

Planning and Development

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PLANNING BOARD MINUTES

February 5, 2019

Planning Board Members Present: Neil Schuster, Chair; Vice Chair Don Girouard; Alyssa Bouthot, Matt Provencal, Peter Scontras, Joyce Leary Clark, Jeff Brochu. Also City Council Liaison Roger Gay

Planning Board Members Absent: none.

Staff Members Present: Joseph Laverriere, City Engineer; Bob Hamblen, interim 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.

1. Minutes of January 22, 2019 – Peter notes that his absence from the meeting was excused. Jeff noted that on p. 3, the structure's height was not 44 ft., but instead 28 ft. Matt noted that, p. 5, item 20, outdoor mechanical equipment should be "architecturally" screened, and that screening via landscaping is not adequate. **Motion by Joyce to accept the minutes as amended, seconded by Alyssa, and so voted, 6-0-1 (Peter).**
2. Review of an amendment to the Brookside II subdivision, Lot line change. Applicant is Brian Costello of 10 Bruno Circle. Tax Map 90, Lot 1-32. Zoned C-1.

Hamblen: applicant Brian Costello, owner of 10 Bruno Circle, has coordinated a land swap with his neighbor, Bruce Berry in order to convey 730 square feet of land to the rear of 10 Bruno Circle to 8 Bruno Circle and to convey 687 square feet toward the front of 8 Bruno Circle to 10 Bruno Circle. The proposed lot line revision follows the outline of the Applicant's driveway, so the driveway will be completely located on the property owned by Brian Costello at 10 Bruno Circle. Currently, Brian Costello's driveway is partially on Bruce Berry's property at 8 Bruno Circle.

Because both lots were approved as part of the Brookside II Subdivision, any lot line revisions within the subdivision require the Planning Board's approval, per Articles 6.4 and 7 of Saco's Subdivision Regulations. Although a public hearing is not required for a minor lot line revision, to follow Saco's normal course of business, it has been included as a public hearing item for this evening's agenda. Applicant Brian Costello has also provided signed copies of the Quitclaim Deeds showing conveyance of the land, with signatures from both parties. If the Planning Board approves this

application, the Applicant can file the deeds reflecting the conveyance of the property on the York County Registry.

Staff recommends that the application be found complete. **Jeff: I move to find the application as presented by Brian Costello for lot line revision between 8 and 10 Bruno Circle, complete, seconded by Alyssa, and so voted, 7-0.**

Alyssa: I move to open a public hearing, seconded by Jeff, and so voted, 7-0. Roger Gay, Ward 2: good work. **Alyssa: I move to close the public hearing, seconded by Peter, and so voted, 7-0.**

Peter: I move to approve the lot line revisions to the original subdivision (Brookside II), for conveyance of 687 square feet from 8 Bruno Circle to 10 Bruno Circle and 730 square feet from 10 Bruno Circle to 8 Bruno Circle, per the submitted plan entitled Lot Line Amendment, Brookside II Development, prepared by Land Surveyor Paul P. Gadbois, and delineated in the presented Quitclaim Deeds, with the following conditions of approval and per the attached findings of fact, seconded by Matt, and so voted, 7-0.

3. Review of Stonewall Lane – Road Acceptance, in the Hidden Fields Estates subdivision. Applicant is Dan White of H W Landing Company LLC. Tax Map 119, Lot 1. Zoned C-1

Hamblen: in mid-2017, Dan White, of HW Land Company, LLC requested the City's acceptance of Stonewall Lane. Originally developed as part of the Hidden Fields Subdivision, approved by the Board on Sept. 7, 2004, Stonewall Lane serves nine residential lots, eight of which have been developed. It is approximately 1,000' long, ending in a cul de sac. On August 7, 2017, City Engineer Joe Laverriere responded to City Planner Bob Hamblen with a punch list of items to be completed before the City could consider street acceptance.

Since August 2017, required items of the City Engineer's punch list have been fulfilled with the Public Works Department. A November 2018 inspection report is attached for the Board's review. The Public Works Department has recommended acceptance of the road, provided the applicant file a letter of credit or bond in the amount of \$5,000 to ensure stabilization of the road until Summer 2019. Zach Mosher, the City's former Planner, coordinated legal review of the deeds with City Attorney Tim Murphy. Attached for the Board's/Council's review is the executed Warranty Deed.

In conformance with Chapter 186 of the City's ordinances, the Planning Board is asked to make a recommendation to the City Council about whether the City should accept the street. Both the Planning & Development Department and Public Works Department have reviewed this request. The Public Works Department has worked with the applicant directly, to ensure that the 2017 punch list items from the City Engineer have been completed. The Public Works Department recommends the setting of a \$5,000 letter of credit/bond to ensure stabilization of the road until Summer 2019. City Attorney Tim Murphy has reviewed the attached legal descriptions and deed to ensure all meet required specifications.

City Staff recommends that the Planning Board review the attached documentation, and forward a

positive recommendation to City Council, with the condition that the applicant file a \$5,000 letter of credit/bond until Summer 2019, to ensure road stabilization.

Don: I move to open a public hearing, seconded by Jeff, and so voted, 7-0. Kevin Curtis, 1 Stonewall Lane: pleased that this is moving forward. Also, the Gormleys at 4 Stonewall Lane had e-mailed earlier their endorsement of the acceptance. Don: I move to close the public hearing, seconded my Peter, and so voted, 7-0.

Jeff: pursuant to Chapter 186 of the City's ordinances, I move that the Planning Board forward a positive recommendation for Stonewall Lane street acceptance to the City Council, with the condition that the petitioner file a \$5,000 bond per City Staff's recommendation, seconded by Don, and so voted, 7-0.

4. Review of Preliminary subdivision plan for Eloise's Way. Applicant is CVS Foundations, LLC. Tax Map 101, Lot 31-2. Zoned C-1.
Members Girouard and Scontras excused themselves and went upstairs to attend a meeting on Camp Ellis, and did not participate in the majority of the following discussion, nor in item 5, below.

Hamblen: this 4 lot/6 lot subdivision has been viewed by the Board as a sketch plan on May 1, 2018, then again on October 2, 2018, at which time the Board voted to not waive the maximum length of 1,000 feet for a dead-end street, then tabled further review.

Since that time, the applicant has determined that two parcels are actually involved, rather than one. The parcel shown on the plan as N/F Susan Kern Altman extends far enough east (away from Lincoln Road) that it bisects the Eloise parcel. The smaller, northerly parcel is proposed for a private road and two lots, while the larger parcel to the south is proposed for an eventual City street providing access to four lots.

Planning and DPW staff has encouraged the applicant to phase the project and allow the City to consider the possibility of amending the private road and subdivision language that prohibits the former from being a part of the latter. Veteran Board members have seen a number of 3, 4 and 5 lot subdivisions that are built around what will eventually become a City street. 300 to 500 foot long, dead-end City streets have become an issue for a public works department that is already stretched in terms of staffing and equipment.

We've suggested that the applicant move forward with Phase 1 and agree to return in the future with Phase 2. In the meantime, staff would initiate a discussion with both PB and Council in order to consider the possibility of revising the Zoning Ordinance and the Subdivision Regulations, and making it possible for smaller subdivisions to utilize private roads under certain situations.

Issues the Board should consider:

- Lots would be served by private wells and septic systems, as neither public sewer or water are to be found within any reasonable distance. Underground electric, cable, and telephone would serve the four lots.
- Open space required is 2.5% of the overall parcel, or 25,487 s.f. No open space is proposed, and the applicant proposes to pay both the open space and the recreational facilities impact fees.

- Traffic: a single family dwelling generates an average of 9.57 trips per day, so 39 new trips are projected, falling well short of the need for a traffic study. All residential lots proposed in Saco are subject to a traffic impact fee, addressed in the conditions of approval.
- The wetland delineation by Mark Hampton has been reviewed by Normandeau Associates, and found acceptable.

The application for preliminary subdivision plan was found to be complete at the Board's 10/2/18 meeting. The Board also voted to waive the requirement for curb and sidewalk, but did not grant a waiver for the length of the dead-end street; consequently, the street has been re-designed to meet the 1,000 foot length requirement. The Board also voted to grant a waiver of the through street requirement, while requiring that a 50 foot wide ROW be established for potential future connections. The item was then tabled, with no action taken on the preliminary plan.

Don: the plan calls for 4 lots. Would the future development happen without Board approval? "Phase 2" parcel should be re-labeled to "Lot 5." Jeff pointed out that several notes on Sheet 2 are outdated or inaccurate. Bill T.: will correct.

Alyssa: I move to open the public hearing, seconded by Matt, and so voted, 5-0. Janet Hottinger, 69 Lincoln Rd.: what impacts can I expect as a neighbor to this? Bob: setbacks will change upon creation of the 50 foot wide right of way for the proposed street, and two lots would become corner lots, therefore with front setbacks from two streets. BH2M will add building locations for the two affected lots. Matt: can we approve a ROW that makes a structure nonconforming? Bob will address with CEO, and City Attorney as necessary. Will advise Ms. Hottinger as to findings. **Alyssa: I move to close the public hearing, seconded by Jeff, and so voted, 5-0.**

After further discussion, a motion was made by Alyssa as follows: **I move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the four lot subdivision proposed by applicant CVS Foundations, LLC, based on the Findings of Fact and Conditions of Approval dated February 5, 2019, with the additional conditions that:**

- The parcel labeled as "Phase 2 Future Development" be labeled instead as "Lot 5" on the final plan.**
- All structures on the Hottinger and Altman/Kern parcels shall be added to the final plan, and a determination made as to any potential impacts on setbacks due to the proposed street right of way.**
- Notes on Sheet 2, and any other sheets that are outdated or incorrect shall be corrected.**

Seconded by Matt, and so voted, 5-0.

5. Final subdivision review of the Ricker Road 7-lot subdivision. Applicant and owner is Dan Foster of Sebago Land Developers, Inc. Tax Map 109, Lot 28. Zoned C-1.

Hamblen: approval was granted for the preliminary plan for this project on Nov. 20, 2018. The proposed Eastwatch Drive, roughly 1,650 feet in length, would provide access from both Ricker Road

and Flag Pond Road. Two lots exist already, created within the past 5 years, while seven lots are proposed, each with frontage and access from the proposed City street. Larry Bastian of Terradyn Consultants, LLC is representing applicant Sebago Land Developers, Inc.

Since the November meeting the applicant has submitted the final plan application, then re-submitted in response to staff review and comments. Issues that have been addressed are highlighted in Mr. Bastian's letter of Jan. 15.

- A hydrogeologic assessment has been completed and submitted. Staff has passed the document on to Stonehill Environmental for peer review, which determined that the assessment is accurate and that Ordinance standards will be met.
- The new sidewalk now extends to Flag Pond Road, thereby improving access to the community mailbox that's proposed. An additional catch basin is now necessary.
- The Board is asked to consider waiving the minimum centerline grade of 1%, and instead allowing a grade of 0.5%.

The area outside the proposed lots, which includes approx. 5.8 acres surrounding a man-made pond near the center of the site and west of the proposed street abutting Flag Pond Road, will become common open space. Ownership and maintenance of the open space will fall to the subdivision homeowners' association. This open space would not be available to the general public, and the City will have no responsibility for it. While the open space requirement has been met, an impact fee for recreational facilities is addressed in the conditions of approval.

Regarding completeness of the application, see checklist – complete. Joyce: **I move that the Board find the application for the final plan of the Ricker Road subdivision submitted by applicant Sebago Land Developers, Inc., to be complete, seconded by Alyssa, and so voted, 5-0.**

Larry Bastian, P.E., on the applicant's behalf: the COA should be revised to recognize that no new pond is being built. Homeowner's association documents are still to be submitted. Joe Laverriere's comments are reasonable and will be addressed. Jeff: commends the plan as being well done.

Alyssa: I move to open a public hearing, seconded by Jeff, and so voted, 5-0. Scott McPherson, 436 Flag Pond Road: sightlines on Flag Pond Road are poor. Roger Gay, Councilor: sections of the road are like a tunnel, with no sun. Scott: public works uses sand, salt would be better. **Alyssa: moves to close the public hearing, seconded by Jeff, and so voted, 5-0.**

Jeff: I move that the Board approve the final plan submitted for the Ricker Road subdivision based on application and plans as revised, and on the Findings of Fact and Conditions of Approval dated Feb. 5, 2019, with the added items that, 1) there is no waiver of the 1% grade required by Sec. 11.11 of the Subdivision Regulations, and, 2) the applicant shall ensure that existing lots that would become corner lots with development of the proposed Eastwatch Road will continue to meet all dimensional requirements, in particular the change from a side setback to a front setback by virtue of the new right of way, seconded by Matt, and so voted, 3-2 (Neil, Alyssa).

Meeting was adjourned at approximately 8:45 p.m.

Submitted by,

Bob Hamblen, Interim City Planner