



CITY OF SACO, MAINE

Planning
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Minutes
Planning Board
August 8, 2017
City Hall Auditorium

Attendance Record

✓ = Present / A = Absent / E = Excused

E Neil Schuster, Chair	
E 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.

Workshop
5:00 p.m.

- Sketch plan review of a proposed Elder/Disabled Housing Facility on the site of the 1969-approved Georgetown subdivision off Bradley Street. Applicant is George Giovanis. Tax Map 66, Lot 22. Zoned R-2.
- Sketch plan review of a proposed six unit condominium at 64 Ocean Park Road. Applicant is Plowman Development Group, LLC. Tax Map 34, Lot 18. Zoned B-2c.

Regular Meeting
5:30 p.m.

1. Minutes of July 11 and July 27, 2017 – not available.
2. **Public Hearing: review of a proposed zone change from R-1a to R-2 for the parcel at 47 Ferry Road. Applicants are Mark and Judy Thayer. Tax Map 22, Lot 28. Zoned R-1a.**

Hamblen: Mark and Judy Thayer of 47 Ferry Road have initiated this request, asking that the City consider changing the zoning for his 0.34 acre parcel at the corner of Ferry and Pine Ridge Road from R-1a to R-2. The Thayers have a single-family dwelling, and would like the ability to create two additional residential units in the attached barn.

The Thayers have a second issue to contend with. The parcel works out to 14,810 s.f., while 5,000 s.f. per unit is required for a multi-family dwelling in the R-2 zone. They mention the possibility of acquiring some additional land from an abutter. At this time, however, their parcel falls 190 s.f. short of supporting the proposed 3-unit dwelling.

Staff recalls from the 2002 discussion, and several since then, both Board and Council being concerned about establishing a precedent for future zone change requests: if this one, then why not another one? At the same time, it is recognized that infill and increased density are recognized by the Comp Plan as being generally desirable. Staff anticipates Comp Plan-driven updates to both Ordinance and Map in the next year, and it's possible that this neighborhood could be affected.

Any decision reached by the Board must be supported by the Comp Plan. See attachments for what the 2011 Plan has to say about the Low Density and the Medium Density Residential Development Areas.

Mark Thayer: hope to add two units in the existing barn. We abut the existing zoning boundary. We have parking enough for 3 units.

Mike: I move to open the public hearing, seconded by Vangel, and so voted, 5-0. A number of speakers were concerned with the impacts that may result if the zoning map amendment is granted as requested. **Mike: I move to close the public hearing, seconded by Vangel, and so voted, 5-0.**

Peter: I move not to recommend to the City Council that the zone change proposed for the parcel identified as Tax Map 22, Lot 28 be approved for the following reasons:

- a. A zone change as proposed may set an unwise precedent,
- b. Maintaining current zoning boundaries will protect the interests of abutters,
- c. The proposed rezoning may be an instance of spot zoning.

Seconded by Marty, and so voted, 5-0.

3. Public Hearing: Preliminary Cluster Residential Development Review of a proposed 25 lot subdivision off Chantelle Way, at the rear of the Sierra Woods subdivision. Applicant is Star Homes, Inc. Tax Map 88, Lot 12. Zoned R-1d.

Hamblen: applicant Star Homes, Inc., proposes a 25 lot clustered subdivision on roughly 19.45 acres adjacent to the Sierra Woods subdivision off Buxton Road. The project would be serviced with public sewer and water. Roughly 50% of the site is proposed to be set aside as open space, if the clustered layout is found acceptable by the Board, well in excess of the required 35% of the subject parcel for open space.

The first step in the clustered subdivision review process is preliminary clustered residential development review, the objective of this meeting. Items that bear consideration:

- Sec. 607-2: a registered landscape architect shall be retained to provide a site plan if a cluster development is ten dwelling units or more. Twenty-five lots are proposed. No site plan prepared by an RLA has been submitted. See Determination of Completeness below.
- See Sec. 608 for the procedures to be followed for a cluster subdivision review:
 - 1) The first review – this meeting -- is preliminary Clustered Residential Development Review.
 - 2) This is followed by preliminary subdivision review and final subdivision review.
 - 3) Final Clustered Residential Development Review is conducted simultaneously with final subdivision review, with the determination for Final Clustered Residential Development Review necessary before a determination on final subdivision review. Procedures are as outlined in the Saco Subdivision Regulations, except where alternative procedures and requirements are set out in this Article.
- Staff anticipates interest on the part of homeowners in the abutting Sierra Woods subdivision. They may wonder, if our neighborhood is designed as a non-cluster subdivision, why should this project be proposed as a cluster? Staff believes that it is incumbent on the applicant to provide that rationale.

Additional items of note:

- Lot size may be reduced to as little as 7,500 s.f. with a cluster subdivision in the R-1d zone.
- Lot frontage may be reduced to 75 feet in a clustered subdivision, from the usual 100 feet in the R-1d zone. The submitted plan indicates that frontage for individual lots is reduced to 75 feet.
- Front yard setbacks may be reduced by half, from the R-1d required 25' as allowed under 602-7.C. The submitted plan indicates that front setbacks are being maintained at 25 feet.
- Side and rear yard setbacks may be reduced from the R-1d required 15' as the Board sees fit, as allowed under 602-7.D at the Board's discretion. The submitted plan indicates that side and rear setbacks are being maintained at 15 feet.
- Based on an average density per dwelling unit of 33,882 s.f., 7.5% (63,530 s.f.) of the parcel must be developed for active recreational facilities, per Sec. 604-12. A fee in lieu may be paid: \$1,200 per lot, or \$30,000.

As required in 606-1, the Board shall make specific findings of fact as to whether the cluster proposal addresses those criteria. The burden for demonstrating this falls on the applicant.

See attached checklist. One item not yet submitted: a plan prepared by a registered landscape architect. Is the Board willing to consider waiving this requirement?

Vangel: I move that for purposes of discussion, and to allow the public hearing to be held, the Board allow this to move forward, but to be tabled with no action taken at this meeting, seconded by Rene, and so voted, 5-0.

Marty: I move to open the public hearing, seconded by Peter, and so voted, 5-0.

Rene: there are several cluster subdivisions in Saco, perhaps a list can be provided. We can schedule a site walk, and the public would be invited. Peter: what was represented to Sierra Woods owners (re: plans for development of the proposed Sandy Brook parcel)? Are there other examples of subdivisions with 15,000

s.f. lots? **Peter: I move to close the public hearing, seconded by Vangel, and so voted, 5-0. Vangel: I move to table further review until written responses to the standards for a clustered subdivision are submitted, as well as a site plan prepared by a registered landscape architect, seconded by Peter, and so voted, 5-0.**

4. 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: Board members last saw this application on April 4, at which time discussion took place on whether the application was complete. The Board ultimately tabled review until an acceptable letter from a financial institution is submitted by the applicant.

As previously reported:

Building 3 on Saco Island houses the Run of the Mill brew pub and restaurant. The current proposal would amend the 2007 approval by allowing more (22), smaller residential units on the 3rd and 4th floors, while calling for 2 more residential units on the 2nd floor, which back in 2007 was proposed for use as professional office space. 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 merits review by the Board. There will be no exterior changes to Building 3. Access to the proposed units would be via the existing entry into Building 3/Run of the Mill, facing Main Street.

In addition, 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 (now up to three) 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 applicant has also submitted an application for a minor amendment to the 2007 Site Law permit, which will be reviewed by staff and be part of the Board's review.

In response to the issue of financial capacity (Sec. 5.2.3(10)) discussed at length at the April meeting, City Attorney Tim Murphy has been in communication with the applicant's attorney, and provided the following on July 31:

"I've attached a Commitment Letter from Eastern Bank (sent by Saco Island West's legal counsel) in which the Bank proposes to finance the new project proposed by SIW (so called "Micro-units" in Mill Building 3). It is my opinion that the Commitment of Eastern Bank, as set out, establishes adequate financial capacity of the borrower (Saco Island West, LLC) to complete the project."

With that, the applications for both site plan and preliminary subdivision review are complete, in the estimation of staff, based both on the original 2007 applications, and the proposed amendment submissions.

Mike: I move that the Board find the application for preliminary subdivision review in order to amend the 2007 subdivision approval for Saco Island West to be complete, seconded by Vangel, and so voted, 5-0.

Mike: I move that the Board find the application for amendment of the 2007 site plan approval for Saco Island West to be complete, seconded by Vangel, and so voted, 5-0.

Hamblen: of some significance to the City is the condition of the mezzanine on the southerly side of Building 1, which provides access to spaces within that building and to users of the RiverWalk Trail. The City has been in discussion for some time with the applicant regarding this and also access easements over and across the lower parking level on Saco Island, including access to and from Main Street, and to and from the mezzanine. The applicant has provided draft easements to address all, and a draft agreement for repairs to the mezzanine. The City Attorney has reviewed each of the documents and advises that they are acceptable, while the City Administrator continues to be involved in resolving each with the applicant.

Kevin Sutherland, City Administrator: the Agreement and Easement are now complete. The Building 3 proposal fits in with the neighborhood, and financial and technical capacity has been addressed. The heating plant is still to be addressed. The Board and City staff reviewed the draft Conditions of Approval.

Mike: I move to open the public hearing, seconded by Marty, and so voted, 4-0. Attendees spoke on issues that included the Island Terrace Owners Association, the mezzanine, and the heating plant in Building 4. **Mike: I move to close the public hearing, seconded by Vangel, and so voted, 4-0.**

Mike: I move that the Board grant approval for the preliminary subdivision plan submitted by Saco Island West, LLC for a proposed amendment to the 2007 approval for Mill Building No. 3, Saco Island, based on the Findings of Fact and Conditions of Approval dated August 8, 2017, with the caveat that Condition of Approval #7 be deleted, that more information be provided by the applicant re: COA #13, and that documentation be provided as to projected costs; and that COA #14 be subject to confirmation by the Code Enforcement Office. Seconded by Vangel, and so voted, 4-0.

Meeting was adjourned at approximately 10:00 p.m. Submitted by,

Bob Hamblen, City Planner