

Minutes

Planning Board Meeting

Tuesday, March 17, 2015

Members Present: Neil Schuster, Chairperson; Don Girouard, Rene Ittenbach, Donna Bailey, Deborah McKenney, and Bob Hamblen, City Planner

Workshop:

- a. Gorrill-Palmer to discuss the Rte. 112 Corridor Study
- b. Sketch Plan review: proposed 16,000 s.f. commercial structure at 23 Mill Brook Road. Applicant is Maine Molecular Quality Controls, Inc. Tax Map 45, Lot 19-3-8. Zoned I-3.

Regular Meeting:

1. Minutes of February 17, 2015

Rene moved to accept the minutes as written, seconded by Donna. Vote was 5-0.

2. Public Hearing: Review of a proposed amendment to the Horton Meadows subdivision plan at 464 Buxton Road. Applicant is Saulnier Development Saco LLC. Tax Map 123, Lot 21. Zoned C-1 and contract zone.

Hamblen: The ‘new’ developer of this approved subdivision, Saulnier Development Saco LLC, seeks the Board’s review of a proposed amendment: relocating Lot 30 from a spot fairly close to the home of former owners/developers Don and Jean Horton to a location adjacent to Lot 5 that would occupy 25,259 s.f. of space that had been proposed on the approved plan as open space.

The amendment would mean that rather than the earlier approved 34.71 acres of open space, the figure would be reduced to 34.13 acres. As approved in 2010, Lot 31 was sized at 116,101 s.f.

A brief history of this project:

- It is subject to a contract zone, approved by the Council on Nov. 7, 2005.
- The Board granted final approval to this project on June 15, 2010. As approved, this was a 31 lot clustered subdivision on a 68.3 acre parcel off Buxton Road.
- On 3/27/12, the Board approved a downsizing of the project from 31 lots to seven lots, the owners at the time having discovered what it meant tax-wise to own 31 building lots.
- In 2014, the approval lapsed. The Horton’s sought to get the original 31 lot project be approved once again, which took place on 7/29/14.
- On 8/26/14 the Board approved the financial and technical qualifications of Bernie Saulnier dba Saulnier Development Saco, LLC. As a result, the approved subdivision was transferred from the Horton’s to Saulnier.
- On 10/6/14, the City Council approved an updated version of the contract zone, recognizing the new ownership and a number of findings in the agreement that had changed over the preceding nine years.

Walter Pelkey, BH2M, is the project manager.

A. Completeness of Application

Don: “I move that the Board find the application for final subdivision plan review to be complete.” Seconded by Deborah. Vote was 5-0

Bill Thompson, BH2M: As Bob noted, this is a simple amendment. Move Lot 30 away from the Horton’s parcel and add it into the Open Space area. It is still conforming. No changes to the storm water design, or infrastructure, and no new roadways.

Rene: Move to open the public hearing, seconded by Donna. Vote was 5-0.

No comments from the public

Rene: Move to close the public hearing, seconded by Donna. Vote was 5-0.

Donna: “I move that the Board grant approval for the amended final subdivision plan submitted for the Horton Meadows subdivision, and for modification of the Site Location of Development permit based on the application submitted, and on the attached Findings of Fact and Conditions of Approval dated March 17, 2015.” Seconded by Deborah. Vote was 5-0. Motion passes.

3. Public Hearing: review of a proposed contract zone that would allow a 12-unit multi-family dwelling to be constructed at 21 Bay Avenue. Applicant is Seaside Saco LLC. Tax Map 1, Lots 48 and 49-1. Zoned B-5.

Hamblen: Applicant Seaside Saco LLC requests consideration of a contract zone for the parcels at 16 Bay Avenue (the former Wormwood’s Restaurant) and 13 Beach Avenue (single family dwelling). The proposal is to combine the two abutting parcels and develop a twelve unit multi-family dwelling.

The contract zone is proposed due to multi-family dwellings not being an allowed use in the B-5 zone. The CZ agreement also proposes a greater density than is currently allowed, and a reduction to the front yard setback from 15 feet to 10 feet.

It’s clear that investment in Camp Ellis has occurred at a trickle compared to many other areas of the City. The possibility of a “fix” for the erosion problem remains just that – a possibility. The City Administrator has suggested fairly recently that nothing is expected from the Army Corps in terms of moving rock and importing sand for at least five more years. Agree or not with sea level rise and climate change, if such scenarios are added to the existing erosion problem, one could argue that development in a location such as this is compounding an existing problem.

A. Completeness of Application

Deborah: “I move that the Board find the application submitted for a contract zone at 16 Bay Avenue and 13 Beach Avenue to be complete.” Seconded by Rene. Vote was 5-0

In the B-5 zone, Multi-Family Dwellings are not an allowed use. Section II.3 of the draft CZA should be amended to recognize that; something along the lines of “Notwithstanding Section 410-9. B-5 Marine Business and Residential of the Zoning Ordinance, Multi-family Dwellings shall be a permitted use on the subject property.” The City Assessor reports that tax records show there to be 5 existing multi-family dwellings at Camp Ellis; whether apartments or condos was not determined. These, of course, are regarded as grandfathered nonconforming uses.

Other issues of which to be aware:

- The 16,800 s.f. parcel is proposed for 12 units, which calls for a density of 1,400 s.f. per unit. In the B-5 zone, 7,500 s.f. is required for a single-family, and 7,500 s.f. per unit is required for a two-family. At 1,400 s.f./unit, a developer could fit five units onto a 7,000 s.f. parcel. Proposed density is equal to or greater than downtown zoning, which would not be particularly compatible with the existing neighborhood.
- The parcel and neighborhood are in the AO flood zone, meaning that flood depths of 1-3 feet may occur in a 100 year flood.
- The parcel is in the Saco River Overlay zone, thus is subject to a permit from the Saco River Corridor Commission.
- Assumedly there would be a need to secure a Back Dune Permit
- See excerpt from 2011 Comprehensive Plan. Mixed uses are encouraged, with an emphasis on marine-related businesses and support facilities. Residential uses with a density of up to six units per acre should be allowed, meaning about 7,260 s.f. per unit. Infill development consistent with the pattern of the neighborhood is stated.
- Members may be aware of the Sea Level Adaptation Working Group which Saco, Old Orchard Beach, Biddeford and Scarborough are members of. Attached is a copy of a 2010 vulnerability assessment completed by SLAWG and partner agencies. Note the graphic titled “Potential Inundation Scenarios” on p. 17, where it is projected that under a severe weather incident, building footprints would be impacted in much of Camp Ellis.

With that said, it is understood that new buildings in the AO zone must be elevated as follows, per the City’s floodplain ordinance:

F.

Residential. New construction or substantial improvement of any residential structure located within:

(1) Zones A1-30 and AE shall have the lowest floor (including basement) elevated to at least three feet above the base flood elevation.

[Amended 5-21-2012]

(2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

(3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

(a) At least three feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

[Amended 5-21-2012]

(b) At least three feet if no depth number is specified

Staff's understanding is the proposed structures would be elevated sufficiently for vehicle parking beneath them. Finally, a meeting of the City's Shoreline Commission and Coastal Waters Commission took place on March 11. Public Works Director Patrick Fox attended, and asked the opinion of the groups as to this proposed redevelopment; find Pat's e-mailed summary attached.

As stated in Sec. 1403 – 6, “Before forwarding a recommendation (on) a contract zoning amendment to the City Council the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:

- A. is for land with an unusual nature or location;
- B. is consistent with the Comprehensive Plan;
- C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone;
- D. that the conditions proposed are sufficient to meet the intent of this section.”

Bill Thompson, BH2M: applicant is proposing 4 –tri-plex condominium units on a 16,000 sq.ft. property at 16 Bay Ave and 13 Beach Ave. This development will replace the existing Wormwood Restaurant that has recently closed. Project will consist of 2 bedrooms with parking below the living areas. They are asking for a reduction in square footage from 7500 sq ft. down to 1400 sq.ft. and a reduction in side setbacks from 15ft to 10ft, and to allow multi-family dwellings. They have a Saco River Corridor permit in place. He went over the 4 standards and his responses to them.

- A. Parcels being of a unique nature and location:
1. The redevelopment potential for this section of Saco hasn't been available in recent years. For this area of Saco to be transformed, there needs to be a mix of uses. The addition of residential units will help bring other new development to Camp Ellis.
 2. The proximity of these lots to the pier and jetty offer the residence a spectacular location but still protected from the Ocean.
 3. These units have all the public utilities available to them and with a reduction in pavement we will see improvements to the existing stormwater impacts.
 4. This proposed use, replacing the existing restaurant, will also reduce the traffic volumes in and around Camp Ellis including delivery vehicles.
 5. Residential use will have the potential to minimize the existing noise, litter, dumpster services and load exhaust fans.
- B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:
1. The guiding principal of the City's effort to manage the use of land should be to encourage a development pattern which maintains the historical pattern of a built-up urban center surrounded by a rural outlying area. To facilitate this pattern the City should focus on directing development to vacant or underutilized area within the built-up area or to designated development area on the fringe of the built-up area where public water and sewer service is or can be provided and on directing development away from area with natural constrains for development or in which public services are not available.
 2. New development should be accommodated in designated growth areas where the City can provide municipal services and where development can occur in an environmentally sensitive manner. As a general principle, these areas should be served or should be able to reasonably be served by public water and public sewer service.
 3. The City should assure that residential growth is accommodated in appropriate locations that are properly zoned and able to be provided with public services.
 4. The City should continue to provide for the construction of a wide range types of housing at a variety of densities and types to assure that a diversity of people can continue to live in the City including younger households.
 5. The City should allow residential development at higher densities in those areas where sewer and water services is available than in those areas where service is not available.
- C. The proposed use is consistent with the existing uses and permitted uses within the original zone.

1. The original zone is the B5 zone, here described in the Zoning Ordinance, Sec. 406-5. The B5 classification is designated for areas of Marine Business and Residential District is intended to encourage a mix of marine oriented uses as well as residential uses and small scale tourist facilities in the Camp Ellis area.
 2. Allowed uses in the B5 districts include single family dwellings, public parks and playgrounds, places of worship, two-family dwellings, day care centers, and bed and breakfast establishments.
- D. The conditions proposed are sufficient to meet the intent of Section 1403 Contract Zoning, of the Saco Zoning Ordinance.

Christy Kenney, KW Architects: These buildings are designed for flood zones under the Fema, Federal standards. They will be Beach Cottage style. **Deborah:** Aren't you restricting the public access? **Rene:** The buildings in that area are 35ft in height. He doesn't recall any other buildings that tall. **Christy:** The buildings are per Fema guidelines. **Rene:** The stone wall ends at Beach Ave. Over time it has been encroaching on neighbor's property. **Angela Blanchette, city engineer:** She hasn't been with the City long enough to see that movement. **Neil:** Parking will go away in front of Wormwoods? **Bill:** Yes.

Board discussion about the spaces being Public Access and not belonging to Wormwoods.

Neil: Don't understand increasing the density in an area that is very vulnerable. **Bill:** Residential units vs. a restaurant, the lot coverage is not much different.

Don: Move to open the public hearing, seconded by Donna. Vote was 5-0

Paul Descoteau, 14 Beach Ave.: His house faces one of the units. Anything done to that building, will only improve this property, however there is a lack of water pressure. He has lived there for 68 years and parking is an issue. **Faye Casey, Sunset Ave:** The only concern she has is the lack of parking, because the ordinance requires 2 spaces for unit. **Jennifer Southworth, 11 Bay Ave:** She is in favor of the project, but parking is a concern. If the size was smaller, it would be better. The number of units is a concern. **Mayor:** He has purchased a Trolley that will make a loop from Old Orchard Beach to Camp Ellis and then to the Train Station. It is important to highlight Saco, especially Camp Ellis. Saco is under sold. We need to get people from away and bring them in and show what Saco has. Bernie's project will enhance that area. **Robert Bourque, 15 Bay Ave:** He has lived there 48 years. This project has too many units. Parking is an issue. It doesn't fit into this area. It should be kept has a fishing village. He is not for it. **Mark Bourque, 17 Bay Ave:** This will change the character of the area. Because of this large project, it will leave a negative impact on renters. The fishermen will have minimal parking. By allowing this project to go forward, is this going to be a trend? Is Midge's property going to be next, where someone will want to build a large building? What about in the case of an evacuation event? **Rita Bourque:** Summer people say that they have a "diamond in the rough".

Kellie Mueller-Perrault, 19 Beach Ave: This is a small fishing village. Because of the problem with erosion, she hires contractors every year to work on her yard. Parking is a problem. She has wonderful views and doesn't want to lose it. She does not approve of condos, which would overpopulate the area. Maybe they could build single houses. **Roxanne Molina, 23 Camp Ellis Ave:** Project is too big for the area. Camp Ellis can't handle it. **Bernie Saulnier, applicant:** this plan is not etched in stone. He will come back with something different because he has listened to your comments. Renters have to follow rules. It's a quant place. He is not building a high rise. SRCC wants to see their elevations. It will be the same footprint as Wormwoods. **Bill Thompson:** They are not going to impact the fishing pier. They will work with what is already there.

Don: Move to close the public hearing, seconded by Rene. Vote was 5-0

Don: density is a big issue. This area is tighter than downtown zoning. It's too dense on the surface under the contract zone. Although the setback doesn't seem drastic. He doesn't think it will enhance the area by adding more residential housing. This type of development will change the look in that area. Residential shouldn't take precedence over adding restaurants, shops, etc. There needs to be a mix. **Rene:** With the rising sea level, in 30-40 years, it may not even be there. Why would anyone want to invest there? **Don:** It would be less risky to invest in commercial property and lose it. **Donna:** She doesn't see where it meets the Comp Plan.

Findings of the 4 Standards.

A. Is the land with an unusual nature or location:

Rene: Move to make a positive recommendation. No one seconded. Motion fails.

Don: Move to make a negative recommendation, seconded by Deborah. Vote was 2-2. Motion passes.

B. Is it consistent with the Comprehensive Plan:

Donna: Move to make a negative recommendation, seconded by Don. Vote was 5-0. Motion passes.

C. Is it consistent with, but not limited to, the existing uses and permitted uses within the original zone:

Rene: Move to make a negative motion, seconded by Don. Vote was 5-0. Motion passes.

D. Are the conditions proposed sufficient to meet the intent of this section:

Deborah: Move to make a negative recommendation, seconded by Donna. Vote was 5-0. Motion passes.

Donna: "I move that the Board forward a negative recommendation to the City Council for the contract zone application submitted on behalf of Seaside Saco LLC that would allow a Multi-Family Dwelling to be constructed on the parcels at 16 Bay Avenue and 13 Beach Avenue." Seconded by Rene. Vote was 5-0. Motion passes.

3. Public hearing: a request from the City Administrator that the Planning Board evaluate alternatives for the disposition of the property at 42 Fairfield Street, as outlined in Chapter 81 of City Code.

Hamblen: 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 is the parcel at 42 Fairfield Street, a single family home on a +/-7,405 s.f. lot.

You'll see from attachments that the City has come into ownership of the property due to a series of events. The City now seeks to divest itself of the property, and a Planning Board recommendation is requested.

Per Chapter 81, several departments have been asked for comments, attached. Chapter 81 lays out options. 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."

Rene: He is a little concerned about the background of this property. Two brothers owned it and one of them is in jail. What if it's sold and the guy in jail gets out and comes back to his house and finds someone living there? **Don:** Not having the house occupied is more of a concern. **Bob:** It would be sold at fair market value.

Don: Move to open the public hearing, seconded by Donna. Vote was 5-0

Cliff Santamore, 11 Brenda Circle: He represents 26-28 Fairfield St. Rumor- Nobody knows the whole story. He would like the City to make it public with the details, on what the City decides to do. With TA buying up properties, doesn't really increase values, but in fact it decreases.

Don: Move to close the public hearing, seconded by Deborah. Vote was 5-0

Don: "I move that the Board recommend to the City Council that the property at 42 Fairfield Street be sold." No motion was seconded.

Donna: I move that the Board recommend to the City Council that the property at 42 Fairfield Street be sold, with full disclosure".

Don amended his previous motion to add full disclosure. Seconded by Donna. Vote was 5-0. Motion passes.

4. Public Hearing: review of proposed amendments to the existing site plan and subdivision plan for the Building 4 portion of Saco Island. Applicant is Chinburg Builders, Inc. Tax Map 37, Lots 8-1 and 1. Zoned B-4.

Hamblen: The Board voted to approve the preliminary subdivision plan at its meeting of Feb. 3. The applicant has submitted a final plan set, revised through March 2, and responses to several issues pertaining to the engineering, lighting, landscaping, and the proposed completion of the River Walk Trail which would cross a portion of the westerly perimeter of the applicant's property. The City's reviewers have followed up with further comments, while the lighting and landscaping have been finalized.

Current status of remaining issues:

- Staff met on March 13 to review progress on the sewerage plan. Existing uses Saco Island Apartments (formerly Boiler House Lofts) and the Amtrak station will be connected to the revamped system being proposed by the applicant, which will effectively separate users on the northerly half of the Island from the southerly half, and address longstanding sewer service concerns. The applicant's willingness to address the situation is greatly appreciated.
- The Traffic Movement Permit modification was issued on March 13 by MDOT. Staff has several questions about it, and to the extent that answers are available, we'll have them at the meeting.
- See Matt Assia's discussion of River Walk Trail and Traffic Demand Management issues in his letters of March 6. Joe Laverriere has agreed with Matt's projected cost estimate of \$82,548 for completion of the gap in the trail that lies on the Building 4 parcel. This would complete the Trail loop around the Island – a nice accomplishment for the City. Also, a great amenity for the project's tenants.
- Open space and recreational facilities impact fees would total \$117,670 based on the breakdown of 98 studio and one-bedroom units, and 52 two-bedroom units provided by the applicant. Board members are aware there is precedent for "partial" efforts being made to address open space and rec facilities, with the impact fees being pro-rated to recognize such efforts. Staff is supportive of taking the cost of the Trail right off the top of the impact fee requirement, resulting in a reduced impact fee total of \$35,122, or \$234.15 per unit.
- The same is true of the Site Law modification. The draft Conditions of Approval address each of these permits as being works in progress.
- Re: landscaping review from Regina Leonard – vegetative screening for transformer and stormwater treatment areas are addressed in draft Conditions of Approval.

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, 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.

B. 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.

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.

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.

Mr. Avery reports that the DEP Site Law permit modification should be complete by April.

Conditions of Approval have been updated as of this day, with item #4 being revised. New plans will be submitted only for minor items, such as vent on pump station.

Diane Morabito, Maine Traffic Resources: A Traffic Warrant Analysis is not expected to trigger a Warrant. There is not a lot of traffic being generated for this building. Most vehicles take right turns.

Neil: No recognition for the Pepperell Square light? **Don:** He agrees with Neil. If we get to 85%, will MDOT warrant a light? **Diane:** If it doesn't meet a warrant MDOT won't add it.

Don: Synchronization of the Pepperell Square light would be helpful.

Donna: Move to open the public hearing, seconded by Rene. Vote was 5-0

An abutter questioned, that if someone got hurt on the walkway, is it covered by someone? Maybe a sign should read "Pass at your own risk?" **Bob:** Can't guarantee anything. It's a public access and the first party is the City of Saco. Wayfinding signs will be installed.

Don: Move to close the public hearing, seconded by Donna. Vote was 5-0.

Neil: He is very disappointed in the results of the Traffic Movement report.

The Board discussed the changes in the updated COA as noted below.

Conditions of Approval
Chinburg Builders, Inc., Building 4 Redevelopment
Final Subdivision, Site Plan Review

March 17, 2015

1. All work shall be in conformance with the approved plans submitted by applicant Chinburg Builders, Inc., 3 Penstock Way, Newmarket, N.H., and prepared by Oak Consulting Group, P.O. Box 1123, Newburyport, MA 01950.
2. No deviations from the approved plans are permitted without prior approval from the Planning Board for major changes, and from the City Planner for minor changes. The determination of major or minor shall be made by the City Planner.
3. Failure to commence substantial construction within twenty-four (24) months of this approval shall result in this approval becoming null and void, per Sec. 6.5 of the Subdivision Regulations. A two year extension of this approval may be granted by the Planning Board upon written request prior to expiration of the initial two year period.
4. Test pits in the area of Main and Gooch Street are required prior to the start of any utility installation. The Owner shall coordinate with the City on the realignment of the existing private sewer service from the CMP substation, and will submit an acceptable alignment for the proposed force main to convey flows from the proposed pump station back to the existing Main Street force main.
5. Approval is subject to the condition that the applicant is granted an amended Site Location of Development permit prior to the start of site work. The applicant shall seek further Planning Board review in the event of failure to secure said amended Permit. A copy of the amended Site Law permit shall be submitted to the Planning Office prior to the start of site work.
6. Section 10.2 of the Subdivision Regulations and Article 16 of the Zoning Ordinance provide the basis for open space and recreational facilities, and impact fees in lieu of open space if open space and/or recreational facilities are not provided. The Open Space and Recreational Facility Impact Fees shall apply, and are due at the issuance of building permits for residential dwelling units throughout the project.

The applicant proposes to complete a section of the River Walk Trail on Saco Island, thereby fulfilling a City goal of completing a publicly accessible looped walkway. The applicant has submitted a cost estimate for the design and construction of a 230 foot section of said Trail totaling \$82,548.

Further, the applicant has submitted a River Walk and Traffic Demand Management Plan, which includes an accounting of number of proposed residential units and number of bedrooms. Based on formulas found in Article 16, the total Open Space and Recreational Facilities Fee would be \$117,670. With the value of the segment of River Walk Trail

proposed for construction by the applicant subtracted, the remainder of \$35,122 shall be due for Open Space and Recreational Facilities, or \$234.15 per unit.

If the amounts specified should change after final approval is granted, applicant and City staff are authorized to move forward on the basis established herein: that completion of that portion of the River Walk Trail controlled by the applicant is a desirable goal, and that the total cost of that work may be subtracted from the \$117,670 impact fee that would otherwise be required.

7. The applicant has stated its intent to complete the River Walk Trail on Saco Island. A gap exists from the applicant's westerlymost property line, abutting an FPL Energy Maine Hydro LLC/Brookfield White Pine Hydro LLC parcel (Tax Map 37, Lot 4), to the westerly end of the Building 108/Saco Island Apartments parcel, which the applicant is uniquely positioned to address. In that credit is being applied in lieu of full payment of the Open Space and Recreational Facilities impact fee, completion of this gap in the River Walk Trail is required. The design of said section of the Trail is subject to review and approval of City staff prior to the start of construction.

8. Street trees proposed within the Main Street and Gooch Street right of way are subject to approval by the Saco Parks and Recreation Department prior to installation. Vegetative screening shall be provided adequate to provide visual screening for the transformer location and for the proposed stormwater treatment areas. The applicant shall coordinate installation with the Department.

9. Removal of accumulated snow from the project site is required if on-site parking becomes impacted due to the loss of parking spaces in the winter months.

10. The applicant is working with the Island Terrace Owner's Association (ITOA) and landowner Florida Power and Light (FPL), for the purpose of providing a potential vehicular connection over FPL property from the westerly end of the Island Terrace parking lot to the westerly end of the proposed Mill 4 parking lot in order to enhance vehicular circulation on the West Parcel. In the event that future traffic signal installations and/or activations restrict left turns from the existing Building No. 2/ITOA curb cut, the applicant shall design and construct this connection and shall cooperate in a good faith manner with ITOA, FPL/Brookfield, and/or with the City of Saco in order to cause said connection to occur. Construction of such connection will be located on FPL property and therefore subject to FPL approval.

11. The applicant has proposed a River Walk and Traffic Demand Management Plan dated March 6, 2015, including the provision of exterior bike racks and interior bike storage, and taking several actions intended to promote alternatives to personal vehicles. Demand for exterior bike racks shall be monitored and increased as necessary. The City is agreeable to said River Walk proposal and management plan, which shall be addressed in full to the satisfaction of City staff. Said plan shall be augmented with the following:

- A TDM coordinator shall be designated by the applicant, which may be assigned as additional duties to an individual or firm managing the properties. Said coordinator shall be responsible for posting updated bus schedules including maps and routes, car share information and Amtrak schedules in the lobby as well as other information relevant to promoting and encouraging greater use of biking, walking and transit.
- Interior bicycle storage shall be for residents of the property and shall be in a controlled access room or rooms.
- Tenant packets shall be made available when a lease is signed containing bus schedules including maps and routes, car share information and Amtrak schedules in the lobby as well as other information relevant to promoting and encouraging greater use of biking, walking and transit.
- The applicant shall consult with the Biddeford, Saco and Old Orchard Beach (BSOOB) transit district regarding providing a limited number of bus tokens to tenants as a way of encouraging tenants to familiarize themselves with this option, with two (2) tokens to be provided to the initial tenant(s)_of each unit.
- The applicant shall monitor the Plan annually for a minimum of three (3) years following full occupancy of the site. A report shall be filed annually with the City. Said report shall include a survey of tenants to determine tenant vehicle ownership, use of transit options including bicycles, and on-site parking demand.

12. Comments provided by Joe Laverriere, P.E., of FST in a memo dated March 9, 2015 shall be addressed in full by the applicant to the satisfaction of Mr. Laverriere and/or City staff prior to submission of the final subdivision plan.

13. The Applicant (Owner) is required to provide the City with a Signal Warrant Analysis for the intersection of Gooch Street and Main Street when development reaches 85% of the volume of trips to be generated based upon proposed and existing uses during the weekday peak hour. Once reviewed and accepted by the City of Saco and Maine Department of Transportation, a signal may be warranted and all costs associated with new traffic signal will be incurred by the Applicant (Owner).

14. Main St/Beach St. Intersection – the applicant shall pay the City of Saco an impact fee of \$25,000 to construct radius improvements prior to issuance of a Certificate of Occupancy for Building 4.

15. North St./Elm St. Intersection -- the applicant shall pay the City of Saco an impact fee of \$25,000 to construct radius improvements prior to issuance of a Certificate of Occupancy for Building 4.

16. The applicant shall provide the City with an itemized, per unit cost estimate for site work by completing the ‘City of Saco Performance Guarantee Cost Estimate Worksheet’ provided by the Planning Office, and a construction schedule, at least one week prior to the start of site work.

17. A Financial Guarantee acceptable to the City of Saco, as called for in Section 1110 of the Zoning Ordinance shall be submitted by the applicant prior to the issuance of permits or site work being initiated. The Financial Guarantee shall be established for 150% of the cost of the following improvements: site work including but not limited to site preparation, utility

installation, landscaping, paving, work within ROW, drainage, loam & seed, sediment & erosion control. The Financial Guarantee may be reduced as work is completed, based on written requests to the Planning Office and subsequent inspections by the City's agents. The Financial Guarantee shall be maintained for the duration of the project.

18. Prior to work commencing, the applicant shall establish a construction inspection account equal to 3% of the base cost of the financial guarantee, or 100% of the projected cost of inspections provided by FST.

19. No permits shall be granted nor shall work commence until one mylar set and three paper sets of the final plans have been received by the Planning Office and signed by the Planning Board. AutoCAD files and PDF files of same shall be submitted either on disc or via e-mail. A signed mylar original of the plan shall be recorded at the York County Register of Deeds within ninety (90) days of the date upon which said plan is approved and signed.

20. Prior to any construction activities, the applicant and contractor shall meet with the Public Works Engineer, City Planner and inspecting engineer to review the approved final plan, inspection schedules and erosion control practices.

21. As-built plans shall be submitted and found acceptable by staff prior to the final release of funds held by the City. Three copies of the as-built plans shall be submitted for review. Upon a finding that the as-builts are acceptable by the City, a complete mylar set of as-builts, two paper sets of as-builts, and an electronic CAD file of same on disc shall be submitted to the Planning Office.

22. At completion of the project, a written request shall be submitted for final inspection and release of the review/inspection account. Upon receipt of this written request, the City Planner shall circulate the request to all City departments that were involved in the initial review of the project. Final review of the project by the Public Works Department and the City's consulting engineering firm shall be completed.

With the above Conditions and the accompanying Findings of Fact, the City of Saco hereby finds that the applicant has satisfied the requirements set forth in the Zoning Ordinance and the Subdivision Regulations. Approval is hereby granted for the final subdivision plan, contingent on these Conditions of Approval.

Voted by the Saco Planning Board on March 17, 2015.
On Behalf of the Planning Board,

Robert H. Hamblen, City Planner

Diane Morabito: Is it fair to ask the applicant to pay all \$50,000, when they are only generating half or less than half the trips? Could they pay just \$25,000 and let the other \$25,000 be paid by Saco Island Development?

Donna: "I move that the Board grant approval for the final 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 March 17, 2015.”
Seconded by Deborah. Vote was 5-0. Motion passes.**

Meeting adjourned at 9:00pm

Respectfully submitted by,

**Maggie Edwards
Board Secretary**