



CITY OF SACO, MAINE

Planning
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Minutes
Planning Board
April 4, 2017

Attendance Record

✓ = Present / A = Absent / E = Excused

Neil Schuster, Chair (excused)

- | | |
|----------------------------|------------------|
| ✓ Don Girouard, Vice-Chair | ✓ Marty Devlin |
| ✓ Michael O'Toole | ✓ Peter Scontras |
| ✓ Rene Ittenbach | ✓ Vangel Cotsis |

NOTE: Meeting is audio recorded. These audio records will be posted on the City's website and available for public review within one week of the meeting.

5:00 p.m.
Workshop

- Sketch plan review of a proposed Office of Tradesmen or Contractors on the parcel at 1010 Portland Road. Applicant is Cary Seamans. Tax map 64, lot 12 and a portion of lot 13. Zoned MU-3.
- Sketch plan review of a proposed contract zone that would allow a seasonal Eating Establishment at 139 McKenney Road. Applicant is Michael Whitmore. Zoned C-1.
- Review of proposed amendment to Article 2, Sec. 2.2, Administration of the Subdivision Regulations

5:30 p.m.
Regular Meeting

1. Minutes of March 15, 2017 – **motion by Michael to accept the minutes as presented, seconded by Marty, and so voted, 6-0.**
2. Public Hearing: review of a proposed amendment to the subdivision and site plan for Saco Island West, Building 3. Applicant is Saco Island West, LLC. Tax map 37, Lot 1. Zoned B-4.

Hamblen: Building 3 on Saco Island includes the Run of the Mill brew pub and restaurant on the first floor. The current proposal would amend the 2007 approval by allowing more, smaller residential units on the 3rd and 4th floors, while calling for 2 residential units on the 2nd floor, which back in 2007 was proposed for use as professional office. The two proposed units would use only about a quarter of the space on Floor 2..

As longer serving members will recall, site plan and subdivision approvals were granted for the SI Development, LLC project on Saco Island on July 17, 2007. The project included perhaps 2/3 of the island: portions of Building 1, Buildings 3, 4, and 7 on the west side of the island, and a proposal for thirty condominium units on the easterly side of the island/Main Street. The DEP reviewed and approved the Site Location of Development permits for the project – one for the east side, one for the west -- the Saco River Corridor Commission also issued an approval, as did the U.S. Army Corps of Engineers.

Just as the number of lots in a subdivision is approved only by the Board (not staff), it was the feeling of staff that with the proposed change in the number of dwelling units, this should be reviewed by the Board. There will be no exterior changes to Building 3.

Also, see item 17 from the July 17, 2007 Conditions of Approval for the SI Development, LLC project on Saco Island:

17. The applicant has stated that, on the West Parcel, forty-two (42) new residential units are proposed within Building No. 4, in the easterly half of the building, on floors 1, 2 and 3; that five (5) new residential units are proposed within Building No. 3 on floors 3 and 4; and that, on the East Parcel, thirty (30) new residential units are proposed as new construction. The applicant shall adhere to this total of seventy-seven (77) proposed residential units, in buildings and on specific floors as proposed. A change to the number of proposed units or the location of said units shall be regarded as a major change to the plan, and shall be subject to review by the Planning Board.

So, this will be a two meeting sequence, at a minimum: review of a preliminary plan, and review of a final plan, concurrent with the amendment process for the site plan approval.

The applications for site plan review and for preliminary subdivision review were found to be complete during the 2007 review. The findings of fact and conditions of approval from the 7/17/07 final approvals can be found on pp. 4-14 of the submitted application.

With that said, it has to be anticipated that upon submittal for an amendment to an existing site or subdivision plan, there is also submitted additional information that would allow staff and a planning board to determine whether approval criteria has been met. Staff believes that the following items have some bearing on this application:

1104-1.4 applicable approvals and permits – do the additional 19 units change the Site Law permit approval, or Traffic Movement Permit, in any way?

- Steve Landry, MDOT: “Once we issue a permit, if they want to amend uses and not change trips for the worse, I am ok with the current permit.” Staff is of the opinion that the number of trips generated by the 2007 mix of uses for Building 3 would be greater than the 2017 existing and

proposed uses. The applicant has been asked to verify that with an estimate of trips, we expect to see by the meeting.

- Bob Green, Maine DEP: “Revising the use and the number of units within the building will result in changes to the water/wastewater usage authorized in the ’07 permit and so would require a revision to that permit. By all accounts the Department would consider this a minor amendment. If the City would like delegated review authority, then I do not anticipate there being a problem with that here.”

Accordingly, the applicant is preparing an application for a minor amendment to the 2007 Site Law permit, which will be reviewed by staff, and will be part of the Board’s review at the second meeting on this application.

Re: approval criteria, Sec. 1106, most are easily addressed per the ’07 approval. In addition, the applicant has provided responses to Sec. 1106.21 – additional standards in shoreland areas, as the project is in the Saco River Overlay Zone.

An issue of interest is that of financial capacity (Sec. 5.2.3(10)). A request has been submitted stating that a financial lender will be selected in early May, and that a commitment letter would be submitted at that time. So, a waiver of 5.2.3(10) would be necessary, as nothing has been submitted to date. See related documents, attached: March 2 and March 23 e-mails from the City Attorney, and a March 8 letter from the applicant’s attorney.

With all this said, the applications for both site plan and preliminary subdivision review – with the exception of 5.2.3(10) -- are complete, in the estimation of staff, based both on the original 2007 applications, and the proposed amendment submissions.

Don: I’m troubled by the waiver request. (City Attorney) Tim Murphy doesn’t support substantive review until the financial and technical capacity, and a commitment letter, are resolved. I’m inclined not to waive, and to table for evidence of financial capacity. Don: Tim pointed to several issues – the mezzanine, an elevator, the heating and cooling system -- that are still under the control of the “entity/applicant.” Vangel: what is the identity of the applicant? It should be within the capacity of the Board to know who the applicant is.

Peter: I move that the Board finds the application submitted by Saco Island West, LLC to be incomplete, and direct the applicant to submit sufficient information as to financial and technical capacity, and a plan to remedy previous commitments, to the satisfaction of the City Attorney and relevant City staff, seconded by Michael. Don: a letter from a financial institution should be reviewed by the City Attorney. Would you consider adding to the motion, “whatever is submitted shall be reviewed by the City Attorney for a determination that it is adequate to address the identified issues”? Peter agreed to the amendment, Michael agreed to amended his second, and the motion was voted as amended, 6-0.

3. Public Hearing: site plan review of a proposed 40,000 s.f. addition to the existing building at 65 Spring Hill Road (Huttig Building Products). Applicant is Patco Construction, Inc. Tax map 73, Lot 25. Zoned I-1.

(This item was taken out of order and reviewed immediately after the minutes were accepted, recognizing this item was likely to take less time than the Saco Island item.)

Hamblen: the applicant seeks approval for a 40,000 s.f. expansion of the existing 81,440 s.f. building, and an additional 10,000 s.f. of paved surface. The existing building and site improvements are the result of a November, 2000 approval granted by the Board. The site is 12.55 acres in area, and includes both Lots 22 and 23 of the Spring Hill section of the Saco Industrial Park.

Some other topics that were addressed in 2000, and the updates that are proposed:

- Stormwater/Drainage: sheet flow to grassed drainage swales into catchbasins, routed to detention pond with outlet to existing wetlands. Part of the DEP Site Location of Development permit included the requirement that individual stormwater management plans be submitted for Bureau of Land and Water Quality approval prior to construction for certain lots; lots 22 and 23 were included in this requirement.
- Landscaping/Lighting: a buffer was planted along the Spring Hill Road frontage. New lighting fixtures are limited to wall-mounted units
- Traffic: previously reviewed and approved by the MDOT under the Site Location of Development permit issued for the “City of Saco – Proposed Industrial Park Expansion” on March 8, 1999.
- Buffer Strips: part of the DEP Site Location of Development permit included the establishment of “buffers along the two tributaries of Mill Brook that traverse the project site.” The impact on this application was a 360 foot long, 150 foot wide, non-developed buffer, which then increases to an approximately 220 foot long, 205 foot wide “Conservation Easement to Preserve Wetland and Upland Buffer Vegetation” created and maintained by the City. The buffer area totals 2.25 acres, and will remain in place, not impacted by this expansion.
- Solid Waste Disposal: waste as generated by office and light manufacturing processes is disposed of in on-site dumpster hauled by licensed solid waste contractor.

The project engineer is Shawn Frank, P.E., of Sebago Technics. Keith Gray, P.E., and Greg Patterson, Patco, attended the meeting.

The application was complete for the 2000 review, and staff would suggest that the information provided for the proposed amendment is sufficient to allow both a complete staff and Board review. See Mr. Frank’s discussion of the amended application information that has been provided in his March 6 letter, and follow-up of March 28. The draft conditions of approval address the DEP-required and issued Condition Compliance.

Vangel: I move that the Board find that application for an amendment to the site plan for the Huttig Building Products Facility at 65 Spring Hill Road to be complete, seconded by Rene, and so voted, 6-0.

Buildings in the industrial park are not subject to design review. The Economic Development Commission (EDC) does review projects in order to ensure that park covenants, including the exterior appearance of buildings, are met. The primary issues with the expansion are going to be stormwater, with minor increases in traffic also expected.

Michael: I move that we open the public hearing, seconded by Marty, and so voted, 6-0. Deputy Chief Dave Pendleton: is a wall or door proposed between the existing and new sections of building? Two overhead doors are proposed. It is not a rated wall. Bill Mann, Economic Development Director: we welcome the addition. Marty: I move that we close the public hearing, seconded by Rene, and so voted, 6-0.

Rene: I move that the Board grant approval for the proposed amendment to the Hutting Building Products site plan based on the Findings of Fact and Conditions of Approval dated April 4, 2017, seconded by Marty, and so voted, 6-0.

Meeting was adjourned at approximately 8:00 p.m.

Submitted by,

Bob Hamblen, City Planner