

Planning Department

Saco City Hall
300 Main Street
Saco, Maine 04072-1538
Phone: (207) 282-3487



Lisa Harmon
Planning Coordinator
LHarmon@sacomaine.org

Emily Cole-Prescott
City Planner
EPrescott@sacomaine.org

City of Saco, ME
Planning Board Minutes
Special Meeting
Thursday, June 29, 2023
300 Main Street, Second Floor Auditorium
5:30 PM

Minutes are meant to provide an overview of the meeting. If you would like to listen to the audio recording for full detail, it is available at this link: https://cms1files.revize.com/sacome/230629_planning_board.mp3

Call to Order at 5:35 PM:

- **Planning Board members in attendance:** Alyssa Bouthot Chair, Matt Provencal Vice-Chair, Jeff Grossman, Matt Dicianni, Joyce Leary Clark, Rob Biggs, Glenn Charette
- **Others in attendance:** Joe Gunn, City Council Liaison; Emily Cole-Prescott, City Planner and Lisa Harmon, Planning Coordinator; Tim Murphy, City Attorney; members of the public

Approval of June 20, 2023 Minutes: Joyce Leary Clark makes a motion to approve the June 20th meeting minutes from June 20th as presented, second by Matt Provencal, motion passes with 6 positive votes and 1 abstention (Glenn Charette).

AGENDA:

1. **321 Lincoln Street, Lincoln Village Subdivision** – Preliminary Subdivision, Conditional Use, and Site Plan Review Applications for 332-unit residential development. 321 Lincoln Street, Map 52, Lot 19 in the MDR Zoning District. **Continued Application Review (from June 20th Meeting)**

Present: Drew Gagnon, Gorrill Palmer and Nick Coppola and Loni Graver, 321 Lincoln Street Development LLC, were present for the applicant. Diane Morabito, Sewall, Traffic Engineer peer reviewer working on behalf of the City of Saco, was also present for discussion of this application.

Glenn Charette recused himself from discussion of this item, leaving his Board member seat and sitting in the audience seats.

Overview given by City Planner, Emily Cole-Prescott; no new information was provided since the last meeting and reference was made to where the Board left off on review at Section 179-6.01(D), so the next item for review would be Section 179-6.01(E) relative to public safety. Diane Morabito, Traffic Peer Reviewer working on behalf of the City of Saco, is present for questions which may come up through continued review. City Attorney Tim Murphy is present this evening and consulting Attorney Phil Saucier has reviewed the materials for the Board but was not able to attend this evening's meeting because of a scheduling conflict.

Continued Site Plan Review Motions:

The Board started its review where it left off at the last meeting:

Section 179-6.01(E): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(E) based on the documents provided with turning movements for fire trucks provided by Gorrill Palmer, the Fire Department's review of the project, the draft TMP and information provided by the City's Traffic Peer Reviewer; second by Matt Provencal, amended to include City Staff's draft findings of fact; Matt Provencal agrees to amendment; all vote unanimously, 6-0.

Section 179-6.01(F): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(F) in regards to lighting, specifically that the proposed exterior lighting does not create glare or hazards to motorists, is adequate for safety, and does not damage the value or diminish the usability of adjacent properties based on the findings of fact prepared by City Staff, the application information regarding the proposed light fixtures provided by Gorrill Palmer and Allied Engineering. Second by Matt Provencal, vote passes, 5-1, with Jeff Grossman voting in the negative.

Section 179-6.01(G): Joyce Leary Clark moves to find the proposed development meets the criteria of section 179-6.01(G) relating to landscaping which provides that buffers, screens, and on-site landscaping are provided to minimize the impact of parking areas and other features on neighboring property based on the findings of fact prepared by City Staff and the documents provided to us in the materials including the site plan, landscape plan, the landscape peer review done for the City, tree protection plan, and verbal information provided by RS Leonard Landscape Architecture at previous meetings. Second by Matt Provencal. Discussion about concerns for properties backing up to Forest Street and the large masses of these buildings that are 50' from the property line. Discussion about significant amount of cutting existing trees. Discussion about cutting down about 70% of large trees having a significantly detrimental effect and cause drainage issues in the area. Discussion regarding specific language of the approval criteria under review, relative to sufficient landscaping along property boundaries and along parking areas and the buildings. Motion passes 4-2, with Matt Dicianni, Matt Provencal, Alyssa Bouthot and Joyce Leary Clark voting in the affirmative, and Rob Biggs and Jeff Grossman voting in the negative.

Section 179-6.01(H): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(H) off-site impacts which provides that the proposed development does not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odors, dust, or other cause, based on the findings of fact proposed by city staff and the application materials and site plans provided to us. Second by Matt Provencal. Discussion on whether there is a blasting plan proposed. Ledge removal planned to be hammered out. Conceptual Blasting Plan provided in the application materials, included in an earlier meeting packet. Blasting ordinance would need to be followed if blasting is to be done. Discussion on interpretation of this approval criteria. Motion passes 5-1, with Jeff Grossman voting in the negative.

Section 179-6.01(I): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(I) which relates to vehicle circulation and pedestrian access provides that the vehicular loading, unloading, parking, and vehicular and pedestrian circulation on the site and onto adjacent public streets do not create hazardous and unsafe conditions based on the findings of fact prepared by City Staff, the site plans, the fire truck movement drawings, the TMP and information provided by the applicant in its packet. Second by Matt Provencal. Discussion about this review, circulation, and peer reviews. Motion passes 5-1, with Jeff Grossman voting in the negative.

Section 179-6.01(J): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(J) which relates to flood hazard based on the fact the property is not in a flood hazard zone, also based on findings of fact prepared by City Staff and the FEMA maps that were provided in the packet; Matt Provencal seconds. Motion passes with Matt Dicianni, Joyce Leary Clark, Matt Provencal, Rob Biggs and Alyssa Bouthot voting in the affirmative, and Jeff Grossman abstaining.

Section 179-6.01(K): Joyce Leary Clark moves that the proposed development meets the criteria of section 179-6.01(K) wastewater which provides that adequate provisions are made for disposal of wastewater based on the findings of fact prepared by City Staff, and the documents provided to us including the Capacity to Serve memo from the Water Resource Recovery Department, email to City Planner indicating approval of the private pump station, pump station design details provided by the applicant and correspondence between the applicant, the City and Water Resource Recovery District; Matt Provencal seconds. Motion passes with Matt Dicianni, Joyce Leary Clark, Matt Provencal, Rob Biggs and Alyssa Bouthot voting in the affirmative, and Jeff Grossman abstaining.

Section 179-6.01(L): Joyce Leary Clark moves that the proposed development meets the criteria of section 179-6.01(L) regarding solid waste which provides that adequate provisions are made for disposal of solid waste, including provisions for recycling, based on the findings of fact prepared by City Staff, the ability to serve letter from Pine Tree Waste and the site plan set provided by Gorrill Palmer; Matt Provencal seconds. Motion passes with Matt Dicianni, Joyce Leary Clark, Matt Provencal, Rob Biggs and Alyssa Bouthot voting in the affirmative, and Jeff Grossman abstaining.

Section 179-6.01(M): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(M) which relates to Stormwater and Erosion Controls which provides that adequate provisions are made to control erosion, sedimentation, and stormwater runoff and shall comply with stormwater and erosion control requirements of the City of Saco Zoning Ordinance based on the findings of fact prepared by City Staff, the peer review from Atlantic Resource Consultants, the grading and erosion control plan and erosion sedimentation control report, the NRPA permit, Army Corps permit, stormwater management report prepared by Gorrill Palmer and review by Atlantic Resource Consultants and the review memos from the City Engineer; Matt Provencal seconds. Motion passes 5-1, with Jeff Grossman voting in the negative.

Section 179-6.01(N): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(N) Water Supply, which provides that the proposed water supply is sufficient for the proposed use and for fire protection purposes. No degradation of service in the area shall occur as a result of the proposed development and the regular maintenance of private fire hydrants shall be documented based on the findings of fact prepared by City Staff, the Ability to Serve determination from Maine Water Company, the report from Tata & Howard, regarding the ability to serve determination and the utility plans provided by Gorrill Palmer; second by Matt Provencal. Motion passes 5-1, with Jeff Grossman voting in the negative.

Section 179-6.01(O): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(O) Hazardous Materials, which provides that adequate provisions are made for the transportation, storage and disposal of hazardous substances and materials based on the findings of fact prepared by the City Staff, and the applicant's responses to site plan standards which indicate that there are no hazardous materials being created or stored on this site; second by Matt Provencal. Motion passes with Matt Dicianni, Joyce Leary Clark, Matt Provencal, Rob Biggs and Alyssa Bouthot voting in the affirmative, and Jeff Grossman abstaining.

Section 179-6.01(P): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(P) Wildlife, Scenery, and Unique & Critical Areas, which provides that the proposed development will not have an adverse impact on scenic vistas, significant wildlife habitats or unique natural areas that could be avoided by reasonable modification of the plan based on the findings of fact prepared by City Staff and the documents in our packets, which include a letter from the applicant to the State Historic Preservation Officer, Maine Natural Area program response, responses from the Inland Fisheries and Wildlife, wildlife biologist, the Director of the Bureau of Land Resources, US Department of Interior Fish and Wildlife Service's field office, the Tribal Historic Preservation Office for the Passamaquoddy Tribe, the Tribal Historic Preservation Officer from the Houlton Band of Maliseet, Chris Sockalexis of the Penobscot Nation, the Tribal Historic Preservation Officer of the Mi-kmaq Nation, the Natural Resources Protection Act Permit, the landscape plan, the review of the landscape plan provided by the City's peer reviewer, the tree protection plan prepared by Long Meadow Planning & Landscape Architecture, and the

consistency letter from the US Department of Interior Fish & Wildlife Maine Ecological Services; Second by Matt Provencal. Discussion of tree clearing and loss of trees, older growth. Discussion of Conservation Commission's letter about this proposed development. Discussion about testimony from City's peer reviewer, Regina Leonard, Tree Protection Plan prepared by Chris DeMatteo, who is a Saco resident and member of the Saco Valley Land Trust. Discussion of section 179-6.01(P) approval criteria and whether the Planning Board could request additional percentage of trees to be saved on the site. Question of information received from State and Federal reviewing agencies. Discussion about Conservation Commission's letter about the proposed application. Discussion of how other proposed developments required review of historic, cultural, or other aspects of sites in Saco. Discussion about whether the landscaping plans could be modified and if it would be appropriate to add conditions of approval for additional landscaping. Motion fails, 3-3 with Matt Provencal, Joyce Leary Clark, and Alyssa Bouthot voting in the affirmative; and Matt Dicianni, Jeff Grossman, and Rob Biggs voting in the negative.

Recommendation is to discuss and re-vote to bring forward either a positive or negative motion. Maine Municipal Association Planning Board Manual referenced. Discussion with Councilor Joe Gunn and City Attorney Tim Murphy.

Jeff Grossman moves to find that the proposed development does not meet the criteria of section 179-6.01(P) based on the fact that we've had testimony from Saco Conservation Commission members that the project will clear-cut large portions of old forest area in the City of Saco, will cut down large pine forest that is part of the wildlife community and it will replace a significant amount of that area with the natural drainage with, you know, impervious surface. Jeff Grossman also states that it will cause destruction to the wildlife in the area and the proposed development is not compatible with nearby uses. Rob Biggs seconds. Discussion of the motion. Board members also heard from the applicant regarding the wildlife, scenery, and unique and critical areas. The Planning Board re-reviewed the landscape plan from page 481 in the May 9th meeting packet. Drew Gagnon provided general information about the landscape plan. Al Palmer from Gorrill Palmer, on behalf of the applicant, also provided general information about mapped significant wildlife and unique natural areas as defined by State definitions. Question of the American Chestnut tree, and Al Palmer noted that American Chestnut is not one of 104 identified as being imperiled, which is a unique natural area, but not defined by the State. Discussion of definitions of significant wildlife, scenery and unique and critical areas. Al Palmer noted examples of significant scenic vistas. Emily Cole-Prescott noted the definition of "significant wildlife habitat" from Saco's ordinance in Section 230-2103. Reviewed draft staff findings of fact, which referenced definition of "unusual" natural areas. The Board reviewed the May 9th materials found under Lincoln Village Presentation May 9th more section of that agenda page.

Upon request from Matt Dicianni, Jeff Grossman re-summarized his motion, as follows: I would move to find that the proposed development does not meet the criteria of section 179-6.01(P) based on the fact and the submissions and the testimony of the Saco Conservation Commission members who stated that the project would cut large portions of an important forest area in the City of Saco, that it would have a significant impact on the wildlife in the area and would replace a lot of natural drainage area with substantial impervious surface. Rob Biggs seconds the motion. Motion fails, 2-4, with Matt Dicianni and Jeff Grossman voting in the affirmative, and Rob Biggs, Matt Provencal, Joyce Leary Clark, and Alyssa Bouthot voting in the negative.

City Attorney Tim Murphy explained that there is confusion on the record because a positive motion received a tie vote, then a negative motion failed, noting it would be best for the record and proceeding if this were to be clarified.

Discussion regarding votes and coming to either a positive or a negative vote that is clear for the record. Board members discussed the specific proposal relative to the reviewed definitions.

Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(P) based on the documentation listed earlier in terms of the Historic Preservation, the Indigenous Tribe information, Inland Fisheries & Wildlife, the landscape plan, tree protection plan,

and the peer review by the landscape architect for the City. Second by Matt Provencal. Jeff Grossman indicated concern about appropriate motions and re-voting on motions that have not been reconsidered and going back and forth on motions. Discussion about having a clear record. Emily stated that it doesn't matter to her how the Board votes whether positive or negative. The purpose of the Guidance Document is based on this premise. Emily stated she is asking for substantial evidence that Board members are basing their findings on and to have a clear record.

City Attorney Tim Murphy indicated that it would be wise to take up the motion that is pending to clarify the record. City Attorney Tim Murphy indicated that the Board could also discuss conditions that could be added to the proposed plan, if there is something that can be added to the proposal to address the Board's concerns. City Attorney Murphy also referenced the Maine Municipal Association's Planning Board Manual relative to deliberations and tie votes.

Discussion about potential conditions. Joyce Leary Clark withdrew her motion.

Jeff Grossman asked whether 60% of the trees could be saved, and whether 60% of the large trees could be saved. Matt Dicianni asked what's feasible for the applicant and whether 60% of the trees could be saved and cautioned that the Board should act cautiously when asking for specific percentages.

When asked about conditions, Emily replied to the process of possibly adding conditions to the proposal.

Additional Board discussion.

Loni Graver, applicant, 321 Lincoln Street, answered the question as to whether the proposal could be modified to retain 60% of the trees. Mr. Graver offered to provide further landscape design to be reviewed and updated with consultation from the City's landscape peer reviewer. After further discussion, twenty percent additional plantings will be added to the site to the landscape plan. Discussion of a condition of approval that includes 20% additional plantings be added to the landscape plan, coordinated with the City's landscape peer reviewer, and provided to the City of Saco for the Board's review. Discussion on more plantings spread over the proposed landscape plan with the thought of additional buffering.

Joyce Leary Clark makes a motion that, with an additional condition of approval that twenty percent more plantings be added to the landscape plan in appropriate areas to be coordinated with the city's peer review landscape architect and reviewed by the Planning Board at the final approval stage, that we find that the proposed development meets the criteria of section 179-6.01(P) wildlife, scenery, and unique and critical areas based on the documents earlier discussed, including the landscape plans, the NRPA permit, memoranda from the City's landscape peer review architect, and other state agencies. Matt Provencal seconds. Motion passes 5-1, with Jeff Grossman voting in the negative.

Section 179-6.01(Q): Joyce Leary Clark moves that the proposed development meets the criteria of section 179-6.01(Q) Traffic, which provides that the proposed development will not cause safety hazards and will be consistent with generally accepted complete street standards based on the proposed findings of fact prepared by City Staff which are outlined in great detail on page 47 of our packet, along with the revised Traffic Movement Permit, the Applicant's presentations, the Traffic Impact Studies, the peer reviews by Diane Morabito for Sewall, City Engineer's memoranda and other application materials; second by Matt Provencal. Discussion on traffic in areas of Bradley, Maple, and Lincoln Streets. In addition to the laundry list of off-site mitigation, it was discussed that there will be either raised crosswalks or bollards to help with the speed concerns. Motion passes with Matt Provencal, Joyce Leary Clark, and Alyssa Bouthot voting in the affirmative, Matt Dicianni abstaining, and Jeff Grossman voting in the negative.

Section 179-6.01(R): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(R) Water Quality, which provides that surface water impacts of the

proposed development shall be no greater than allowed and permitted under State Law based on the findings of fact prepared by City Staff, and the documents provided to us including the soil report survey, test pit map and analysis, geology maps, stormwater management report, the drainage plan and other sheets provided by Gorrill Palmer, the peer review by Atlantic Resource Consultants, the Army Corps permit and the Natural Resources Protection Act permit; second by Matt Provencal. Motion passes, 6-0.

Section 179-6.01(S): Joyce Leary Clark moves to find that the proposed development meets the criteria of section 179-6.01(S), Utilities, which provides that the proposed development does not impose an unreasonable burden on sewers, storm drains, water lines, or other public utilities based on findings of fact prepared by City Staff, and the ability to serve determination from Maine Water, the conditional capacity to serve memo from Saco Water Resource Recovery Department (WRRD), approval by WRRD of the Applicant's private pump station, the pump station and design and utility plan provided by Gorrill Palmer and the correspondence between the Applicant, the WRRD and Maine Water; second by Matt Provencal. Motion passes, 6-0.

Section 179-6.01(T): Joyce Leary Clark moves that the proposed development meets the criteria of section 179- 6.01(T), Audio-Visual Buffer, which provides that setbacks and screening provide a robust audio/visual buffer so as to minimize adverse impacts on nearby properties based on the landscape plans, the landscape maintenance plan, the peer review by the City's landscape architect and verbal information provided at public hearings and inclusion of condition previously agreed to of additional 20% plantings; second by Matt Provencal. Motion passes, 5-1, with Jeff Grossman voting in the negative.

Zoning Analysis:

Overview of Zoning Analysis provided by Emily Cole-Prescott, which starts on page 27 of 55 and ends on page 31 of 55 of the Staff's draft Findings of Fact document.

Joyce Leary Clark moves to adopt the Zoning Analysis as presented by City Staff; second by Matt Provencal. Motion passes, 6-0.

Conditions of Approval:

Board members reviewed draft conditions of approval starting on Page 71 of the June 20th meeting packet.

Staff's recommended revisions to the draft Conditions of Approval List:

- Item 7.c. should stand alone as its own condition, so item 7.c. will become condition #40 and will be required before final subdivision review with the Board. New condition #40: "Applicant to enter into TMP agreement per provisions of the Traffic Movement Permit before final subdivision review."
- Item 7.f. should become condition #41 and should be required before or during final review with the Board. New condition #41: "Applicant shall revise construction sequencing plan based on requirements from City Staff. Applicant shall provide details on construction sequencing plan for construction routes, impacts, etc., to be presented to the Planning Board during final review."
- Proposed condition #42: Applicant shall be required to return to the Planning Board before each new phase of the project to update financial capacity for each phase of the project.
- Proposed condition #43: Applicant shall update landscaping plan to include 20% additional plantings, coordinated with the City's landscape peer reviewer, and provided to the City of Saco for the Board's consideration during final review.

Question on whether the full private drive could be built during phase one. There will be some sort of accessway, likely gravel, to be over the water main, which water main will be installed during phase one.

Joyce Leary Clark moves to approve the draft Conditions of Approval list as amended during this meeting to change draft condition 7.c. to #40, 7.f. to #41 with a change in the language of the

second sentence that the applicant shall provide details of construction sequencing plan and for construction routes, construction impacts, etc., to City Staff, to be presented to the Planning Board during final review; also #42 that the financial capacity of the applicant be reviewed at every phase and finally #43 as discussed earlier, the additional condition of approval requiring 20% more plantings be added to the landscape plan in the appropriate areas; Rob Biggs seconds. Motion passes, 5-1, with Jeff Grossman voting in the negative.

Summary: The overview section has been adopted with a positive finding. Preliminary subdivision, conditional use, and site plan review applications are approved with the conditions of approval as amended this evening apply globally to all applications. The Zoning Analysis has been approved, as has the amended Conditions of Approval list.

At 7:45 PM, the Board took a recess. Chair Boutbot departed the meeting with an excused absence and Vice Chair Provencal became Acting Chair for the remainder of the meeting. Glenn Charette will be re-joining as a voting member after this break for the remainder of the meeting.

2. **Rochelle Rochelle, LLC / Atlantic Resource Consultants, Authorized Agent** – Site Plan Application and Conditional Use Application for review of construction of a warehouse for light assembly and offices at 955 Portland Road, Tax Map 62, Lot 21 in the PR Zoning District. **Application Review and Public Hearing (Continued from June 20th Agenda)**

Present: Tony Panciocco, PE, Atlantic Resource Consultants and Josh Benthien, Northland, were present on behalf of the applicant. Diane Morabito, Sewall, Traffic Engineer peer reviewer working on behalf of the City of Saco, was also present for discussion of this application.

Overview was given by Emily Cole-Prescott of the applications for site plan, site law (delegated authority), and conditional use for a new industrial facility. Applicant requests site plan and conditional use review for construction of a new light industrial facility of approximately 45,450 square feet and a future expansion footprint of about 12,350 square feet. Applicant indicates intention for additional development on this site in the future and has left space toward the front and rear of the site for this future development potential which will need future review by the Planning Board. Project proposes about 3.2 acres of impervious surface, associated stormwater management, parking, city sewer and public water connection. Existing property is about 23.6 acres and was previously the site of a driving range. Property is in the Portland Road Zoning District where “Light Industry” is a conditional use.

Staff reviews and comments received from WRRD who issued a Capacity to Serve letter with the standard condition that floor drains be prohibited; Public Works, Joe Laverriere’s review memo is in the packet but some of his concerns have since been addressed, Diane Morabito, traffic peer reviewer is here to review those comments relative to her traffic review; after-the-fact packet submissions have been distributed, which include 3 ledger size prints. Deputy Fire Chief Pendleton mentions the need for knox boxes and fire sprinkler connections at the front of the building; Parks & Rec Director Ryan Sommer requested 6 more trees, and Deputy Police Chief Huntress notes no new comments as of June 1st. Some concerns have been addressed since the writing of memo.

Joyce Leary Clark moves to find the applications for 955 Portland Rd for Site Plan, Site Location of Development Review (delegated authority) and Conditional Use complete; second by Glenn Charette. Motion passes, 6-0.

Tony Panciocco, PE, Atlantic Resource Consultants o/b/o Rochelle Rochelle, introduced himself and provided overview of the project. Josh Benthien introduced himself and provided updates for the Board.

Joyce Leary Clark makes a motion to open the public hearing; second by Matt Dicianni, all vote unanimously to open the public hearing, 6-0.

Public Comment: Margaret Mills, 168 Simpson Road.

With no additional public comment, Joyce Leary Clark makes a motion to close the public hearing; second by Glenn Charette; all vote unanimously to close the public hearing, 6-0.

Jeff Grossman left the meeting room and did not return.

Board members discussed parking, materials to make gel packs, lighting plan, trees to remain, lighting at site entrances, business hours, employee schedules, and proposed design of the building. After discussion with the applicant, color design from the West elevation of the building will be incorporated into the South Elevation of the proposed building.

Discussion with Diane Morabito, traffic peer reviewer working on behalf of the City of Saco, answered questions about site circulation, the need for a left turn lane analysis at Zion Court and a left turn lane. Directional signage was also discussed.

After discussion, Board members review the Guidance Document and begin deliberations.

Joyce Leary Clark makes a motion to approve the overview section #1-9 as presented by City Staff; second by Rob Biggs. Joyce Leary Clark moves to amend her motion to include in #4 M, N and O: Connection Sketch, Entrance Sketch, and Entrance Sketch 1, and the date of June 12, 2003 revision date should be updated to June 28th. Rob Biggs seconds the amendment. Motion passes, 5-0.

Site Plan Review Sections 179-6.01 (A-U):

Section 179-6.01(A): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(A) that provides that the plan complies with all applicable standards based on the Applicant's application, the peer review by Diane Morabito, and proposed findings of fact by City Staff; Glenn Charette seconds, and the motion passes, 5-0.

Section 179-6.01(B): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(B) other laws that provides that the proposed development satisfies the requirements set forth in this chapter, other local ordinances, and applicable state and federal laws based on the draft findings of fact provided by City Staff, the application materials, peer review, and the testimony given today; second by Glenn Charette, motion passes, 5-0.

Section 179-6.01(C): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(C), Compatibility with neighboring buildings based on the application materials, the testimony today and the findings of fact prepared by City Staff. Second by Glenn Charette. Motion passes, 5-0.

Section 179-6.01(D): Joyce Leary Clark moves to find that the proposed structures and other improvements are harmonious with the site's natural features, preserve the natural landscape, and minimize grade changes based on the application materials, testimony presented this evening and the findings of fact prepared by City Staff, second by Glenn Charette; motion passes, 5-0.

Section 179-6.01(E): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(E), public safety, which addresses access to the site being adequate for emergency responders and the assigned street number being prominently displayed based on the application materials, testimony this evening and the findings of fact prepared by City Staff. Second by Glenn Charette. Motion passes, 5-0.

Section 179-6.01(F): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(F), lighting, based on the application materials, the testimony this evening, and the findings of fact prepared by City Staff. Second by Glenn Charette. Motion passes, 5-0.

Section 179-6.01(G): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(G), Landscaping, which provides that buffers, screens, and on-site

landscaping is provided to minimize the impact of parking areas and other features on neighboring properties based on the application materials, findings of fact prepared by City Staff and the testimony given this evening; second by Glenn Charette. Discussion about 6 additional trees requested by Parks & Rec. Motion passes, 5-0.

Section 179-6.01(H): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(H), Off-site Impacts, which provides that the proposed development does not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odors, dust, or other cause. Based on the Applicant's materials, testimony this evening, and the findings of fact prepared by City Staff; second by Glenn Charette, motion passes, 5-0.

Conditions of Approval:

Prior to approving the next section related to vehicular traffic, Joyce Leary Clark moves to incorporate a condition of approval: Additional condition of proposal of the traffic management plan be completed and that the queuing study being completed and approved, and that traffic signage be coordinated with the City's peer reviewer and City Engineer, (recommendation by City Planner to have an end date).

Condition #6 would then become f, g & h, then the Board could also add here under #6, applicant shall address any outstanding staff and/or peer review comments to the satisfaction of City Staff and that would cover anything outstanding that the staff has. (Under i), as follows:

- Condition #6.f. – Applicant shall complete a Traffic Management Plan to the satisfaction of City Staff.
- Condition #6.g. – Applicant shall submit Left Hand Turn Analysis to be completed and approved to the satisfaction of City Staff.
- Condition #6.h. – Applicant shall coordinate proposed signage to the satisfaction of the City Engineer and City Traffic Peer Reviewer.
- Condition #6.i. – Applicant shall address any outstanding staff and peer review comments to the satisfaction of City Staff.

Joyce moves to propose those as additional conditions of approval under #6.f, 6.g, 6.h and 6.i.

City Planner also recommends the following additional condition of approval #23: Applicant shall complete all off-site improvements to the satisfaction of Public Works and City Planning Departments before building permit is issued or before Certificate of Occupancy is issued. Discussion.

Applicant requests the offsite improvements be completed prior to CO instead of building permit; Board recommends at time of CO instead.

#24 is not part of a standard conditions list but came up from letters received from Indigenous People that if during the course of excavation Native American artifacts are discovered, work will immediately cease in the vicinity of the discovery pending notification to the appropriate Indigenous People's contact. There were human remains found onsite some years ago, the applicant did follow up on that at the time outside this review process; they were not determined to be Indigenous People's remains. Radar detection was done and a survey was done of the area as reported by the applicant, therefore this condition is recommended.

Joyce Leary Clark continues her motion to adopt #6 f, g, h & i and to add condition #23, all off-site improvements being completed before a certificate of occupancy can be issued and to add condition #24, if during excavation or construction Native American artifacts are discovered, work will cease through language proposed above by Emily Cole-Prescott; additionally, the plan will be amended to continue the color scheme from the north side to south side in similar color scheme. Second by Rob Biggs, motion passes unanimously, 5-0, to adopt conditions #6, #23, #24 and #25 as discussed.

Continued Review of Site Plan Application Approval Criteria:

Section 179-6.01(I): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(I), based on the findings prepared by City Staff, the application materials, and the testimony presented tonight, along with the City's peer reviewer; second by Glenn Charette, all vote unanimously, 5-0.

Section 179-6.01(J): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(J), flood hazards, based on the application materials and the testimony presented this evening, I don't believe this property is in a flood zone; second by Glenn Charette, motion passes unanimously, 5-0.

Section 179-6.01(K): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(K), Wastewater, which provides that adequate provisions are made for disposal of wastewater based on the application materials, the proposed findings of fact, and the testimony presented this evening; second by Glenn Charette, motion passes unanimously, 5-0.

Section 179-6.01(L): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(L), Solid Waste, based on the application materials, the proposed findings of fact, and the testimony presented this evening; second by Glenn Charette, motion passes unanimously, 5-0.

Section 179-6.01(M): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(M), Stormwater and Erosion Controls, based on the findings prepared by City Staff, the application materials, and the testimony provided this evening; second by Glenn Charette, motion passes unanimously, 5-0.

Section 179-6.01(N): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(N) Water Supply, based on the fact that this is on a public waterline, the application materials presented this evening, and the proposed findings of fact prepared by City Staff and this evening's testimony; second by Glenn Charette, motion passes unanimously, 5-0.

Section 179-6.01(O): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(O) Hazardous Materials, based on the testimony this evening that there aren't any hazardous materials being used or stored on site, the application materials and Staff's findings of fact; second by Glenn Charette, all vote unanimously, 5-0.

Section 179-6.01(P): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(P) Wildlife, Scenery, and Unique & Critical Areas, based on application materials, testimony this evening, and City Staff's findings of fact; Glenn Charette seconds, all vote unanimously, 5-0.

Section 179-6.01(Q): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(Q) Traffic. Based on the additional conditions of approval proposed tonight, application materials, the City's peer reviewer's information and proposed findings of fact, second by Glenn Charette, all vote unanimously, 5-0.

Section 179-6.01(R): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(R) Water Quality, based on the application materials, testimony presented this evening, and City Staff's proposed findings; second by Glenn Charette, all vote unanimously 5-0.

Section 179-6.01(S): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(S) Utilities, based on application materials, the testimony presented this evening, and proposed findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 179-6.01(T): Joyce Leary Clark moves to find that the proposed development meets the criteria of Section 179-6.01(T) Audio-Visual Buffers, based on the application materials, information presented

by testimony tonight, as well as the additional conditions of approval and the proposed findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Conditional Use Review Criteria:

Section 230-1406(A)(1): Joyce Leary Clark moves to find that the proposal meets the criteria of Section 230-1406(A)(1) which provides that the proposed use will meet the definitions and specific requirements set forth in this chapter and will comply with applicable state or federal laws, based on application materials, the testimony presented this evening, and findings by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(2): Joyce Leary Clark moves to find that the proposal meets the criteria of Section 230-1406(A)(2), which provides that the proposed use will not impede vehicular and pedestrian circulation, or access for emergency responders, based on the application materials, the additional conditions of approval that were previously approved, proposed findings of fact prepared by City Staff, and testimony this evening; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(3): Joyce Leary Clark moves to find that the proposal meets criteria of Section 230-1406(A)(3), which provides that the provisions for buffers and on-site landscaping will provide adequate protection to neighboring properties from detrimental features of the proposal based on the application materials, testimony this evening, and the findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(4): Joyce Leary Clark moves to find that the proposal meets the criteria of section 230-1406(A)(4), that the proposed use will not have a significant detrimental effect on the peaceful enjoyment of abutting properties based on the application materials, testimony presented this evening, and the proposed findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(5): Joyce Leary Clark moves to find that the proposal meets the criteria of section 230-1406(A)(5), which provides that the proposed use will not have a significant detrimental effect on the value of adjacent properties that could be avoided by reasonable modification of the plan based on application materials, testimony this evening, and findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(6): Joyce Leary Clark moves to find that the proposal meets the criteria of Section 230-1406(A)(6), which provides that the design of the project will not result in significant flood hazards or flood damage based on the application materials, the testimony presented this evening, and findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(7): Joyce Leary Clark moves to find that the proposal meets the criteria of Section 230-1406(A)(7), which provides that adequate provision has been made for disposal of wastewater and solid waste and for prevention of ground or surface water contamination based on the application materials, the testimony presented this evening, and findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(8): Joyce Leary Clark moves to find that the proposal meets the criteria of Section 230-1406(A)(8), which provides that the proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitats that could be avoided by a reasonable modification of the plan based on the application materials, testimony presented this evening, and the findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Section 230-1406(A)(9): Joyce Leary Clark moves to find that the proposal meets the criteria of Section 230-1406(A)(9) which discusses safety hazards for pedestrians, cyclists, and operators of motor vehicles, based on the application materials, the testimony presented this evening, along with the proposed conditions of approval and review by the City peer reviewer and the findings of fact prepared by City Staff; second by Glenn Charette, all vote unanimously, 5-0.

Summary: Site Plan and Conditional Use Applications are approved with conditions as amended, and the conditions apply to both applications.

Time is after 9:30 PM. Motion made by Rob Biggs to have a hard stop at 10:00 PM, second by Matt Dicianni. Motion passes unanimously.

City Planner asked that a formal motion be made with regard to moving agenda items #4, #5, and #6 to the next meeting; Joyce Leary Clark makes a motion to move agenda items #4, #5, and #6 to the July 18th meeting, second by Glenn Charette, all vote unanimously, 5-0.

3. **Ecology Education, Inc.** – Site Plan Amendment Request – to amend previously-approved site plan to add two yurts for classroom space and occasional student housing & a composting structure at Tax Map 121 Lot 6 in the RC Zoning District. **Application Review and Public Hearing (Continued from June 20th Agenda)**

Present: Drew Dumsch, Ecology School, was present for this application review.

Overview given by Emily Cole-Prescott regarding the site plan amendment. Proposal is to have a bathroom structure connected to existing subsurface wastewater disposal system, along with two additional yurts that will occasionally be used for sleeping purposes, and a composting structure. Property is in the Rural Conservation District and Ecology School Contract Zone. Reviews and questions provided by City Departments, including Fire, Police, Code Enforcement, and City Engineer. Public comment received after the fact packet distribution was provided to the Board members this evening. Compliance information included in the meeting packet, and follow-up questions regarding timeline for turn lane completion, which condition has been previously extended to 2025. Emily Cole-Prescott clarified that the bathroom trailer will need to be made a permanent structure, and the applicant should follow up with the Code Enforcement Department for details and to ensure that the local plumbing standards will be met.

Drew Dumsch, President of Ecology School introduced himself; composting structure description was given and request for additional yurts and supporting bathroom for those Yurts. There will be no cooking options in Yurts. Ongoing discussions with Fire Marshall. Clarification of what the plan is for the left turn lane; they have changed engineering firms and are now working with Sebago Technics and are comfortable to say they will meet the 2025 deadline. These yurts will be heated with heat pumps run by solar.

Joyce Leary Clark moves to find the Site Plan Amendment Application for 184 Simpson Road to be complete; second by Rob Biggs; all vote unanimously to find application complete, 5-0.

Joyce Leary Clark moves to open the public hearing for 184 Simpson Road, Glenn Charette seconds, all vote unanimously to open the public hearing, 5-0.

Public Comment: Margaret Mills, 168 Simpson Road; Inga Browne, 161 Simpson Road.

Glenn Charette makes a motion to continue the public hearing to the next meeting (7/18) to allow Inga Browne the opportunity to continue public comment; Joyce Leary Clark seconds, all vote unanimously to continue the public hearing, 5-0.

Joyce Leary Clark moves to continue application review to the next meeting, second by Rob Biggs, all vote unanimously, 5-0.

Adjourn at: 10:13 PM