Schools are not an allowed use in the C-1 zone. Board members may be aware of The Ecology School’s current operation on the Ferry Beach Park Association campus off Seaside Avenue, in operation since 1999. TES’s lease will end in 2018, and they are seeking an alternative location. The Simpson Road property became available in 2015, was subject to a purchase and sale agreement with TES during the 2015/16 review, and was acquired by TES/Ecology Education, Inc., this past November.

The property is roughly 105 acres, and has 3,675 feet of frontage on the Saco River, and 1,226 feet of frontage on Stackpole Creek. Then-owner Mary Merrill established a conservation easement over 96 acres of the parcel in 1998, leaving an 8.75 acre portion not subject to the easement, which is improved with a 1794 farmhouse, an 1840 barn, and other outbuildings. The easement was held by the Saco Valley Land Trust, but has since been passed on to current holder Maine Farmland Trust. Copy attached.

During the 2015-16 review, the applicant provided early plans of additional proposed buildings, including up to two dormitories and one building that would include dining hall/classroom space – see Sec. II.F for more.

Other noteworthy sections of the 2016 contract zone agreement that remain in effect:

Approximately 95 acres of the Property will be maintained under the current ~~Saco Valley Land~~ Maine Farmland Trust conservation easement for farming, education, research and recreation purposes only. The remaining approximately 8.75+/- acres of the property not under a conservation easement will serve as a “green campus” that can accommodate up to 120 weekly program participants and approximately 10 seasonal staff (educators & other staff) for residential education programs primarily in the spring & fall (weekdays & weekends) and summer (conferences, workshops & camps).

The number of buildings to be permitted hereunder will be based on the lowest ecological footprint possible (including parking) but may include two dormitories of approximately 9,000 square feet each (3 stories in height) and one dining hall/kitchen/classroom space of approximately 7,000 square feet and will be built within the area of the property where new structures are permitted by the Conservation Easement.

The current 1794 farm house and other existing farm buildings will be maintained and would be used for farming & education purposes, office & meeting space and housing.

See sections II and III of the attached, amended CZA for more. It is important to note that none of the conditions, restrictions, or central elements of the proposal put forth that led to the 2016 Council approval of the contract zone are proposed to be changed. And, as is true of all contract zone projects, it is subject to site plan review by the Board. The applicant is represented by Drew Dumsch, Executive Director and Phil Saucier, an attorney with Bernstein Shur.

**Vangel: I move that the Board find the application requesting amendments to the contract zone agreement for the property at 184 Simpson Road to be complete, seconded by Don, and so voted, 5-0.**

Note the existing Resource Protection zone along the Saco River. Contract zoning is permitted in all zones except RP (230-1405-B). Consequently, as measured from the normal high water line of the river, a 500 foot portion of the parcel would not be included in the contract zone area. The same is true for a 75 foot portion of the parcel measured from the centerline of Stackpole Creek, northwesterly onto the parcel. What is possible in the RP is a variety of non-intensive uses outlined in Sec. 230-410.23, including such activities as non-intensive recreational uses, hiking trails, soil and water conservation practices, temporary piers and docks, and agriculture. Any of these that may be proposed by the applicant would be post-site plan review, and would be subject to its own permitting, either through the Code Office or Planning Board.

Staff has heard from abutters and other neighbors of the property, and from those elsewhere in Saco. Issues including traffic, wastewater treatment, the ability of Simpson Road to handle increased traffic, and impacts on the neighborhood have been raised, all of which are more suitably addressed as part of site plan review.

From Sec. 230-1405.F (and be aware that the evidence provided in Sec. V of the CZA, responses to the standards, is unchanged from the 2016 agreement) –

“Before forwarding a recommendation (on) a contract zoning amendment to the City Council the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. 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;
- B. is consistent with the Comprehensive Plan;
- C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone;
- D. that the conditions proposed are sufficient to meet the intent of this section.”

Rene: the four standards have already been tackled, in 2015. Don: the point is, there are no changes to the contract zone agreement as drafted that would impact those four points. Has anything changed? The Board needs to decide. Rene: Vangel thinks not, and I agree. Neil: versus a totally new contract zone, and a whole new process. Are there any impacts attached to the changes? Phil Saucier, attorney: in the time since the 2016 approval, there has been an intervening lawsuit, and The Ecology School closed on acquisition of the property in November 2017. We agree that the four standards and our responses remain the same, and haven’t changed, also true of conditions in the contract re: the number and size of buildings, hours, that no

parking would be allowed on Simpson Road, that at least 51% of contractors will be Maine-based, and that an agreement will be maintained committing TES to providing its services for Saco schools, among others.

Drew Dumsch, executive director, TES: we hope to have a site plan together by spring. We will also be dealing with the Saco River Corridor Commission, and the Maine Farmland Trust. The Living Building Challenge exceeds LEED standards, and is our objective. Jesse Thompson, architect: there have been no changes from 2016, but wanted to show visuals representations of what is planned. Ecological areas have been identified. Character zones as well, which will be maintained. New buildings and the septic system will be kept out of the dooryard. TES is an environmental school – they want to limit traffic. Neil: let's avoid these issues. Mr. Dumsch, you've avoided getting into the site plan, understandable, but you've done some work. Drew: right – inventorying, a master plan. Vangel: for my benefit, a few questions. Is the school moving here, and vacating Ferry Beach? Why this location? Drew: in 2004, TES partnered with its landlord on a green building. With new leadership in the past five years, our lease won't be renewed. Vangel: for profit, or non? Drew: TES is a 501c3. Vangel: are you an owner or investor? Drew: the owner is TES. Vangel: based where? Drew: at 8 Morris Ave., Saco. We will rent the Ferry Beach facility summer and fall. Vangel: what's your purpose with all this? Drew: as executive director and founder of TES, I value real life experience in the field. Conservation and food systems are important for young people to learn about. Vangel: what drives you personally? Drew: it's an equity issue, providing opportunities for those who might not otherwise have such a chance.

**Don: I move to open the public hearing, seconded by Vangel, and so voted, 5-0.**

**Rene: I move that the Board forward a positive recommendation to the City Council for the proposed amendments to the Contract Zone Agreement between The Ecology School and the City of Saco dated Feb. 1, 2016 and amended through Dec. 18, 2017 for the parcel at 184 Simpson Road, seconded by Don, and so voted, 5-0.**

4. Public Hearing: preliminary plan review of a proposed 21 lot subdivision off Chantelle Way. Applicant is Star Homes Inc. Tax Map 88, Lot 12. Zoned R-1d.

Hamblen: Applicant Star Homes, Inc., proposes a 21-lot subdivision on roughly 19.45 acres adjacent to the Sierra Woods subdivision off Buxton Road. The project would be serviced with public sewer and water. Members may recall that a clustered subdivision application was reviewed by the Board on Aug. 7, 2017, a public hearing was held, and further review tabled pending additional information. Based on the public input that evening, the applicant has decided to move forward with a standard subdivision layout instead of a cluster. Being in the R-1d zone, that will mean 15,000 s.f. minimum lot size, street frontage of 100 feet or more, and 25 foot minimum front setback.

Other items that bear consideration: the application is incomplete. It was submitted on 12/20/17, and staff had reason to believe that further information would be forthcoming. See attached checklist. Far from a complete application, and staff's recommendation is to hold the public hearing, notification for which has taken place, then table for further submissions. Items the application is currently lacking:

- A completed preliminary subdivision application.
- An application for a Major Amendment to the Site Location of Development permit for the abutting Sierra Woods subdivision. The DEP is regarding the Sandy Brook project and Sierra Woods as a

common scheme of development; in 2000, it was all a single piece of property.

- The NRPA Tier 2 permit for wetlands alteration granted for Sierra Woods in 2001 is likewise up for amendment, to be submitted to the DEP.
- If more than 200 Average Daily Trips are projected, then a traffic study is required. 21 lots x 9.57 trips per day (Institute of Transportation Engineers) = 201 trips.
- Proof of technical and financial capacity – not submitted.
- Sec. 5.2.2(16) calls for a number of improvements unless specifically waived by the Board, including streetlights, street trees, and street signs. None are shown on the plan, and no waiver request has been submitted.
- Sec. 5.2.3(13 and 14) require data on projected impervious coverage, by buildings and by pavement. Not submitted.

Staff would suggest that the Board recognize the incomplete nature of the applications, and move to allow public comment.

**Don: I move that the Board find the applications for Preliminary Subdivision Review and for a Major Amendment of the Site Law permit for the combined Sierra Woods and Sandy Brook subdivisions to be sufficiently presented for reasons of discussion, in order to allow beginning the public hearing, seconded by Vangel, and so voted, 5-0.**

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

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

**Vangel: I move that the Board table review of the preliminary plan for the proposed Sandy Brook subdivision until the application is complete, seconded by Rene, and so voted, 5-0.**

Meeting was adjourned at approximately 8:50 p.m.

Submitted by,

Bob Hamblen, City Planner