



Planning
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Minutes
Planning Board
May 1, 2018
City Hall Conference Room

Attendance Record

✓ = Present / A = Absent / E = Excused

Board Members:

- | | |
|------------------------------|------------------|
| ✓ Neil Schuster, Chair | |
| ✓ Don Girouard | ✓ Vangel Cotsis |
| ✓ Alyssa Bouthot | E Marty Devlin |
| ✓ Rene Ittenbach, Vice Chair | ✓ Peter Scontras |

Staff Members:

- ✓ Joseph Laverriere, City Engineer
- ✓ Bob Hamblen, City Planner

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 7 lot subdivision off Lincoln Road. Applicant is CVS Foundations, LLC. Tax Map 101, Lot 31-2. Zoned C-1.
- Sketch Plan review of a proposed 8 lot subdivision off Jenkins Road. Applicant is Design Build Associates of Maine, Inc. Tax Map 90, Lot 23. Zoned R-1d.
- Sketch plan review of a contract zone that would allow a 31 lot clustered subdivision at 464 Buxton Road. Applicant is Doyle Enterprises. Tax Map 123, Lot 21. Zoned C-1.

Regular Meeting
5:45 p.m.

1. Minutes of April 17, 2018 – Peter: Item 4, the Amari gym, there was also mention of a ventilation system. Rene: check the votes, as 5 members attended, but votes were reported as 4-0. **Peter: I move to accept the minutes as edited, seconded by Vangel, and so voted, 6-0.**
2. Public Hearing: site plan review of a proposed ecology education school at 184 Simpson Road. Applicant is John Mahoney, P.E., Ransom Consulting, Inc., on behalf of Ecology Education, Inc. Tax Map 121, Lot 6. Zoned C-1 and contract zone.

Neil: a member of the public has raised a concern about a possible conflict of interest on the part of Board member Alyssa Bouthot. Alyssa: I am a professional realtor, and have a listing for the property at 144 Simpson Road. An abutter has suggested that I may have a conflict of interest due to the listing. I do not feel that to be the case, but I call the Board's attention to it and ask that they decide. Hamblen: as Board members are aware, occasionally a conflict of interest will arise, and it is properly handled as Alyssa is doing now: by bringing it up at the meeting prior to review of the item, describing the situation and whether they believe there is a conflict or not, and then allowing Board members to make a determination. This is the process recommended by the Maine Municipal Association. Tim Murphy, City Attorney: it is the Board's to determine whether there is a conflict. Is the school a good thing or a bad thing in the eyes of a prospective buyer of the property Alyssa has listed? We don't know. Vangel: is the appearance of bias going to influence the court? Tim: the appearance should not; actual bias will. I would let the applicant weigh in, too.

Rene: have you represented Baillargeon (owner of the listed property) before? Alyssa: no. Peter: I know Baillargeon, she was a 2nd grade teacher. Neil: do members have concerns? Is there an appearance of bias? Maybe. I know the sellers, she educated my children. I'm confident that you're (Alyssa) objective, and that there is no bias. Don: should we hear from the applicant? Peter Van Hemel, attorney for the applicant: we have no problem with Ms. Bouthot participating. Vangel: I move that no bias exists, and that Alyssa Bouthot should be allowed to participate, seconded by Rene. Further discussion led to Vangel withdrawing his motion. **Peter: I move that the Board find no evidence of bias on Alyssa Bouthot's part, and that she has the Board's approval to participate, seconded by Rene, and so voted, 5-0.**

Hamblen: Board members are familiar with some aspects of The Ecology School (TES) due to the contract zone review that took place in November, 2015 and again in January of this year. The City Council approved a two year extension of the applicant's contract zone on Jan. 29, 2018. Next step: site plan review.

The Board is familiar with the issues that are addressed via site plan review, including but not limited to a plan that identifies natural, historic and archaeological features of the site, stormwater management, proposed utilities, landscaping, signs, waste disposal and so forth. In addition to these familiar items, the contract zone agreement sets forth a number of requirements, see discussion below.

Find exterior elevations in the plan set, as the buildings are subject to design review; the applicant's responses to design standards are found in an April 11, 2018 letter from Jesse Thompson, Kaplan Thompson Architects.

The applicant and team members that will present the project to the Board are as follows:

- Drew Dumsch, Executive Director, TES
- John Mahoney, P.E., Ransom Consulting, Inc.
- Dave Manes, Richardson Associates
- Scott Simon Architects
- Briburn Architects
- Albert Frick Associates
- Petersen Engineering

The applicant has submitted materials twice, and twice Planning staff has reviewed and issued a determination of whether all information required under §230-1104 has been submitted. The initial submittal was received by the Planning Department on 3/27/18. The determination of completeness, dated 4/10/18, concluded that the application was not complete. In large part, this led to the applicant's scheduled appearance before the Board on 4/17 being delayed to the current meeting.

A second submittal was received on 4/11/18. A second determination of completeness dated 4/23/18 was issued by staff, and concludes that the application is complete, with a couple of footnotes:

§230-1104.A(4) -- applicable local and state permits and approvals – a permit is required from the Maine DHHS for drinking water wells above certain user thresholds. **Not submitted, would be addressed via draft Conditions of Approval, if the Board is so inclined.**

§230-1104.A(16) – hydrogeologic assessment “may be required by the Board for projects in which groundwater quality is a concern.” **The applicant seeks to discuss with the Board whether it feels such an assessment is necessary.**

§230-1104.A(18) lighting plan, subsection (e) requires drawings of all relevant building elevations showing fixtures, portions of walls to be illuminated, the illuminance levels of walls, and aiming points for any remote light fixtures. **As the Board knows, rarely do we get into this level of detail – is this a waivable item, or, can we guide the applicant in what specifically is of interest?** Also, see applicant’s e-mail response of 4/26/18, excerpted here: “Our position is that we have provided more than enough detail to demonstrate that we will not create light trespass or light pollution and that we will be good neighbors from a lighting perspective.

Peter: I move to table reviewing pending a site walk and submission of a hydrogeological study. No second.

Rene: I move that the Board waive submission requirement §230-1104.A(4) recognizing that an application has been or will be submitted to the Maine DHHS; waive §230-1104.A(16) for discussion purposes while recognizing that the applicant will be required to submit a hydrogeologic assessment; and waive §230-1104.A(18)(e) in that the project is of such a nature as to make the information unnecessary, seconded by Vangel, and so voted, 5-1 (Peter).

Vangel: I move that the Board find the application for site plan review to be complete, in the context of the Board moving ahead with discussion without granting waivers, and postponing the submission of others but recognizing they are to be submitted, seconded by Don, and so voted, 6-0.

Vangel: I move that the Board find the application for design review to be complete, seconded by Don, and so voted, 6-0.

Hamblen: a copy of the CZA approved on 1/29/18 is in the packet. Those items that are most specific to, and have a bearing on site plan review, include (but may not be limited to) the following:

II.F. 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.

II.M. Delivery of services/supplies shall occur between the hours of 8AM and 8PM.

II.N. The Applicant shall not permit, authorize or allow parking on Simpson Road nor on the property of neighbors.

II.O. To the extent that the Applicant retains any perimeter fencing, said fencing shall be either maintained or removed.

II. R. The applicant shall submit evidence of financial capacity and technical ability as part of its site plan review application.

II.S. TES shall provide public access down to the Saco River via a walking path along Stackpole Creek.

III.B. New Structures. Notwithstanding the requirements in Table 412-1 of the Zoning Ordinance, the Property shall contain no more than two dormitories of up to nine thousand (9,000) square feet of Floor Area and no more than a 4,500 square foot Footprint each and height no more than thirty-five (35) feet from the highest point of the property and up to three stories in size which will be used to house up to 120 students. Also, a building of up to seven-thousand square feet of Floor Area and no more than a 7,000 square foot Footprint which will be used as a dining hall, kitchen, and classroom. Also, accessory buildings as may be needed to support the School's mission, subject to site plan review by the Planning Board. These new structures will be built within the approximately 8.75 acre parcel designated at the "Residential/Farm Area" as permitted by the conservation easement, and shall meet all other applicable requirements found in Table 412-1 of the Zoning Ordinance.

III.C. Existing Agricultural Buildings. Notwithstanding Section 726 of the Zoning Ordinance, the existing agricultural buildings will be reused for residential and nonresidential purposes to support the School's mission, including for farming, education, office, meeting space and housing purposes. The existing farm structures shall be preserved and maintained as part of the School going forward.

Vangel: I move that the Board find the application addresses those issues found in the Contract Zone Agreement dated Jan. 29, 2018 that have a direct bearing on site plan review, have been included in the applicant's submittals to date, and may be considered as part of a complete application allowing site plan review to proceed, seconded by Rene, and so voted, 6-0.

Jesse T.: is there a time limit on our presentation? Neil: we'd like a thorough presentation. Jesse: the proposed buildings are each over 1,000 feet from Simpson Rd. The Conservation Easement is part of the reason the school wants to be here. We have included slides of other farms, and of a Shaker Village, to show similarities between those and the River Bend Farm/Ecology School layout. David Manes, Richardson Associates: points out the orchard, where solar collectors would be installed, the drop-off area for students, the existing windrow of trees, which will be augmented over time. The proposed dorms won't be seen from the road. The common building is on a ridge. The future dorm is at the edge of existing woods. Crop landscaping will surround the dorms. Bio-swales and rain gardens will be constructed to slow stormwater flow and discourage erosion. There is a detail in the plans for a sign near the entrance. Existing deciduous trees clumped near the Commons will be retained. The Saco River watershed will be engraved into an impervious surface outside the Commons that will demonstrate how stormwater flows. There will be a gathering area and a compost operation on the building's west side.

Jesse T.: we propose a widening of the entrance, and widening of the driveway so as to build turnouts. In the traffic study that's been submitted, the biggest issue appears to be speeding. Simpson Road is a 30 mph zone. Buses and faculty will be the primary traffic. The septic system is an 8,800 gpd design. The existing well will be used, and we project 5,500 gpd usage. We plan two pods of ten parking spaces each, for a total of 24 spaces, which exceeds Ordinance requirements. The Fire Department has said that it's quicker to get to the location than to the existing school. Cisterns are proposed either at ground level in buildings or in attics, and will be out of sight. We are not illuminating buildings. Fixtures will be downward focused, with bollards on walking paths, and pole-mounted fixtures in parking areas. The Commons will have no basement, but may include an area for a cistern. The Commons is proposed at 24 feet in height. The dorm consists of three pods connected by walkways, that act as a single building.

Peter: what is the square footage of the dorm? Jesse: 8,893 s.f. of total floor area, with a 4,413 s.f. footprint. Peter: cafeteria and meeting area seating is for 180? Jess: yes. The State Fire Marshal will limit occupancy of the building, and the contract zone places limits, too. Neil: the Phase 2 dorm? Jesse: it is shown on the plan for informational purposes. It would be as shown, if built. We would come back for site plan review. The traffic study addresses arrivals and departures that would not coincide with peak times. Peter: the turnoffs are an excellent idea, but that will narrow in winter. The driveway is about 10 feet wide now, but will widen to 20 feet at the entrance and turnouts. Can Simpson Road handle this? The dorms feature horizontal siding, and the Commons vertical? Jesse: yes, cedar that will gray with weathering. **Vangel: I move to open the public hearing, seconded by Rene, and so voted, 6-0.**

Elizabeth DiSimone: the agenda came out very late. Has the assessor checked the open space situation? Re: financial capacity, the Saco and Biddeford Savings letter seems to lack details. Should this be addressed early? Inga Browne: Mr. Chairman, your row by row approach to hearing speakers is not in the best interest of the public. Neil: speakers will be allowed to expand on their comments after all have been heard. Inga: the City uploaded a 423 page document yesterday, with 231 pages for this application. It needs to be uploaded in a more timely manner. The traffic study is inadequate. Simpson Road is a rural road. It is a summer intensive road, with visitors to places like Pleasant Point Park in Buxton. Delivery trucks are not included in the report. Public access will increase. There are 250 volunteers now; there will be 2,000 by 2022. Parents will visit, too, which is not reflected in the study. The school will hire a farm manager: one person? A family? The study was done in March. I question that charter buses will be used. There are two blind hills on the road. The hill by the Davis property is a concern. What is the Planning Board's understanding of contract zone section III.A, regarding permitted uses – what are “events”? Do the limits on capacity include this? RP: clarify what activities the school plans. The public access trail along Stackpole Creek – what is the plan for parking? A 4-8 parking space area was discussed at Council. We're not satisfied with the lack of an archaeological study. The Indian Cellar in Buxton is well defined. We question the strength of the Saco and Biddeford Savings letter. Either a letter of intent, or letter of commitment is required. When the hydrogeological study is available, we hope we can comment. 8,000 gpd is the equivalent of about 14 homes.

Neil: it is 8:25 p.m., and the Board has a 9:00 p.m. cut-off for new items, so those in the audience are advised.

John Bannon, attorney: the public hearing can't end tonight. There is more info coming. Other planning boards adhere to filing deadlines, and I would ask that Saco's does, too. We request that the applicant adhere to submission deadlines. Peg Mills, 168 Simpson Rd.: I looked at the Comprehensive Plan, which encourages orderly development and preventing sprawl. It says to foster a pattern of urban growth, and discourage growth in outlying rural areas. I'm very disappointed this was not presented at the outset, and that we don't always consider the consequences of decisions. The applicant has not submitted adequate financial info. The applicant has not met the three week submission deadline. I served on the Saco River Corridor Commission, and not to have all the required info is a big disappointment. The board should postpone the public hearing until after the hydrogeologic report is submitted. I'm surprised at the Council regarding the trail along Stackpole Creek. There is no room for a parking lot. There is parking at Horton Woods to support those trails. It's unworkable. I hope they check their well water. My husband and I treat for arsenic and Sulphur next door. Tara ???, 175 Simpson Road: traffic, the study being done in March, the new bridge opening in November will mean more vehicles. Who will be using the trail? The wastewater, with a gap of 3,000 gpd between capacity and production – what's the explanation? Beth Austin, 121 Loudon Road: farming and creative development – this is an awesome idea. Sue Littlefield, Simpson Road: concerned about traffic. The categories of users – workers, college students are not mentioned. The programming will dictate traffic. The contract zone is an exception to the rules. Kathleen Tartre, Simpson Road: will the trees stay if the entrance is being widened? The walking trail, concerned with safety with the public being allowed. Call Buxton re: activity at Pleasant Point, the trail would encourage the same population. Concerned with erosion along the brook. A parking lot would be a traffic issue.

Deb Hilton, 143 Simpson Road: this would change north Saco forever. I have concerns with accepting info without challenge. Tax maps show similar properties along the river, yet this is accepted without challenge. At the public info meeting I asked for student counts, and they have not been provided. The Saco Valley Land Trust spent over \$40,000 in court. Saco shouldn't be doing business with such an organization. Regarding traffic, this is a high volume business. Outreach will increase traffic. They are hiding student counts until the school is built. They've gone through loopholes to get here. Planning Board members will have their heads in their hands, "I remember this being small." Overcrowding has been an issue, the school had kids sent home, it was a big article in a Massachusetts newspaper. When the Council pushed this through, Minthorn was laughing, "let's buy them all clickers." There will be an increase in taxes to maintain that road. There will be a \$9 million facility that needs to be maintained by the City. This is not the right location for this school. You're adding over 25,000 kids, it is a lot bigger than originally presented, and will destroy a rural part of Saco.

Roger Gay, 76 Rocky Hill Road: how close is the sewer system to the conservation zone, and how far should it be? ??? Ouellette: I live next door to the school at Bay View. I compare it to the Botanical Garden – a landmark beauty. Kids will do experiential learning. The plan is meticulous and thorough. Additional delay is counterproductive, as this has already been thoroughly discussed. We need to support the Planning Board to show us thoughtfully and carefully how it's done. ???, Winter Street: this seems like a great thing, I moved to Saco two years ago. The parking has been thoughtfully addressed, the landscaping is native, which is good. My girls use playgrounds at local schools, and I like the path along the Brook. Inga: I respect Ms. Ouellette's comments, and she should disclose that she is a board member of the Ecology School. Neil: will put the

hearing on hold, and we'll take a 5 minute recess.

Neil: three week lead time for applications? Hamblen: yes, the application materials state a 3 week lead time, intended for an applicant's initial submittal. There are often follow-up submittals, and historically those are not held to a three week lead time. Applications received are always available for public review, and public comment is almost always taken by the Board at the initial and subsequent meetings. Neil: (to the applicant) traffic, financial capacity, the public trail – brief comments. And, please provide written responses on these and other topics with your responses for the next meeting. Jesse T.: the trail was required by the City Council. People shouldn't be parking on Simpson Road. We view the trail as a neighborhood amenity, and don't plan a parking area. Don: the Council required the trail, and left the site plan to the Planning Board. The Board is likely to require parking for use of the trail. John Mahoney: re: the trees along the driveway, we will be widening the driveway away from the trees, and don't plan to remove any. We will explain the difference between the septic system capacity and the proposed usage. The state numbers are conservative. 5,500 gpd is what we think we can reduce usage to. Traffic, we agree, there is more in summer. The traffic counts done in March were adjusted to peak months volumes. We're planning on minimizing traffic loads, and will stagger arrivals. There is a response coming to Diane Morabito's (traffic engineer for City) comments. Summer days will be more critical, with individual trips and more traffic.

Peter: how to enforce the number of trips? John: that will be communicated to visitors. Don: can deliveries be consolidated off-site? John: we are working to minimize vendor trips. Don: let's be innovative. John: but, we don't want to push trips elsewhere, either. Peter: maybe employees can park at the Saco Middle School parking lot and carpool from there. Rick Hilton, Simpson Road: this is the wrong spot for this. Don: the school doesn't live in a vacuum. I don't feel you have a real good handle on traffic. Have delivery vehicles and individual's trips taken into account? You've circled the wagons on parking for the trail. The Council counts on us for site planning. Peter: enforcement in the contract zone, how will that work? Neil: we need responses from the applicant, there is still a DHHS permit to come; please clarify whether you feel the DHHS permit can be a condition of approval, or it must be submitted prior to consideration of approval. Rene: I feel it can be a COA, as they won't get a Certificate of Occupancy anyway without the permit.

Neil: we will notify abutters of the site walk, and they can attend, but not for comments. It will be on May 15 at 5 p.m. We will see the applicant again on June 5. Vangel: would like to see a traffic management design plan (Traffic Demand Management). Student counts now and in the future – is that clear? Please address in your response. What does it mean when parents visit the school? How many cars would there be in the lots? How does the Planning Board define "events"? What is the planned use of the RP zoned area? The archaeological study – has enough been provided? The SBSI letter re: financial – please address Sec. 8.7 and 8.8 in full. Trail parking: what is your response if problems develop? Peter: the archaeological piece is difficult due to budget constraints at the state level. Vangel: if it was brought up tonight, please respond and make sure that speakers have been heard. Don: access to the trail should be restricted, so no ATV's and no motor vehicles. Alyssa: no parking is a factor – where will trail users park?

Vangel: I move that the Board table further review pending the site walk, and pending submittal and review of a hydrogeological study, seconded by Peter, and so voted, 6-0.

(Planner's note: on May 2, the Board determined that May 22, 5:00 p.m. would be the preferred date and time for a site walk of River Bend Farm/The Ecology School proposed site.)

*The item above occupied the entire meeting, and the items below were not heard –
see agenda for 5/15/18.*

3. Public Hearing: site plan review of a proposed place of public assembly at 115-121 Loudon Road. Applicant is Beth Austin dba River Wind Farms. Tax Map 106, Lots 10 and 10-1. Zoned C-1 and contract zone. Item was tabled at the April 17 meeting.
4. Public Hearing: site plan review of a proposed conversion of an existing two-family dwelling to a three unit multi-family dwelling at 137 Lewis Avenue. Applicant is Ellen Rizeakos. Tax Map 31, Lot 3. Zoned R-3.
5. Public Hearing: review of a proposed amendment to the 2015 contract zone agreement between Linron, Inc., Shannon Realty Limited Partnership, and York County Federal Credit Union at 485 Main Street. Applicant is Foresite Realty, LLC. Tax Map 33, Lots 6, 7 and 9. Zoned B-2d and contract zone.
6. Public Hearing: Public Hearing: review of a proposed demolition and reconstruction at 13 Beach Avenue. Applicant is Harry Kouloheras. Tax Map 1, Lot 49-1. Zoned B-5 and Saco River Overlay.

Meeting was adjourned at 10:15 p.m.

Respectfully submitted by,

Bob Hamblen, City Planner