



# CITY OF SACO, MAINE

**Planning**  
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Minutes  
Planning Board  
April 18, 2017

## Attendance Record

✓ = Present / A = Absent / E = Excused

- |                                    |                        |
|------------------------------------|------------------------|
| ✓ Neil Schuster, Chair             |                        |
| Don Girouard, Vice-Chair (excused) | Marty Devlin (excused) |
| ✓ 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 Planned Development on the east side of Saco Island. Applicant is Bernie Saulnier. Tax Map 37, Lot 6. Zoned B-4 and Saco River Overlay. Mr. Saulnier, architect David Lloyd, and Steve Bushey, P.E., Stantec were present to discuss current iteration of a plan calling for condo units, a hotel, restaurant/retail and a community center.
- Sketch plan review of a proposed 14 lot subdivision off Jenkins Road. Applicant is Lesley Leighton. Tax map 91, Lot 6. Zoned C-1. Mr. Leighton and Michael Tadema-Wielandt, P.E., were present to discuss the project.

5:40 p.m.  
Regular Meeting

1. Minutes of April 4, 2017 – **motion by Vangel to accept the minutes as presented, seconded by Rene, and so voted, 5-0.**
2. Public Hearing: conditional use review of a proposed Eating Establishment at 9-11 Beach Street. Applicant is CIA Café Saco, LLC. Tax Map 32, Lot 97. Zoned B-7.

Hamblen: Applicant CIA Café Saco, LLC, represented by Bill and Jeannie Dunnigan, proposes to convert the first floor space at 9-11 Beach Street into a café; what the Ordinance views as an Eating Establishment. The first floor encompasses 2,016 s.f. of floor area and indoor seating for up to 48 patrons. The concept is based on the original CIA café in the Knightville section of South Portland, a leading factor in the renaissance of that neighborhood.

As a result of a recent amendment to the Ordinance, Eating Establishments are now a conditional use in the B-7 zone. The applicants also submitted a plan for historic review, as the property is in the Historic Preservation District. The changes proposed to the Middle Street side of the building – landscaping, a low stone wall to separate the parking lot from the entrance, a stone façade at the entrance – were looked at by the HPC, and judged to be minor in nature; a staff level approval was granted.

Rarely does a proposal that appears on a Planning Board agenda slide through without a hitch. In this case, it's parking. The applicants have viewed the on-site situation as being very acceptable for parking, with 12 spaces in an existing paved lot. The Ordinance may be the problem: it requires one space for every 75 s.f. of floor area, or 27 spaces in this case.

**Michael: I move that the Board find the application for a conditional use permit complete, seconded by Vangel, and so voted, 5-0.**

**Vangel: I move to open the public hearing, seconded by Michael, and so voted, 5-0.** Dawn Gaddis, 5-7 Beach Street: you won't be using the small parking lot between our building and yours for customers? Bill: no, only for the 2<sup>nd</sup> floor tenants. No deliveries using that lot? No, but deliveries may pull into that driveway. Michael ?? – would like to see the café there. ?? – will there be a sign? Yes, in the existing location, not huge – 2' x 3' and oval. **Vangel: I move to close the public hearing, seconded by Michael, and so voted, 5-0.**

**Rene: I move to table this application for a parking solution, seconded by Vangel, and so voted, 5-0.**

3. Public Hearing: final plan review of the proposed Clarks Hill Lane five lot subdivision off Ferry Road. Applicant is JW Group, LLC. Tax Map 18, Lot 8. Zoned R-1a.

Hamblen: this 5 lot subdivision (one existing house, four new lots) received preliminary plan approval by the Board on March 15, 2017, after the March 14 meeting was postponed by a snowstorm. The applicant has provided responses to the City Engineer's most recent comments. Otherwise, little has changed. Lots would be served by public sewer and water, and underground electric, cable, and telephone. Project engineer Paul Gadbois has designed a stormwater management plan that incorporates capturing runoff from roof drip edges, a Best Management Practice promoted by the Maine DEP, and a filter pond just east of the turn-around at the end of the street.

**Michael: I move that the Board find the application for the Clark's Hill Lane final subdivision plan to be complete, seconded by Peter, and so voted, 5-0.**

**Vangel: I move that we open the public hearing, seconded by Rene, and so voted, 5-0.** John DeSimone, 220 Ferry Road: will wetlands fill, or spring runoff affect my property? Due to the first (March 14) meeting being held the next day (due to snowstorm), I missed the opportunity

to hear and comment. **Vangel: I think the onus is on the abutter, too, to verify the next meeting date. DeSimone: I was not noticed of the March 15 meeting. That was not done well or correctly. Rene: I move to close the public hearing, seconded by Michael, and so voted, 5-0.**

**Vangel: I move to table further review to give proper due process up until the next regularly scheduled Planning Board meeting, seconded by Michael, and so voted, 5-0.**

4. Public Hearing: conditional use review of the proposed addition of a residential unit to an existing single-family dwelling at 6 Outlook Avenue. Applicant is Girouard Home Services, LLC. Tax Map 11, Lot 113. Zoned R-1c and Coastal Development Overlay District.

Hamblen: Applicant Girouard Home Services, LLC, represented by Don Girouard, proposes to convert the existing single-family dwelling at 6 Outlook Avenue into a two-family dwelling with the addition of 694 s.f. of living space, and a 193 s.f. deck. Two-family dwellings are a conditional use in the R-1c zone. Mr. Girouard explored the possibility of an Accessory Apartment initially, but they are not an allowed use in the shoreland zone, which this parcel is in – the Coastal Development Overlay District.

A two-family can be handled as a minor conditional use, and was submitted as such. The Planning Department has received a handful of responses from abutters about this application. Customarily, if the neighbors are interested, the application is then moved onto a Planning Board agenda, in order to provide the opportunity for a public hearing. Find copies of the e-mailed comments from abutters in the packet.

The applicant has requested a waiver for three items: Sec. 901-2.1 (k) location and design of stormwater system, (l) landscaping and buffering plan, and (m) lighting details.

**Rene: I move that the Board waive submission items 901-2.1(k), (l), and (m), as formal submission pertaining to stormwater, landscaping and buffering, and lighting are not necessary due to the nature of the proposed project, seconded by Michael, and so voted, 5-0.**

**Rene: I move that the Board find the application for a conditional use permit complete, seconded by Peter, and so voted, 5-0.**

Mr. Girouard provided black binders of collated information to Board members at the start of the meeting. His parents bought the property in 1960, expanded the building in 1980 and moved in. Dad is in a nursing home, mom is 92 and still at home. Family had decided to create an accessory apartment, 694 s.f., one bedroom, with a 193 s.f. deck. They learned that accessory apartments are not allowed in the shoreland zone, so their fallback has become the two-family. Would the City consider changing the ordinance by allowing accessory apartments in the shoreland zone? That would be a delay he doesn't want, and, the amendment might not be approved. He has revised the parking; side by side parking means more tree cutting, which he wants to avoid. Existing vegetation screens the second floor of next door. A fence exists that will be extended due to rental activity next door.

Vangel: I move to open the public hearing, seconded by Rene, and so voted, 5-0. Laurie Dahlem, 10 Oceanside Drive: surprised by the 2-family conversion, it was never mentioned. Seems fast tracked, with no outreach. Many neighbors are seasonal, and not here to respond. The proposed deck is at least partially in the flood zone. It does have to be elevated above the Base Flood Elevation. Kinney Shores is

a limited growth area, this is not consistent with the Comprehensive Plan. The waivers that have been granted indicate those topics are not important, but they are. I want my neighborhood to be as nice as possible. June Sleeper, 11 Outlook: is another expansion possible in the future? Neil: does the deck extending into the flood zone present a problem? Richard Lambert: I'll have to check with Sue Barber (Maine Floodplain Program). Mr. Girouard: the roof as of now is not to be walked on. If the deck needs a flood permit, will drop it and explore the rooftop deck. Is a second floor expansion possible – yes. Laurie: outreach is a concern. Neighbors live in California, Minnesota and Massachusetts, and nobody was around when this was proposed. Nobody called me. My comments went to the Planning Office. Daughter of Laurie: no other Kinney Shores home has a rooftop deck. Mr. Girouard: my concern is that this may be appealed, and I want information in the record. He walked the Board through sections H and I of the binder. There are 138 properties in Kinney Shores; 18 lots are large enough to be two-families. Four two-families exist. Three of 21 have potential in the “vicinity” to become a two family. There are two more two-families at Kinney Shores, but are illegal, and I won't mention them. P. 17 mentions the Comp Plan. P. J1 notes that existing Average Daily Trips are 196. The proposed second unit would add 6.1 ADTs. P. K1 talks about property values.

**Vangel: I move to close the public hearing, seconded by Michael, and so voted, 5-0.**

**Rene: I move that approval be granted for a Conditional Use permit for a Two-Family Dwelling at 6 Outlook Avenue, under the provisions of the Saco Zoning Ordinance, Article 9, Conditional Uses, based on the Findings of Fact and Conditions of Approval dated April 18, 2017, pending clarification of the deck as it applies to the flood zone, seconded by Peter.**

Mr. Girouard asked for clarification of the motion. Rene: will tackle the deck after Sue Baker/Maine Floodplain Program clarifies its position. Mr. Girouard: that's not an issue for the planning board – it's a Code issue. Michael: I look to the conditional use standards to consider approval, and concerned that Sec. 901-4.8 is not addressed without Baker's input.

**The Board then voted on the motion, which passed, 5-0.**

5. Public Hearing: contract zone review of a proposed seasonal Eating Establishment at 139 McKenney Road. Applicant is Michael Whitmore. Tax Map 125, Lot 17. Zoned C-1. **This item was not taken up at this meeting, and will be rescheduled to May 2.**
6. Public Hearing: proposed amendments to Article 2, Sections 2.1.1 and 2.2.2 of the Subdivision Regulations regarding statutory references. **This item was not taken up at this meeting, and will be rescheduled to May 2.**

Meeting was adjourned at approximately 10:00 p.m.

Submitted by,

Bob Hamblen, City Planner