



Planning
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Minutes
Planning Board
June 5, 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
5:30 (or end of workshop)

1. Minutes of May 15, 2018 – Peter pointed out a mis-spelling of “Kouloheras” on p. 1, and asked that “Peter” be used rather than “Scontras” in a 6-1 vote found on p. 6. Corrections have been made. **Motion by Peter to accept as amended, seconded by Joyce, and so voted, 6-0.**
2. Public Hearing: conditional use and site plan review of a proposed addition of a third residential unit to an existing two-family dwelling at 22 Wakefield Avenue. Applicants are Guy and Mary Laliberte. Tax Map 31, Lot 120. Zoned R-3.

Hamblen: applicants Guy and Mary Laliberte propose to convert an existing two-family dwelling to a three-unit. By definition, a third unit results in a multi-family dwelling, which requires both a conditional use permit (due to being in the R-3 zone) and site plan review.

A number of submission items under site plan review are not applicable, in that no new construction is proposed. The new unit would be constructed on the second floor of an existing detached garage.

Don: I move that the Board waive Sec. 230-901-2.1.g, h, l and m, seconded by Joyce, and so voted, 4-2 (Peter, Matt). Joyce: I move that the Board find the application for a conditional use permit to be complete, seconded by Peter, and so voted, 6-0.

Site Plan: requested waivers of submission items include –

Sec. 1104-

1.7 topography	1.13 medium intensity soils
1.8 utility plan	1.15 traffic estimate
1.9 landscape plan	1.16 hydrogeological study
1.10 boundary survey	1.18 lighting plan
1.12 waste disposal plan	

Don: motion to waive several of these items, seconded by Joyce. Joyce: perhaps we should table until we hear from the applicant. The applicant confirmed that a new 60W light fixture is planned near the entrance door to the proposed apartment. Parking area is already lighted. After discussion, Don observed that a few items have been provided, then offered a motion: **I move that the Board waive submission items as noted for site plan review, in that the project is of such limited size as to make the information unnecessary, seconded by Joyce, and so voted, 6-0.**

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

Rene: any questions of the applicant? Peter: I'm in favor of the application, I like the detached unit.

Alyssa: I move to open the public hearing, seconded by Joyce, and so voted, 6-0. No comments. Alyssa: I move to close the public hearing, seconded by Joyce, and so voted, 6-0.

Peter: I move that the Board approve a conditional use permit for the proposed conversion of the Two-Family Dwelling at 22 Wakefield Avenue to a three unit Multi-Family Dwelling based on the application as submitted and the Conditions of Approval and Finding of Fact dated June 5, 2018, seconded by Don, and so voted, 6-0.

Peter: I move that the Board grant site plan approval for the proposed conversion of the Two-Family Dwelling at 22 Wakefield Avenue to a three unit Multi-Family Dwelling based on the application as submitted and the Conditions of Approval and Finding of Fact dated June 5, 2018, seconded by Joyce, and so voted, 6-0.

- 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. Item was tabled at the May 1, 2018 meeting.

Hamblen: The Board saw this item most recently at its May 1 meeting, which was followed by a May 22 site walk. Actions taken by the Board that evening included:

- A vote to waive submission of a pending permit from the DHHS for the proposed community well, to waive the hydrogeologic study in order to allow discussion to move forward, with said study still required, and to waive Sec. 230-1104.A(18)[e], thereby not requiring that data on portions of walls to be illuminated and illuminance levels of walls and aiming points for any remote light fixtures be included in the lighting plan.
- Votes to find, a) the application complete in light of the foregoing actions; b) to find the application for design review to be complete; and, c) to find that the application addresses issues raised by the contract zone agreement.
- The Board also voted to schedule the site walk for May 15, which was later moved to May 22.

Note that Vangel Cotsis participated in the May 1 meeting, and has since vacated his seat on the Board. And, that Joyce Clark and Matt Provencal were not yet members of the Board. Joyce and Matt are being provided with copies of materials from the May 1 meeting, and the minutes, and have access to the audio recording.

Since the May 1 meeting, and since the May 22 site walk, there has been frequent communication between applicant, his consultants, and staff. We have also heard from abutters, and the attorney employed by four of the abutters; submittals received from them are attached. The following items are updates and status reports as to where the project stands going into the June 5 meeting:

- Bill Bray, P.E., traffic engineer for the applicant, and Diane Morabito, P.E., traffic engineer who reviews traffic reports for the City, will each be in attendance at the meeting. A one page document titled “Increase in Traffic Estimate for Ecology School” was submitted at the May 1 meeting by Sue Littlefield. It was passed on to both traffic engineers for their review.
- The issues that were raised during the 5/1 public hearing and Board discussion were “assigned” to the applicant at the conclusion of the May 1 meeting. They have responded with a May 31 letter responding to 16 issues that were raised that evening; see packet.
- A copy of the hydrogeological study was submitted on May 15, and, as this is written (5/31), we still await input from a consultant reviewing it on behalf of the City. This was submitted prior to the meeting, and finds the hydrogeological report to be acceptable.
- Speakers at the public hearing wondered how the PB defines “events” as mentioned in Sec. III.A of the contract zone: “Permitted Uses. Notwithstanding Section 410-14 of the Zoning Ordinance, as it may be amended from time to time, and in addition to the permitted and conditional uses in the C-1 District, an ecology school with residential programs, field trips, and outreach programs to schools, workshops, curriculum design, camps and **events** is a permitted use on the Property.” As Board members know, a contract zone is an amendment to the Zoning Ordinance. Sec. 230-301.A of the Ordinance states that “**In the interpretation and enforcement of this chapter, all words other than those specifically defined in the chapter shall have the meanings implied by their context in the chapter or their ordinarily accepted meanings. In the case of any difference of meaning or implication between the text of this chapter and any map, illustration, or table, the text shall control.**”

Merriam-Webster states as follows: “**a** : something that happens : OCCURRENCE **b** : a noteworthy happening **c** : a social occasion or activity **d** : an adverse or damaging medical occurrence - a heart attack or other cardiac *event*”

Staff would suggest that “social occasions or activities” would seem to fit the Council’s intent most closely, but that is speculation. Staff would further suggest that the Zoning Officer for the City, Dick Lambert, may be best qualified to determine what future “events” may be allowed under the terms of the contract zone, and that that would be done on a case by case basis.

- The applicant’s response to the financial capacity requirement is not unusual in any way from many others submitted over the years. The level of scrutiny it is getting is unusual, which is not to say it’s wrong or misguided. Three primary things are required: cost estimates have been submitted (see April 26 submittal), a time schedule for construction was submitted, and a letter of intent to fund from a financial institution (Saco Biddeford Savings Institution) has been submitted. In the course of a “routine” project – generally a subdivision or multi-family dwelling being reviewed under the Subdivision Regulations, where the financial and technical capacity standards are found – the submitted information has passed muster with the Board time and again. The Board may wish to discuss whether it feels the submitted information is adequate, and meets the letter and intent of Sec. 8.7.
- Parking for the proposed “Mary Merrill Trail” along Stackpole Creek has been discussed by the applicant with Saco Bay Trails, and SBT has indicated its interest in getting involved. SBT owns and/or manages a number of trails in Saco, Biddeford and Old Orchard Beach. See May 28 e-mail from Drew Dumsch and attached notes from a May 24 meeting he held with two SBT members. Final entry in the notes suggests no permit being necessary. In fact, “hiking trails” are a permitted use in the RP zone, but in fact an application should be submitted to the Code Enforcement Office for the trail, and a permit would be issued if shoreland zoning standards are met.

As members may be aware, the notion of a walking trail providing public access to the Saco River was raised by Councilor Nathan Johnston. Staff asked his thoughts on whether a parking area serving the trail was part of his goal in amending the contract zone:

“When I met with Drew in January I explained to him that when I was 11-14 years old I would ride my bike out to the Simpson Rd to a friends house and we would cut through Mary Merrill's property and go down to the river to fish and swim. It was a well known location where you could access a wonderful part of the river and Mrs. Merrill was very accommodating. My intent with the land transferring to a new more private use, was to ensure access to the river would remain for future generations. Drew and I discussed the potential of a trail along Stackpole Creek down to the river but never spoke of a parking area. I initially thought as long as there was space to pull aside on the Simpson Rd that would be fine but I later realized that as part of the CZA it doesn't allow parking along the road. With the main intent of just securing a trail down to the river along the Ecology School's land, I put my motion together so that layout/location would be part of the Planning Board's site plan review. I do think it would be a nice addition to have a small cleared area but I understand the challenges adding parking can propose. Overall at some point in the future when the dust settles it would be nice to collaborate with the neighborhood to create a larger trail system connecting more properties (Littlefield and Fogg come to mind) providing greater access for all to this scenic country portion of Saco. Let me know if you need anything else. P.S.- Could you please let Saco Bay Trails know I'd be interested in helping with the trail construction when it gets to that point?”

Nathan Johnston, Saco City Councilor (Ward 7)”

Staff would note that there is precedent for a neighborhood trail with no formal parking available across Simpson Road from the TES project, just off the northerly end of the Stackpole Creek bridge. A hand-lettered sign exists pointing in a northeasterly direction, and we are led to believe that the City-owned Horton Woods property is achievable off Buxton Road via the signed path. Staff would also note that most (all?) SBT trails that have been established in Saco and neighboring towns include off-street parking for trail users.

- Dick Lambert, Code Enforcement Officer, has reviewed responses 8 and 10 from the applicant's May 31 letter, and is in agreement with each, re: septic capacity versus demand, and the leach field location.
 - Re: item 14 in the Ransom letter about number of students, a reminder that the contract zone document outlines how the numbers of TES participants will be monitored in Sec. II.E:
- E. "Approximately 95 acres of the Property will be maintained under the current 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 a maximum weekly average of 120 daily participants and 120 dormitory participants in multi-day programs; with no more than 200 program participants on site, any given day, except during transitions between programs.

Weekly dormitory participants may be more than 120 individuals, staying less than 15 days, not exceeding 1,050 guest overnights weekly including participants, chaperones, and on-site staff.

In order to prevent sending participants home when overages occur, special needs groups having lower student chaperone/staff ratios, or other special events exceeding these limits - a monthly or quarterly average will be used to calculate compliance with the above stated maximums. Two concurrent non-compliant reports require a meeting attended by Code Enforcement Office, City Administrator, and TES Executive Director.

TES and Code Enforcement Office shall agree upon format of a reporting document to be emailed by the 5th of each month during first year, and quarterly thereafter by the 5th of April, July, October, and January. Code Enforcement Office shall electronically file reports and make them available for inspection upon request."

Don: I move to open the public hearing, seconded by Peter, and so voted, 6-0. Peg Mills, John Bannon, Inga Browne, Elizabeth DeSimone, Sue Littlefield, Kevin Roche, Deb Hilton, Sarah Littlefield and Amy Ouellette spoke during the public hearing. **Peter: I move to close the public hearing, seconded by Don, and so voted, 6-0.**

The Board asked that the City Engineer and City Planner seek input from the Public Works and Fire departments in regard to school bus and fire truck turning movements at the Buxton and Simpson Road intersection. Joe and Bob will pose this request to the respective departments.

Peter: I move that the Board table further review of the site plan submitted for The Ecology School, pending submittals of the items discussed:

- a. The City Attorney be asked his opinion as to whether the financial capacity requirement has been adequately responded to by the applicant;
- b. That a truck overlay be provided, i) demonstrating that turning movements both into and from the proposed entrance at The Ecology School from and to Simpson Road are possible without encroaching into the opposing lane of travel, and ii) demonstrating that turning movements at the Buxton Road and Simpson Road intersection are possible without encroaching into the opposing lane of travel;
- c. The traffic study shall be updated from 120 students to 200 students; and,
- d. Accident data from prior to the closure of the Stackpole Creek bridge, and from 2017 as recently made available by the MDOT, shall be submitted. In addition, the applicant shall provide assurance that the additional traffic generated by The Ecology School does not create unreasonable safety hazards on public roads and will not result in a decrease in Level of Service below LOS D at intersections. If a more hazardous road condition is the result of the added traffic onto Simpson Road by The Ecology School than a ‘Traffic Safety Action or Remediation Plan’ shall be submitted for approval by the Planning Board.

Seconded by Matt, and so voted, 6-0.

The following items were not heard at this meeting. Items 4 and 6 will be heard at the Board’s June 12 meeting. At the applicant’s request, item 5 will return to the Board in July.

4. Public Hearing: review of a proposed Integrated Sign Plan for the parcel at 35 Scamman Street. Applicant is Spring Hill Properties, LLC. Tax Map 38, Lot 130. Zoned B-1.
5. Public Hearing: preliminary subdivision, site plan, design and Site Location of Development review of a proposed mixed-use development on the east side of Saco Island. Applicant is J&B Partners, LLC. Tax Map 37, Lots 6 and 5-1. Zoned B-4.
6. Public Hearing: review of a proposed amendment to Section 230-410.6 of the Zoning Ordinance in order to add “Boarding Kennel” as a permitted use. Applicant is Kendall Beal dba Libra Enterprises, LLC. Tax Map 62, Lot 21. Zoned MU-3.

Meeting was adjourned at 10:45 p.m.

Respectfully submitted by,

Bob Hamblen, City Planner