

Planning and Development

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PLANNING BOARD MINUTES

February 19, 2019

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

Planning Board Members Absent: All present.

Staff Members Present: Joseph Laverriere, City Engineer; Deputy Fire Chief David Pendleton; Emily Cole-Prescott, Economic Development Specialist; 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 February 5, 2019 – Neil referenced p. 5, vote on final item, and rather than passing 5-0, it passed 3-2 (Neil, Alyssa). Matt noted that on p. 4, abutter Hottinger actually lives on Lincoln Road, not Lincoln Street.
Motion by Joyce to accept the minutes as edited, seconded by Jeff, and so voted, 7-0.

2. Review of a proposed building envelope of a non-conforming structure per Sec. 504-4 of the Zoning Ordinance for the property at 2 Curtis Ave. Tax Map 11, Lot 92-1. Zoned R-1c. Applicant is Kennebunk River Architects.
Hamblen: owners CMM Properties, LLC propose to demolish a single-family dwelling dating back to 1950 and replace it with a new structure that would be less nonconforming as to setbacks, while remaining nonconforming due to setbacks on the Curtis Ave., Seaside Ave., and easterly sides of the parcel.

Section 230-504.B(1) allows a non-conforming structure to be replaced "...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 5,249 s.f. (nonconforming, as 7,500 s.f. is minimum lot size) lot in the R-1c and Coastal Development Overlay districts. The structure is nonconforming as to 1 of two side setbacks, and both 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 northerly side setback, and less nonconforming on all other sides. 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 back dune, as reported by the applicant's representative, Kennebunk River Architects, the project is also subject to a Coastal Sand Dune permit from the Maine DEP.

Mike Bedell, Kennebunk River Architects: the nonconformity of the new building would be reduced by 36% when compared to the existing building. Jeff: height of existing structure? About 14 feet. The new building will have a new foundation with a crawl space, on a concrete frostwall. Jeff: why would the Board allow a nonconforming building to be built? Don: maybe 97% of the lots in the Kinney Shores subdivision are under 7,500 s.f. in area, and thus nonconforming. Seventy of 109 lots are under 7,500 s.f. in this area of the beach. Perhaps 90% of the houses are nonconforming due to setbacks. The existing house is very nonconforming; the proposed house will be closer to conforming, while still nonconforming. In the wake of the Driscoll matter (at the beach), the DEP went on record that it is amenable to upzoning to smaller lot sizes to better reflect conditions in place since the early 1900s, and remove the nonconforming status for many of the properties.

Matt: DEP permit yet? Mike: not yet applied for, we wanted to see how this went first. It will be a Permit By Rule, with a 14 day waiting period.

Alyssa: I move to open the public hearing, seconded by Peter, and so voted, 7-0. No comment. Alyssa: I move to close the public hearing, seconded by Peter, and so voted, 7-0.

Joyce: I move to approve the request from applicant CMM Properties, LLC to remove the existing structure, and to relocate the footprint of the proposed structure at 2 Curtis Avenue subject to the Conditions of Approval and Findings of Fact dated February 19, 2019, seconded by Alyssa, and so voted, 6-1 (Jeff).

3. Site plan review of a proposed 6,000sf Commercial building 4 Cascade Road. Applicant is Amari Holdings. Tax Map 62 , Lot 1-2. Zoned MU-3 and Contract Zone

Hamblen: the Board may recall the initial development of this parcel at the corner of Portland Road and Cascade Road, resulting in the 2017 approval of a site plan for a 9,600 s.f. commercial building that is now home to a health and fitness center. The current application proposes a second commercial building on the property: a 6,000 s.f. commercial building that would house a physical therapy practice and a business office.

The application was received by this office on Dec. 18. Staff comments from the City Engineer and the Fire Department were provided to the applicant's engineering firm, BH2M, on or about Dec. 21, 2018. Going on two months later, no updates/revisions based on staff input to date has been submitted. A number of submission items are missing. Out of respect to the applicant, and the Planning Department's usual policy of moving applications along in a timely manner, staff has scheduled this item for review by the Board for the Feb. 19 meeting. However, the discussion is likely to center on what further information is needed in order for decisions to be made. A public hearing has been advertised, so that much progress can be made. After discussion, staff would guess further review will be tabled until the application can be completed and staff comments responded to.

- Site Location of Development amendment, or a “Condition Compliance.” Bob Green, a project manager at the DEP’s Portland office, offered the following: “If they are proposing to add a second structure on the lot (or a new structure on an adjacent lot), then Site Law approval is required. That approval may be handled by the Department or the City, but as I said before, because the original Site Law approval granted by the Department hinges on loading limitations to the wet pond, then I would prefer the Department handle any/all amendments.” The applicant’s development team has submitted the permit associated with the health and fitness center, evidently for reference.
- The plan, as was true with the health and fitness center elsewhere on the parcel, is to drain stormwater to the existing detention pond built by Elliott Chamberlain in conjunction with the February 2009 Wagner Drywall approval, the commercial building at 937 Portland Road. So, no stormwater plan submitted nor needed, and the Reciprocal Easement and Maintenance Agreement establishes the right of this applicant to direct stormwater to the pond.
- Site plan review: staff’s review of the submission requirements found in Sec. 1104 finds the following items yet to be submitted:
Sec. 1104-1
 4. Copies of applicable state and local approvals and permits (can be addressed via COA)
 8. Utility plan showing electrical, telephone and other utility services to be installed.
 9. Landscape plan specifies no plant varieties. Should make clear what’s been planted, what is still to come.
 11. Location, size, character of all signs.
 12. Staff assumes the waste disposal plan is the proposed dumpster location off the parking lot, adjacent to Rte. One. Staff would suggest a less visible location be identified and the dumpster moved there, instead.
 13. Medium intensity soils map of the site.
 15. Estimate of amount and type of traffic, daily and at peak hours.

The application is incomplete. No waiver requests have been submitted.

- **Design review** – see attached checklist. Items 230-729.D.a, b and c have been submitted. No line drawings of a fenced enclosure for the proposed dumpster have been submitted. If the dumpster is to remain where proposed, at the corner of Rte. 1 and Cascade Road, staff recommends a combination of fenced enclosure and landscaping. This application is not yet complete.
- See Joe Laverriere’s comments of 12/21/18, and Deputy Chief Pendleton’s comments of 12/18/18. No responses yet submitted.
- Cascades is subject to an existing TMP permit, and staff is of the understanding that the MDOT has concluded that the 2006 permit has expired. Evidently Elliott Chamberlain is working to update the TMP, which was issued for the combined Cascade and Park North subdivision. We have asked that applicant what is the future of the existing access drive coming in from Cascade Road, as we are led to understand that if it is closed up, the improvements on Cascade Road near the signal may not be required.
- It is staff’s understanding that the sidewalk constructed during the earlier development of the project is at least partially within the MDOT right of way for Cascade Road. The applicant should submit an easement from the Maine DOT demonstrating its right to place the sidewalk in the ROW.

Bill Thompson, project manager: a Condition Compliance will be submitted to the DEP. Have re-submitted to the City, on Feb. 14. Note 20 addresses landscaping g. Signs will be building-mounted. About 143 average daily trips are projected, with 15 in the PM peak hour. The Traffic Movement Permit granted in 2008 for the overall Cascade and

Park North project encompasses this parcel; any updates are on that developer (Chamberlain). The parcel will be divided, so the gym building will be on its own parcel. Reciprocal easements will be granted back and forth between the parcels as needed. Public water will be brought in from Rte. One. A walkway will be provided from the sidewalk to the building entrances. The dumpster location has been moved to the northeast corner of the site. Mechanicals will be on the roof, and hidden by the parapet.

Peter: lights? Bill: will be mounted on 25 foot poles, two of which are on the Cascade Road side of the parcel. Jeff: lights on the Rte. 1 side? Bill: not on plan, but could be added to the building wall. Nate Libby dba Amari Holdings: the Rte. 1 doors will be rarely used. The building elevations show light sconces at the doors. Jeff: the building flows well. This capitalizes on your Rte. 1 frontage, but is also clear as to the easterly entrances. Joe Laverriere: Town and Country credit union, the previous owner of the land, added the access drive to the east; it was not part of the original plan for Cascade. Nate: Cascade Road was to have another lane and a median (partly or wholly due to the private access drive on the easterly boundary of the subject parcel).

Jeff: re: the rooftop mechanicals, this is not a high building; are there plans to shield the mechanicals from northbound traffic? Bill: there is a 4 foot parapet around the entire building, then another 4 foot parapet above that at the entrances. Internal roof drains will be routed into a nearby catchbasin and the stormdrain system. Foot or perimeter drains? Yes. Split block and HardiePlank siding are proposed. New elevations will be submitted. Joe: the turning radii at the entrance into the parking lot from the Rte. 1 curb cut don't work for the Fire Department vehicles, not does maneuvering through the parking lot.

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

Peter: I move that the Board table the site plan application submitted by Amari Holdings, LLC based on the incomplete nature of the plans and supporting materials submitted, Joyce seconds, and so voted, 7-0.

Respectfully submitted by,

Bob Hamblen, Interim City Planner