



CITY OF SACO, MAINE

Planning
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Minutes
Planning Board
March 6, 2018
City Hall Conference Room

Attendance Record

✓ = Present / A = Absent / E = Excused

Board Members:

- | | |
|------------------------------|------------------|
| ✓ Neil Schuster, Chair | |
| ✓ Don Girouard | E Vangel Cotsis |
| ✓ Alyssa Bouthot | ✓ Marty Devlin |
| ✓ Rene Ittenbach, Vice Chair | ✓ Peter Scontras |

Staff Members:

- ✓ Bob Hamblen, City Planner
- ✓ Joseph Laverriere, City Engineer
- ✓ David Pendleton, Deputy Fire Chief

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.

ITEM POSTPONED AT APPLICANT'S REQUEST -- Sketch plan review of a proposed contract zone for a 38 lot subdivision off Buxton Road. Applicant is Saulnier Development. Tax Map 123, Lot 21. Zoned C-1.

Sketch plan review of a proposed Ecology School use on the parcel at 184 Simpson Road. Applicant is The Ecology School. Tax Map 121, Lot 6. Zoned C-1 and contract zone. Drew Dumsch of TES, John Mahoney, P.E., Jesse Thomson, architect, David Maynes, RLA attended and presented an overview of plans for the school. They have scheduled a community meeting for April 10 at 6:30 p.m. in the auditorium at City Hall. They plan to submit an application and hope to be heard at the April 17 PB meeting.

Regular Meeting
5:45 p.m. (or at conclusion of workshop)

1. Minutes of February 20, 2018
2. Public Hearing: review, acknowledgement, and acceptance of the transfer of ownership of Building 3 on Saco Island from Saco Island West, LLC to ROTM Lofts, LLC. Applicant is Saco Island West, LLC. Tax Map 37, Lot 1. Zoned B-4.

David Perkins, attorney, and Sam Zaitlin were present to represent the applicant. Hamblen: the Board approved the site plan, final subdivision plan, and minor amendment to the Site Law permit for the Building 3 project – 24 apartment units on floors 2, 3 and 4 -- on Saco Island at its meeting of October 17, 2017. Progress is being made: a closing on the property's financing took place on Feb. 23, and, work is nearly complete on the mezzanine, one of the several conditions of approval.

As members are aware, the applicant for which the project was approved was Kevin Mattson dba Saco Island West, LLC. For financing purposes, the developer of the property is going to be The ROTM Lofts, LLC. Out of (perhaps) an overabundance of caution, staff has asked that the developer appear before the Board in order to explain the ownership change, and so that the change can be recognized, reviewed and approved.

Also, see language from the “Standard Conditions of Approval” for the Site Law permit process:

“Transfer of Development. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Planning Board, where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Planning Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.”

And, see the City Attorney's thoughts in the e-mails of Feb. 14 and 15, attached. Tim would have been satisfied to see the “transfer” (though he quibbles with that term) go through and development move ahead without the issue returning to the Board. However, a paper trail making clear what, when and who can't be a bad thing. And, thanks to the applicant who readily understood and agreed to yet another appearance before the Board.

Two other attachments are an explanatory letter provided by the applicant's attorney, David Perkins, and, a copy of the “Assignment and Assumption Agreement” provided by the applicant.

Rene: I move to open the public hearing, seconded by Marty, and so voted, 6-0. Margaret White: do the obligations of Saco Island West, LLC remain the same? Yes, they will now be taken on or shared with the ROTM Lofts, LLC entity. **Rene: I move to close the public hearing, seconded by Marty, and so voted, 6-0.**

Don: I move that the Board grant approval for the conveyance of the property identified as Building 3, Saco Island from Saco Island West, LLC to The ROTM Lofts, LLC based on the applicant's representations in the letter from attorney David Perkins dated Feb. 27, 2018, the

Assignment and Assumption Agreement dated Feb. 5, 2018, and the guidance provided by City Attorney Tim Murphy. The Findings of Fact and Conditions of Approval dated October 17, 2017 shall remain in effect, seconded by Rene, and so voted, 5-1 (Marty).

3. Public Hearing: site plan review of the proposed conversion of an existing two-family dwelling to a multi-family dwelling at 68-70 Storer Street. Applicants are Drazenko and Danijela Rakovic. Tax Map 38, Lot 38. Zoned B-3.

Hamblen: applicants Drazenko and Danijela Rakovic propose to convert the existing two-family dwelling at 68-70 Storer Street to a four unit multi-family dwelling. Board members may recall the first floor being occupied by a restaurant use. But, for zoning purposes, it's a two family now. This conversion to a multi-family must be reviewed under Sec. 230-1102.D. No exterior work proposed. Several submission requirements are proposed for waiver.

Don: I move to waive submission of the following items as being unnecessary due to the nature of the project: Sec. 1104.

- A.2 (c)[2] – names and addresses of abutters
- © [6] – zoning
- ©[6] – location and width of building setbacks
- A.7 – topography
- A.8 – utility plan
- A.9 – landscape plan
- A.10 – boundary survey
- A.18 – lighting plan

Rene: I move to amend the motion, and to not waive the requirement for a landscaping plan and for a lighting plan, seconded by Marty, and so voted, 6-0.

Peter seconded the original motion as amended, and so voted, 6-0, to waive each submission requirement except for landscaping and lighting.

Tim Madden dba Broden Properties, LLC, the owner, and Heidi Nottonson, Keller Williams were present to represent the applicants.

Marty: I move to open the public hearing, seconded by Peter, and so voted, 6-0. Lighting, landscaping, exterior building details, sign removal, dumpster location, existing second entry (westerlymost) were mentioned. **Rene: I move to close the public hearing, seconded by Marty. Don: might suggest we suspend rather than close the public hearing. Agreed.**

Rene: I would like to see this return to the Board with answers and requested items, agreed to by Don and Marty. Neil: a cleaner plan would be helpful.

Don: I move to table further review to a future meeting, seconded by Marty, and so voted, 6-0.

4. Public Hearing: contract zone review of a proposed “events venue” at 95 Heath Road. Applicant is Cole Coletro. Tax Map 108, Lot 1. Zoned C-1.

Hamblen: the applicant, Cole Coletro, proposes a contract zone that would allow him to establish an “event venue” on a 15 acre parcel off Heath Road. A “rustic barn” would be constructed with a commercial kitchen (or local caterers would be utilized) in order to allow events to be held in a rural setting.

As Board members who have participated in Comprehensive Plan updates know, support can be found in the Plan for agricultural uses, but less so for commercial uses in the C-1 zone. Note, however, that some commercial uses – “agriculturally related business uses,” “the processing and/or sale of agricultural products raised on the premises,” and “farm stands” – are allowed as conditional uses in C-1. The applicant notes that the barn, landscaping, and open space would comprise the bulk of the improvements. The parcel is sizable enough that off-street parking should not be a concern.

Don: I move that the Board find the application for contract zone review to be complete, seconded by Rene, and so voted, 6-0.

Hamblen: the CZA would amend Section 230-410-22 in order to allow “Place of Public Gathering” in the C-1 zone, and to rely on either food trucks or a commercial kitchen.

Don: I move to open the public hearing, seconded by Marty, and so voted, 6-0. Jeannine Lamey, 130 Heath Rd.; John McInaney, 108 Heath Rd.; Dennis Nason, 44 Flag Pond Rod.; Marilee Fecouri, 100 Heath Rd. **Peter: I move to close the public hearing, seconded by Marty, and so voted, 6-0.**

Neil: the standards for a contract zone must be met in order for the Board to arrive at a positive recommendation, as set forth in Section 230-1405.F: “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; **Rene: I move to find that the parcel is of an unusual nature and location, seconded by Don. Vote failed, 2-4 (Neil, Alyssa, Don, Marty).**
- B. is consistent with the Comprehensive Plan; **Rene: I move to find that the proposal is consistent with the Comprehensive Plan, seconded by Don. Vote failed, 1-5 (Neil, Don, Marty, Alyssa, Peter).**
- C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone; **Rene: I move to find that the proposed is consistent with but not limited to existing and permitted uses in the C-1 zone, seconded by Don. The vote failed, 2-4 (Neil, Don, Peter, Alyssa),** and,
- D. that the conditions proposed are sufficient to meet the intent of this section. **Rene: I move to find that the conditions proposed are sufficient to meet the intent of Sec. 230-1405, seconded by Don. The vote failed, 1-5 (Don, Alyssa, Neil, Peter, Marty).**

Don: I move that the Board forward a negative recommendation to the City Council for the contract zone proposed by applicant Cole Coletro, for the property at 95 Heath Road, seconded by Marty, and so voted, 6-0.

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

Submitted by,

Bob Hamblen, City Planner