

Minutes
Planning Board Meeting
Tuesday, February 3, 2015

Members Present: Neil Schuster, chairperson; Don Girouard, Donna Bailey, Rene Ittenbach, and Bob Hamblen, City Planner. Absent: Marty Devlin, Deborah McKenney.

1. Minutes of January 20, 2015

Rene: Motion to accept the minutes as written, seconded by Donna. Vote was 4-0

2. Public Hearing: Proposed amendments to the existing site plan and preliminary subdivision plan for the Building 4 portion of Saco Island. Applicant is Chinburg Builders, Inc. Tax Map 37, Lot 8-1. Zoned B-4. Item was tabled at the Jan. 20 meeting.

Hamblen: The Board voted to table review of the preliminary subdivision and site plans at its meeting of Jan. 20, after opening the public hearing, discussion, and recognizing that a number of items remained to be finalized. The applicant has since submitted an updated plan set, revised through Jan. 26, and responses to several issues pertaining to the lighting plan, engineering and the lighting plan. The City's reviewers have followed up with further comments on the former two issues, while lighting plan comments are expected for the meeting.

Based on input during the public hearing, the Board asked that concerns voiced by Island Terrace residents be addressed by the applicant: concerns about their access drive or parking lot becoming a throughway, or the number of parking spaces the ITOA may lose due to building entrances proposed by the applicant on the southeasterly end of Building 4.

This application has not been finalized for this meeting. Traffic and the proposed sewer pump station are the two most significant issues still being worked on. MDOT has scheduled a scoping meeting for Feb. 12, at which time applicant, City and traffic professionals will meet to discuss what will be necessary for an updated traffic report. Sewer service on the Island has been a concern for the City since prior to the Mattson project being approved. The applicant has met with City staff about this and is diligently working toward a resolution; however, it is not yet finalized.

The Conditions of Approval are written such that if the Board chooses to take action on the application this evening, outstanding issues are identified and required to be addressed.

As previously reported: On July 17, 2007 the Board granted site plan and final subdivision approval for the redevelopment of both the east and west sides of Saco Island. As the Board knows, the majority of the plans never came to fruition, as the condominiums on the east side of the island never materialized, and Building 4 continues to sit empty.

However, enough did occur – demolition of part of the mezzanine, renovation of the space occupied by the Run of the Mill pub, improvements in the parking lot and next to the river – that staff judges that “substantial construction” has indeed taken place; consequently the '07 approvals remain intact.

Chinburg Builders, Inc. has acquired and now proposes to renovate Building 4 and develop the 5.6 acre parcel with parking, lighting, and stormwater infrastructure and landscaping adequate to support 150 proposed apartment units, a not yet specified mix of studios, one- and two-bedroom units.

The proposed changes are viewed as amendments to the existing approvals. So, the 2007 plans, applications and supporting materials remain part of the record, while updated findings and conditions will be specific to this project.

The Saco River Corridor Commission, DEP, Maine DOT and Army Corps of Engineers permits were all issued in 2007 or '08, and remain valid. The applicant is in the process of updating the DEP Site Law permit and the DOT Traffic Movement Permit to reflect this project.

Saco Island is the only B-4 zoning district in Saco, and is different from any other zone in that issues specified in black and white terms in other zones such as minimum lot area, frontage, and setbacks are left to be determined during the subdivision/site plan review process in the B-4 zone. Overall, the applicant has achieved a fair degree of consistency with Ordinance standards: the proposed uses are in line with those found in 706-1(2), and dimensional standards regarding such issues as setbacks, building height and parking are in keeping with existing requirements found in the Zoning Ordinance. The ‘envelope’ is not being pushed hard in any regard.

The Zoning Ordinance sets forth the City’s perspective on Saco (Factory) Island:

406-4. B-4 PLANNED DEVELOPMENT DISTRICT

The B-4 classification is intended to allow for large-scale innovative, comprehensively designed, mixed development and redevelopment of property in the area known as Factory Island. This classification recognizes the unique features of this area, including proximity to downtown, frontage on the Saco River, and its past intensive industrial use, and is meant to encourage flexible, but carefully thought-out reuse of the land and its building.

Section 706 lays out the procedures and standards for this Planned Development.

A. Determination of Completeness

The project is subject to site plan review, design review, and both preliminary and final subdivision review.

Design Review submissions: found to be complete at the Jan. 20 meeting.

Site Plan Review: found to be complete at the Jan. 20 meeting.

Preliminary subdivision review: found to be complete at the Jan. 20 meeting.

Much of the discussion generated by the TIF application was centered on traffic and parking. In 2007, the Building 4 proposal looked like this: 42 residential condominium units and 77,960 s.f. of commercial space. Total proposed spaces: 412, including 105 space parking garage on ground-level floor, and 307 space surface parking lot on northerly side of building.

With the current plan calling for 150 residential units, and a call for some green space during Council review, the surface lot has been reduced from 307 spaces to 235. About 25 spaces are proposed for the ground-level floor. Some green space will be possible at the westerly end of the proposed parking lot. We understand that the applicant's traffic engineer is working with MDOT to amend the 2008 Traffic Movement Permit. See Diane Morabito's 1/14/15 letter re: updating traffic data from the '07 approval.

Other topics under review:

- As noted in the cover letter from Paul Avery, the same stormwater capacity is being maintained (underground chambers) while the amount of impervious is being reduced by about 0.5 acre.
- A lighting plan has been submitted, and review comments supplied by FST, today (Feb. 3). Some changes will be necessary in order to achieve compliance.
- Multi-family buildings are subject to design review. The 1/14/15 re-submittal reports that the building's façade will be restored to National Park Service standards. It is NPS standards that decisions by the City's Historic Preservation Commission are based on.
- Wastewater has been a longstanding issue on the Island. Currently the Island, including the Amtrak Station, Building 108/Saco Island Apartments, the Building 1 condos and office, and the Run of the Mill brewpub all connect to a pump station near the river, behind the brewpub – City-owned and maintained. The proposal for Building 4 includes a new pump station at the westerly end of the building, a location and design acceptable to the City that would also service the new Saco Island Apartments and the Amtrak Station. Details continue to be worked out.

The question of density was raised during TIF discussions with the Council. The property totals 5.6 acres, or 243,936 s.f. Chinburg proposes 150 units, which works out to 1,626 s.f. per unit. Compare this to the MU-1 zone, which is roughly bounded by Main Street, Elm Street, Cutts Avenue and Water Street. The B-3 zone that was there before MU-1 (and is still in place for some of the downtown) requires 1,500 s.f. per unit. The MU-1 zone is based on size of the units proposed: up to 2 bedrooms and less than 800 s.f. of floor area requires 1,400 s.f. of lot area per unit. More than 2 bedrooms or more than 800 s.f. of floor area requires 2,000 s.f. of lot area per unit. So, the proposed density of 1,626 s.f. per unit is not out of line with downtown zoning.

The Boiler House Lofts project was reviewed under the existing B-4 zone standards. That building sits on a 48,787 s.f. parcel. With 36 units, that works out to a density of 1,355 s.f. per unit. No open space or recreational facilities were created for the property, so an impact fee of \$21,709 was paid

As was the case at the Jan. 20 meeting, the Board will need to determine whether it's comfortable that enough information has been provided to consider approving the preliminary subdivision plan, or prefer to hold off for receipt of a fair number of items:

- Finalization of: DEP Site Law modification,
MDOT Traffic Movement Permit amendments,
Landscaping review,
Lighting plan review,
- Clarification of proposed parking spaces given the breakdown of uses specified in Diane Morabito's 1/14/15 letter, including restaurant, office space and manufacturing space. In the B-4 zone the applicant may propose a number of spaces that makes sense based on their experience in other situation; Table 708-2 does not apply. With that said, based on the Morabito letter, 37,300 s.f. of space is proposed for restaurant, office and manufacturing. IF 708-2 were in effect, parking requirements would break down like this:
Restaurant, 4,000 s.f. – 54 spaces required.
Office, 14,650 s.f. -- 59 spaces.
Manufacturing -- 1 space required per employee, maximum shift.
If this space were instead intended as residential, and assuming an average unit of 800 s.f./1 bedroom, 71 spaces would be required. Staff sees this as a bit of a two-edged sword: a mix of uses is desirable, but those non-residential uses bump up the need for parking spaces.

Mr. Avery reports that the DEP Site Law permit modification should be complete in early March. The TMP process will likely take as long. So, the Board need feel no particular urgency in taking action sooner than later.

Paul Avery, Oak Consulting Group: They have taken into consideration the parking need for the different uses. No specific parking has been provided for other uses on the island, however, no restrictive parking practices are proposed. **Bob H:** any easement on parking? ITOA may have the rights to park in the Train Station Lot. **Paul:** Easements will be provided for portions of the Gooch Street sidewalk extending outside of the right of way. **Neil:** Is there enough parking for everyone? There is already a parking crunch. **Rene:** At one time there was no parking under the terrace because of some falling granite, but he doesn't know if it is still like that. **Mayor:** You should talk with Bob Keegan, there may be some reserved spaces that are sheltered from the weather. They may be the spaces that are being leased.

Paul Avery: The Pump Station location has been moved to the west end of the building at the bottom of the VRAP slope. This location has limited visibility from active areas of the site and surrounding properties. Landscape screening will be considered, but may be constrained by the configuration of the site. The layout and grading of the proposed transformer area has been revised. A preliminary layout of the proposed sewerage pump station, control building, valve pit, emergency generator and liquid propane gas tank are also shown in this area. They are located at the bottom of the VRAP slope Final configuration of this area will be coordinated with the Saco Water Resources Recovery

Division, CMP and the electrical engineer. **Rene:** It would be visible from the pedestrian bridge.

Paul: There would be a one-way road with a hammerhead, to get to the transformer and other utilities. **Don:** Will the utilities be secure and/or protected? **Paul:** They will have their typical encasements that will be locked. Regarding the stormwater treatment comments: the drainage will remain the same. There is no reason to move. The existing retaining wall will match Building 108 wall. Traffic: meetings are scheduled for next week. **Don:** any negotiations to the access around the building for the ITOA? **Matt Assia, applicant:** It is feasible, but an obstacle on the triangle easement. But it could be an active consideration. The slope is 8 to 10. It's steep. Only one way out.

Donna: Move to open the public hearing, seconded by Rene. Vote was 4-0

Sandy Guay: Is it a one-way access for cars?

Rene: Move to close the public hearing, seconded by Donna. Vote was 4-0.

The Board discussed the Traffic issue, and Bob pointed out that it was addressed in the FOF and that further discussion will be at the Final review.

Donna: "I move that the Board grant approval for the preliminary subdivision plan submitted by Chinburg Builders, Inc., for amendments to the approved 2007 plan for Building 4 on Saco Island, based on the Findings of Fact and Conditions of Approval dated Feb. 3, 2015." Seconded by Rene. Vote was 4-0. Motion passes.

3. Public Hearing: review of options for city-owned parcels of land, including:

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|----------------------|-----------------------|
| a. 15 North Avenue | Tax Map 1, Lot 18 |
| b. Outlook Avenue | Tax Map 11, Lot 107-1 |
| c. 9 Stockman Avenue | Tax Map 34, Map 135 |
| d. Main Street | Tax Map 37, Lot 7 |
| e. Flag Pond Road | Tax Map 92, Lot 21 |
| f. 24 Lincoln Road | Tax Map 101, Lot 35 |
| g. Lincoln Road | Tax Map 101, Lot 74 |
| h. 1 Virginia Avenue | Tax Map 101, Lot 89 |
| i. Blueberry Avenue | Tax Map 101, Lot 112 |
| j. 264 Boom Road | Tax Map 85, Lot 4-6 |

Bob H: As outlined in Chapter 81 of City Code, consideration of the sale of City-owned property is referred to the Planning Board "...for evaluation and a report to the City Council." The property in this case includes 10 parcels owned by the City, 9 of which are undeveloped.

Per Chapter 81, several departments have provided their perspective on one or more of the parcels, for the Board's review. The Council "...may decide to retain the property", or may have "...an interest in selling a City-owned property." Again, Chapter 81: "If the Council decides to offer any City-owned property for sale...the Council shall determine the method of sale, whether by...:

- ...sealed bid,
- sealed request for proposals,
- auction,
- by negotiation with the previous owner
- or by contract with a real estate broker at predetermined prices for such real estate and real estate interests.”

The Board is tasked as follows:

“All City-owned property shall be evaluated with regard to its present or potential usefulness to the City for streets, sewers and drains, for public buildings, for economic development purposes, for parks and natural areas or for other municipal and community uses. Factors to be examined shall include land area, overall shape, minimum dimensions, soil characteristics, slope, drainage, potential for flooding, the presence of wetlands, its potential for correcting neighborhood problems such as failing septic systems, road frontage, character of surrounding properties, economic development possibility, whether it is contiguous to other City land, future usefulness to the overall traffic circulation needs of the City and other features, as well as whether any easements should be retained across the property if it is to be sold.”

Abutters to each of the parcels have been notified of this public hearing.

The information we have on each property is listed below and attached.

The highlighted parcels have been recommended for retention by City staff.

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|---------------------------|---------------------------------|-----------------------------|
| a. 15 North Avenue | Tax Map 1, Lot 18 | 0.09 acre/3,920 s.f. |
| B-5 zone | Assessed value \$232,100 | |

Current lease (attached) with Bastille Woodworking and Boat Works runs through 11/30/18. Yearly lease payment is approximately \$6,300.

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|--------------------------|--------------------------------|-----------------------------|
| b. Outlook Avenue | Tax Map 11, Lot 107-1 | 0.11 acre/4,791 s.f. |
| R-1c zone | Assessed value \$41,600 | |

As described by Don Girouard during the Jan. 20 workshop, this parcel was a piece of Saltaire Avenue deeded to the City in 1992, adjacent to the old Dummy Railroad corridor. The parcel is 50’ x 100’, not only 30 feet wide, and is a Lot of Record. This dates back to the Kinney Shores subdivision of 1912. There is a water main running within Saltaire Ave. that has been re-routed in the past in order to facilitate development of other parcels. Also mentioned during the workshop: on-street parking is allowed on the northerly side of Outlook Avenue only. Could this parcel become an off-street parking lot and take the place of the on-street parking?

- c. 9 Stockman Avenue Tax Map 34, Map 135 0.17 acre/7,405 s.f.**
R-4 zone Assessed value \$44,300

Department of Public Works and Water Resource Recovery Division ask that this parcel be retained by the City. Crossed by existing sewer main and stormwater line. See City Attorney's comments, attached.

- d. Main Street Tax Map 37, Lot 7 0.24 acre/10,454 s.f.**
B-4 zone Assessed value \$64,500

- e. Flag Pond Road Tax Map 92, Lot 21 26.2 acres**
C-1 zone Assessed value \$45,000

- f. 24 Lincoln Road Tax Map 101, Lot 35 0.11**
acre/4,791 s.f. Assessed value \$3,700
C-1 zone

Items f, g, h and I are each small parcels in the Boothby Park area. As noted by the City Engineer during the workshop, there are drainage issues in this already densely developed area. Public sewer and water are not available. See staff comments.

- g. Lincoln Road Tax Map 101, Lot 74 0.17**
acre/7,405 s.f. Assessed value \$0
C-1 zone

- h. 1 Virginia Avenue Tax Map 101, Lot 89 0.08**
acre/3,485 s.f. Assessed value \$24,700
R-4 zone

- i. Blueberry Avenue Tax Map 101, Lot 112 0.05 acre/2,178 s.f.**
R-4 zone Assessed value \$3,300

- j. 264 Boom Road Tax Map 85, Lot 4-6 30.25 acres**
C-1, RP zone Assessed value \$13,800

This parcel is almost completely within the RP zone, and much of it is within the 100 year floodplain as well. At its southwesterly corner there is a 0.52 acre parcel owned by the Maine Water Co. Crossing the parcel from west to east is an existing water main, for which the water company holds an easement. The parcel has no frontage on Boom Road, but does enjoy an easement over the abutting parcel at 262 Boom Road, attached. See assessor's suggestion in staff comments.

Rick Knowlton, Maine Water, advised on 1/23/15 that "We'll get the existing easement and pipeline information to you, and we'll discuss our long term needs

to cross this property. We'll certainly write a letter to the City with any specific request we develop."

a. 1 Virginia Avenue Tax Map 101, Lot 89

Tim and Mary Lambert, 3 Virginia Ave: The parcel in question is on the corner of Charles and Virginia Ave and directly abuts their property. They would be interested in it because it has a lot of tall trees that they would like to cut down and have a nice lawn. **Rene:** It sounds like that is what Angela, city engineer, might want to do to increase the radius on that corner. The Board agreed to have Angela get in contact with the owners of 3 Virginia Ave. so as to work something out.

Donna: Move that an agreement be made between the City engineer and the owners of 3 Virginia Ave. Rene seconded. Vote was 4-0. Motion passes.

Blueberry Avenue Tax Map 101, Lot 112

Christina Walls, 7 Blueberry Ln: She directly abuts the parcel in question and would like to acquire it and add it to her property.

Rene: Move to recommend to the City council that the City offer said parcel to Christina Walls before going to auction. Donna seconded. Vote was 4-0. Motion passes.

b. 264 Boom Road Tax Map 85, Lot 4-6...

Curtis Scammon, 295 Boom Rd: He has been leasing this property for 35 years and using it for his sod farm. Ideally he would like the City to retain the parcel and continue leasing it to him. The parcel is mostly wetland with some major vernal pools. It's really not a buildable lot. There is no access from Boom Road to the River. He accesses the parcel from his parcel that abuts it.

Rene: Move to recommend parcel be sold to Scammon Sod Farm or Scammon abutter. Seconded by Donna. Vote was 4-0. Motion passes.

c. Outlook Avenue Tax Map 11, Lot 107-1...

Don gave a brief history of the area around Outlook Ave. after he recused himself from voting rights on the Planning Board because he is a direct abutter. It is a buildable lot according to Dick Lambert. This is a piece of the old Saltaire Ave It use to be part of 15 Curtis Ave, which was owned by Paula Anton. Why she decided to keep this small parcel and not sell it with the rest it, is unknown. The water main would need to be extended to that lot. If the City retains it, it could possibly be a parking lot, with stipulation, no off street parking.

Lorine Roussin, 16 Outlook Ave: Her lot is only 6ft from that parcel. In the summer on street parking is horrible.

Don: That would be the last buildable lot in Kinney Shores.

Bob H: Options are: a. approach Anton, b. it is the last buildable lot in Kinney Shores. c. City retains and makes a park.

Donna: Move that the City retain the property, seconded by Rene. Vote was 3-1 (Don abstained)

- d. 15 North Avenue Tax Map 1, Lot 18 be retained for duration of lease;

Rene: Move that the City retain the lease for 4 years, Donna seconded. Vote was 4-0. Motion passes.

- e. 9 Stockman Avenue Tax Map 34, Map 135 be retained by City due to existing

- f. sewer and stormwater mains and easement;

Rene: Move that the city retain property, seconded by Donna. Vote was 4-0. Motion passes.

- g. Main Street Tax Map 37, Lot 7...

Rene: Move that the City retain property, seconded by Donna. Vote was 4-0. Motion passes.

- h. Flag Pond Road Tax Map 92, Lot 21 be retained for possible future combination with abutting parcel;

Donna: Move that the City retain property, seconded by Rene. Vote was 4-0. Motion passes.

24 Lincoln Road Tax Map 101, Lot 35

Lincoln Road Tax Map 101, Lot 74

Angela mentioned that she wanted to retain either lot for a pump station.

Donna: Move that the City offer parcel to abutters to split amongst themselves and add to their properties. Seconded by Rene. Vote was 4-0. Motion passes.

Meeting adjourned at 8:00 p.m.

Respectfully submitted by,
Maggie Edwards
Board Secretary