



Planning
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Minutes
Planning Board
May 15, 2018
City Hall Conference Room

Attendance Record

✓ = Present / A = Absent / E = Excused

Board Members:

- | | |
|------------------------------|------------------|
| ✓ Neil Schuster, Chair | |
| ✓ Don Girouard | ✓ Joyce Clark |
| ✓ Alyssa Bouthot | ✓ Matt Provencal |
| ✓ Rene Ittenbach, Vice Chair | ✓ Peter Scontras |

Staff Members:

- ✓ Joseph Laverriere, City Engineer
- ✓ David Pendleton, Deputy Fire Chief
- ✓ 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.

Regular Meeting
5:00 p.m.

1. Minutes of May 1, 2018 – Peter specified minor changes in p. 2, paragraph 2; p. 5, para. 3. Don: p. 7, Council left parking for the Stackpole Creek trail to the PB to address. Peter: p. 7, 3rd para: archaeological work is difficult due to budget constraints at the state level. **Peter: I move to approve the minutes as amended, seconded by Rene, and so voted, 7-0.**

Neil read a statement to the applicants for River Winds Farm, Foresite Realty LLC, and the Louloheras project explaining why their items were moved from May 1 to May 15, and expressing apologies for the delay.

2. 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.

Hamblen: Board members saw this applicant at the April 17 meeting, which turned into a workshop discussion of what submission items were deemed necessary by the Board, and which not so much. The applicant has followed up with a letter providing responses, and Sebago Technics has submitted

a three sheet plan. Also in the packet, the architectural drawings for the barn renovations that had been submitted prior to the 17th. This is the existing building in Area A on the plan that would be the primary gathering place for guests.

Other issues for the Board to be aware of:

- The notion of overnight guests is off the table for the time being, and not part of this proposal.
- No additional clearing or soil disturbance is proposed, so the provisions for stormwater management going back to the 2015 site plan approval remain in effect.
- The applicant is in touch with the State Fire Marshal's office, but no permitting has been completed re: use of the barn for public assembly.
- See 4/25/18 e-mail from Dick Lambert re: sanitary requirements. The draft conditions of approval make clear that a fully plumbed restroom facility is required prior to the start of the 2020 season.
- The use of parking attendants to coordinate entry into the site, parking, and vehicles exiting the site is proposed, and is a condition of approval.
- Plan has been amended to provide a vehicular connection between large parking lot (Area B), driveway to house, and smaller parking lot (Area A); shows 120 feet between house and barn; includes note calling for directional signs from house to tent; shows catering tent location; and shows portable restroom trailer location.

Applicant Beth Austin dba River Winds Farm LLC is following up on an amendment to the contract zone, approved by the City Council on 9/5/17, that allows a "Place of Public Assembly" to be established on the property at 115-121 Loudon Road.

A brief summary of approvals that have preceded this application:

- The Board granted site plan approval on June 5, 2012 for a 19,440 s.f. indoor riding arena with a gravel parking area for 10 vehicles on the property at 121 Loudon Road.
- A contract zone was approved by the City Council on July 20, 2015 that addressed two primary considerations:
 - The side setback of 49 feet from the arena to the northeasterly property line had heretofore prohibited commercial use of the structure, per Section 701-1 of the Zoning Ordinance. The contract zone states that the setback "...shall be regarded as a conforming side yard setback upon approval of this Agreement."
 - An "educational horseback riding program" shall be allowed to be established and operate on the subject property.
- The Board granted approval of a site plan amendment on Sept. 18, 2015, following up on the contract zone approval from two months earlier, thereby "ratifying" the establishment of the riding program.

With the CZ amendment from 2017, Ms. Austin is now allowed to establish a venue for public gatherings that will utilize an existing building, labeled "barn" in "Area A" on the plan. The building is 40' x 70', and has a reported capacity of 176 occupants per the architectural drawings submitted (attached). On occasion, a 40' x 200' tent would also be utilized for events, as shown on the plan.

Don: I move that the Board waive submission requirements 230-1104-1.8 -- utility plan, 1-9 – landscape plan, and 1-18 – lighting plan, as the project is of such a nature as to make the information unnecessary, seconded by Peter, and so voted, 7-0.

Neil: we can add a hydrogeologic study to the Conditions of Approval re: the septic system.

Don: I move that the Board find the application for an amendment to the site plan for River Winds Farm to be complete, seconded by Alyssa, and so voted, 7-0.

Don: I move to open the public hearing, seconded by Alyssa, and so voted, 7-0. Jill Bass, 121 Loudon Road: I support the project, which will also be great for the town. Don: I move to close the public hearing, seconded by Alyssa, and so voted, 7-0.

Rene: I move that the Board approve the application for site plan review submitted by applicant Beth Austin dba River Winds Farm LLC based on the Findings of Fact and Conditions of Approval dated May 15, 2018, as amended re: an engineered septic system plan and an opinion as to whether a hydrogeological study is warranted, be added to the Conditions of Approval, seconded by Alyssa, and so voted, 7-0.

3. 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.

Hamblen: the City Council approved a contract zone encompassing three abutting Main Street parcels at 477, 485 and 491 Main Street on October 17, 2005. The properties include those owned by Linron Inc., doing business as KFC; the York County Federal Credit Union; and two parcels between KFC and the credit union that are under contract to Saco Realty Limited Partnership, possibly to be developed as a CVS pharmacy.

Since that time, the KFC was demolished and replaced , with a Certificate of Occupancy being granted in May, 2006. The credit union building was all but removed, then rebuilt and occupied in January, 2016. The two lots that were owned by SRLP have become a single lot, under contract to Foresite Realty, LLC, which hopes to establish a dental practice.

The principals at the two other partners to the contract zone agreement, Scott Chretien at York County FCU, and Ron Giles and KFC, have discussed the proposal with Mr. Roskelley, and each is eager to finalize the plan envisioned by the 2005 contract zone. The rear access drive linking the three uses with Smith Lane would be constructed as part of the development.

Rene: I move to find the application for an amendment to the contract zone submitted by Foresite Realty, LLC to be complete, seconded by Peter, and so voted, 7-0.

Jacob Roskelley, whose practice would occupy the proposed building; Bob Metcalf, Mitchell and Associates; and Tom Emery, Harriman Architects were in attendance, and presented the plans to the Board.

Don: I move to open the public hearing, seconded by Alyssa, and so voted, 7-0. Ron Giles, KFC, an abutter: the parking spaces along the shared property line are not enough, you have to replace what I'm losing. Scott Chretien, York County Federal Credit Union, an abutter: we like it. On p. 6 of the contract zone, Sec. IV.D, we are opposed to the financial obligation. The 4 spaces at the southerly end of the building may conflict with traffic and snow removal at the credit union. Rene: I move to close the public hearing, seconded by Alyssa, and so voted, 7-0.

Hamblen: the standards for a contract zone must be met in order for the Board to arrive at a positive recommendation, as set forth in Section 230-1405.F: "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:

Rene: I move that the contract zone proposed is for land with an unusual nature or location, seconded by Alyssa, and so voted, 7-0.

Rene: I move that the contract zone proposed is consistent with the Comprehensive Plan, seconded by Alyssa, and so voted, 7-0.

Rene: I move that the proposed use is consistent with, but not limited to, the existing uses and permitted uses within the original zone, seconded by Don, and so voted, 6-1 (Peter).

Rene: I move that the conditions proposed are sufficient to meet the intent of this section, seconded by Joyce, and so voted, 6-1 (Peter).

Rene: I move that a positive recommendation for the proposed amendments to the "Contract Zone Agreement by and between Linron, Inc., Foresite Realty, LLC, York County Federal Credit Union and the City of Saco" for the properties at 477, 485 and 491 Main Street be forwarded to the City Council, seconded by Alyssa, and so voted, 6-1 (Peter).

4. 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.

Hamblen: owners Harry and Joy Kouloheras propose to demolish a single-family dwelling dating back to 1972 and replace it with a new structure that would be less nonconforming as to setbacks, while remaining nonconforming due to a side setback. Section 230-504.B(1) allows a non-conforming structure to be replaced as long as "...provided that such reconstruction or replacement is in compliance with all dimensional requirements of this chapter to the greatest extent practical as determined by the Planning Board ..."

The owners' residence is on a 2,178 s.f. (nonconforming) lot in the B-5 and Saco River Overlay districts. The structure is nonconforming as to side and front setbacks. They propose to demolish the house and relocate the new structure, on a new foundation, such that the house would become conforming as to the easterly side and front setbacks (and an improvement from a 4' setback to a 6' setback on the westerly side), and fully conforming as to the rear setback. Overall, an improvement, and the structure's replacement with an up to date building is the clear advantage of the project.

Dick Lambert notes no concerns in his comments. Being in the Saco River Overlay zone, the project is also subject to a permit from the Saco River Corridor Commission.

Neil: no specific application materials, so no concerns about completeness. **Rene: I move to open the public hearing, seconded by Peter, and so voted, 7-0.** No comments. **Rene: I move to close the public hearing, seconded by Peter, and so voted, 7-0.**

Don: I move to approve the request from applicants Harry and Joy Kouloheras to remove the existing structure, and to relocate the footprint of the proposed structure at 13 Beach Avenue as proposed, subject to the Conditions of Approval and Findings of Fact dated May 15, 2018, seconded by Alyssa, and so voted, 7-0.

5. Public Hearing: review of a proposed contract zone that would allow a clustered subdivision at 464 Buxton Road. Applicant is Riverside Meadows, LLC. Tax Map 123, Lot 21-3. Zoned C-1.

Hamblen: applicant Diane Doyle, on behalf of herself and property owner Riverside Meadows, LLC propose to re-establish a contract zone that would have allowed a clustered, 31 lot subdivision to be developed on roughly a 68 acre parcel off Buxton Road, adjacent to parking area visible from the road that provides access to a 100 acre parcel purchased by the City in 2006 from former owners Don and Jean Horton.

All approvals for this project have expired. The property sold at auction on April 11. The new owner, by the name of David McCulloch, is teaming up with Diane Doyle to pursue approvals of both a contract zone and a subdivision, as granted by the City and Board between 2005-10.

The Horton Meadows subdivision goes back to 2004, when a contract zone was proposed in order to allow a clustered subdivision to be built on a portion of a roughly 165 acre parcel off Buxton Road owned by the Hortons. In the lead up to the Nov. 7, 2005 approval, applicant Doyle described a project designed to enable the owners to tap some of the equity in their property while preserving roughly 100 acres in its natural state with a conservation easement. The 100 acres was acquired by the City in Feb., 2006, and today is a somewhat developed – parking area, signage and trail system thanks largely to Saco Bay Trails – natural resource that will benefit Saco residents for many years to come.

The 31 lot clustered subdivision was approved on June 15, 2010: a roughly 65 acre portion of the property nearest Rte. 112 was to be developed as a clustered subdivision, while the Hortons would retain roughly sixteen acres as their residence.

Some Board members will recall that the 2005 contract zone agreement focused on allowing a clustered subdivision to be developed without connecting to public sewer and water, as required in Article 6. This property is roughly 12,000 feet from the nearest public water main, and over three miles from the current end point of public sewer. With the cost of extending one or the other, let alone both, prohibitive, the contract zone set aside the requirement for public sewer and water connections.

In March, 2012 the Hortons returned to the Board seeking to “de-subdivide,” and reduce the number of approved lots from 31 to 7 – the tax bill for 31 approved lots was a shocker. On 3/27/12 the Board agreed to the downsized subdivision, and granted a 2 year extension of the approval, thereby going out to 6/15/14. And, a 4 year extension of the Site Law permit was approved, also out to 6/5/14.

Area developer Bernie Saulnier got involved in 2014, and on 8/26/14, the Board reviewed his financial and technical capacity to take on and complete the project, and found it acceptable. On 10/6/14, the City Council approved an updated version of the contract zone, recognizing the new ownership and a number of findings in the agreement that had changed over the preceding nine years. On 3/17/15, Mr. Saulnier amended the subdivision plan by relocating Lot 30 from a spot close to the Horton's residence, to instead occupy space next to Lot 5. Two years later, with no start yet made on the subdivision, the approval lapsed. The City Attorney opined not long after that, with that, the contract zone approval had also lapsed.

As the Board is aware, the standards for a contract zone must be met in order for the Board to arrive at a positive recommendation, as set forth in Section 230-1405.F. See the draft CZA for responses to the standards.

Motion by Rene to open the public hearing, seconded by Joyce, and so voted, 7-0. Refer to recording of meeting for public comments. **Motion by Alyssa to close the public hearing, seconded by Rene and so voted, 7-0.**

- A. Motion by Joyce, seconded by Rene that the Board find the contract zone is for land with an unusual nature or location, and so voted, 7-0.**
- B. Motion by Joyce, seconded by Don that the Board find the contract zone is consistent with the Comprehensive Plan, and so voted, 6-1 (Peter).**
- C. Motion by Rene, seconded by Alyssa that the Board find the contract zone is consistent with, but not limited to, the existing uses and permitted uses within the original zone, and so voted, 5-2 (Peter, Joyce).**
- D. Motion by Rene, seconded by Don that the Board find the conditions proposed are sufficient to meet the intent of this section, and so voted, 6-1 (Joyce).**

Don: I move that the Board forward a positive recommendation to the City Council for the proposed contract zone adjacent to 464 Buxton Road, seconded by Rene, and so voted, 6-1 (Scontras).

6. Public Hearing: preliminary subdivision and site plan review of the proposed Village at Pine Meadows senior housing facility. Applicant is Jason Vafiades, Atlantic Resource Consultants, LLC. Tax Map 63, Lot 5. Zoned MU-3 and contract zone.

Hamblen: the applicants, Bill Koch and Sandra Murray represented by Jason Vafiades, P.E., propose to amend an existing site plan approval by replacing a 38 unit Motel use with a 34 unit Elder/Disability Housing Facility. They would retain the duplex and seven cabins on the property, and add 28 new one- and two-bedroom cottage rentals and apartments. The use was made possible by a contract zone which received a positive recommendation from the Board in July, 2017 and was approved by the Council on 10/2/17.

The applicants intend to extend the sewer service from where it currently exists on the easterly side of Rte. 1 at the intersection of Waterfall Drive (Park North) across Rte. 1 to service the project.

Removal of existing septic system will free up space for new buildings. Another plus is the proposed closure of one of the two (the southerlymost) existing curb cuts. Note that due to the traffic study and comments back from Diane Morabito, P.E., on behalf of the City, the access drive has been shifted south on the parcel to increase distance from the eventual signal at Waterfall Drive.

One parking space per every two units is required for a senior facility; the 62 spaces proposed are well over the minimum requirement. The site would include a new clubhouse, landscaping, lighting, and a realigned entrance from Rte. One. Cabins are proposed as both rentals and sale units ranging in price from \$80,000-145,000, and would include a small kitchen and laundry facilities. Exterior elevations are included in the site plan application, and will be subject to design review.

There is over 10,000 s.f. of soil disturbance proposed, so the project is subject to a stormwater management plan based on infiltration into the well-drained soils. Traffic is projected at fewer than 400 trips per day. A traffic impact analysis is not required, but one has been submitted, with the City's primary concern being the proximity to the future signal installation required for the Portland Road/Waterfall Drive intersection, which has been addressed.

Don: I move that the Board grant waivers of submission requirements 1104-1(9) landscape plan, (13) medium intensity soils map, and (18) photometric plan, seconded by Rene, and so voted, 7-0.

Don: I move that the Board find the application for site plan review to be complete, seconded by Rene, and so voted, 7-0.

Don: I move that the Board find the application for design review to be complete, seconded by Alyssa, and so voted, 7-0.

Don: I move to open the public hearing, seconded by Matt, and so voted, 7-0. No comments.

Don: I move to close the public hearing, seconded by Matt, and so voted, 7-0.

Joyce: I move that the Board grant approval for the amended site plan for the Village at Pine Meadows at 994 Portland Road, based on the Findings of Fact and Conditions of Approval dated May 15, 2018, with the added condition that the proposed pole-mounted light at the entrance be as specified (a cut sheet will be provided to the project engineer).

Meeting was adjourned at 10:15 p.m.

Respectfully submitted by,

Bob Hamblen, City Planner