



CITY OF SACO, MAINE

Planning
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Minutes
Planning Board
March 20, 2018
City Hall Conference Room

Attendance Record

✓ = Present / A = Absent / E = Excused

Board Members:

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

Staff Members:

✓ Dick Lambert, CEO (filling in for Bob Hamblen)
✓ Joseph Laverriere, City Engineer

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.

Regular Meeting
5:00 p.m.

1. **Minutes of March 6 20, 2018 – Minutes approved by Don, and seconded by Peter, and so voted 5-0. Vangel was not in attendance when the Board voted.**
2. **Old Business: 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. Item was tabled at the March 6, 2018 meeting.**

Heidi Nottonson, Keller Williams Realty, and Tim Madden, present owner of the Storer Street building, were in attendance on behalf of the applicant, as well as the applicant, Mr. Rakovic.

The Board reviewed the updated plan submitted by applicant, showing the addition of landscaping, lighting, trash removal, the new front roof, sign removal and the keeping of both curb cuts. All of which were discussed at the March 6, 2018 meeting. The Board discussed the changes. **Peter:** asked about eliminating one of the curb cuts on the westerly side. Is there really a need for it? **Heidi:** they would like to keep the second curb cut. It has been there for years. There will be landscaping both in the front and rear of the building. **Mr. Rakovic:** He will make it look nice. **Rene:** suggested that they plant all season plants. The

Board was not in favor of the plant pots. All agreed that plants should be planted in the ground **Don:** his concern is the front roof they are proposing. It is not in character, nor is it consistent with the surrounding buildings. **Heidi:** It doesn't have to be there. The Board agreed that it should be removed from the design.

Don: Move to re-open the public hearing.

Nathan Johnston, abutter at 72 Storer St: The landscaping should include the removal of asphalt and concrete on the front of the building and add greenery, maybe some grass. **Mark Johnston, owner of abutting properties on Elm St, such as 17 Elm St:** The applicant should provide a lighting plan as required by the zoning ordinance. What they provided is not adequate. The buffer on the westerly side doesn't meet the 5ft distance to the abutting property. The landscaping doesn't meet the zoning ordinance. They should find an alternative to the barrels, like planting in the ground. The cinder blocks in front of the building are in the City's ROW. The second curb cut wasn't always there. It was put there when the property became the Thai Restaurant. The plan is colorful, but it is not the right format. The Planner shouldn't be waiving items that are required in the zoning ordinance. **Tim Madden:** the second curb cut has been there since the 90's. **Mr. Rakovic:** He shouldn't have to remove all the concrete when it has always been there.

Don: He suggested the Board take a site walk of the property.

Dick: It is hard to recommend to the applicant to remove the driveway, when it has been there.

Alyssa: just to be clear Mr. Rakovic, will you keep both curb cuts? **Mr. Rakovic:** He can eliminate one of them, but it is easier for him in the winter time for plowing.

Don: Move to suspend the public hearing.

Don: Move to table, pending site walk, seconded by Peter and so voted 5-0 (Vangel wasn't present to vote)

The Board decided to take a Site Walk the next day, Wednesday, March 21st at 5:00pm

Mr. Rakovic, He was discouraged, and announced that he would like to remove his application for site plan. The Board talked him out of pulling his application. **Don:** He asked the applicant to get a professional to mark the boundary of his property.

- 3. Public Hearing: review of technical and financial capacity prior to the proposed sale of a six unit Multi-Family Dwelling at 64 Ocean Park Road. Applicant is Sea Pointe, LLC. Tax Map 34, Lot 18. Zoned B-2c.**

Vangel arrived at 6:450pm

Dick: This six-unit Multi-Family Dwelling was approved by the Board on Dec. 19, 2017, including conditional use, site plan, design review and subdivision review.

King Weinstein dba Sea Pointe, LLC proposes to acquire and develop the property, having found a willing seller in Brian Plowman dba Plowman Development Group, LLC, the original applicant. Mr. Weinstein has submitted a cover letter addressing his technical qualifications to successfully develop the project. Also, a letter from Saco and Biddeford Savings stating its interest in financial the project.

Marty: I move to open the public hearing, seconded by Alyssa, and so voted 6-0

No public comment

Don: I move to close the public hearing, seconded by Marty, and so voted 6-0

Peter: the applicant has submitted the appropriate documents from the Bank (Saco & Biddeford Savings Bank) as well as his work history showing his technical ability.

Peter: I move that the Board find that applicant Sea Pointe, LLC has adequately established the Financial Capacity and Technical Ability under the provisions of the Saco Subdivision Regulations

for the development of the 6-unit Multi-Family Dwelling at 64 Ocean Park Road. The Findings of Fact and Conditions of Approval dated December 19, 2017 to remain in effect. Seconded by Marty, and so voted 6-0.

- 4. Public Hearing: conditional use review of Filling, and Earthmoving of greater than 10 cubic yards in the Resource Protection zone. Applicant is Susanne Schaller dba Bar Mills Ecological. Tax Map 6, Lots 10, 14, 15, 16, 17, 19 and 20-3; and Map 10, Lot 55-9.**

Dick: Applicant Sue Schaller has appeared before the Board twice in the past several years, each time seeking a conditional use permit for dune restoration work at the beach. The beachfront is in the Resource Protection zone, and the activity proposed falls under “filling and earthmoving of greater than 10 cubic yards in the RP zone.”

Ms. Schaller does business as Bar Mills Ecological, and has also worked in Old Orchard Beach to restore dunes. She places a layer of seaweed where the dune is to be built, scrapes sand from the beach back to that location, shapes it to no more than a 3:1 slope, then plants dune grass in the dune. See the photos she has submitted for existing conditions at the project site.

There are 8 beachfront owners who have opted to hire Ms. Schaller, from just south of Bay View Road, south to Long Pond Avenue. Each is subject to an individual Permit by Rule from the DEP, which is part of the work Ms. Schaller is doing. The Maine Department of Inland Fisheries and Wildlife also requires a permit, which are either pending or in hand, Ms. Schaller will confirm.

Work will occur in the floodplain, but as Code Enforcement Officer Dick Lambert notes, “I don't believe there are any development standards for what she is proposing and it is not a structure so I would opine "no" as to a floodplain permit being necessary.”

A. Finding of Completeness

The application is something of a departure from other conditional use permits the Board has reviewed in recent years. Staff's review of the application concludes that there is no need for waiver of any items; the plans submitted are suitable for conveying the information necessary for this project; and a number of items are not applicable, in staff's opinion.

Sue Schaller, applicant: she would like to thank the Board for meeting with her so quickly. The reason for the rush is the time table of work that needs to be done before the “Puffin” season which starts in mid April.

Peter: “Move that the application for a conditional use permit submitted by Bar Mills Ecological for filling and earthmoving of greater than 10 cubic yards in the RP zone be found complete.”, seconded by Don, and so voted 6-0.

Sue: she handed out pictures of the sites to be restored. The sites that had been restored in 2013 loss 13ft of dune. The process is to restore the dunes, but it won't stay indefinitely. There was discussion about seawalls, and their failure to benefit the protection to properties.

Don: Move to open public hearing, seconded by Alyssa, and so voted 6-0

Steve Brown, 311 Seaside Ave, Unit 16: He supports the plan, but not the seawalls

Don: Move to close the public hearing, seconded by Alyssa, and so voted 6-0

Marty: “Move that the Board grant approval under the provisions of the Saco Zoning Ordinance for a conditional use permit for the filling and earthmoving of greater than 10 cubic yards in the RP zone for the parcels specified in the application, based on the attached Findings of Fact and Conditions of Approval dated March 20, 2018.”, seconded by Don, and so voted 6-0.

- 5. Public Hearing: site plan and preliminary plan review of a proposed second phase of the Settler’s Landing subdivision off Smith Lane. Applicant is Dangar Construction, Inc. Tax Map 33, Lot 2. Zoned R-4.**

D. Lambert: This 20 unit expansion of the existing Settler’s Landing Multi-Family Dwelling was reviewed as a sketch plan by the Board on Aug. 29, 2017. The project would add 20 units to the 9 existing, and be accessed via an extension of the existing private driveway that includes a proposed second curb cut onto Smith Lane. Units would be serviced by public sewer and water, and underground electric, cable, and telephone.

Multi-family projects in the R-4 zone are subject to site plan, design review, and subdivision review. Issues to consider:

- Open space required is 12% of the overall parcel, or 23,756 s.f. Rather than providing open space, the applicant proposes to pay a fee for both open space and recreational facilities.
 - Traffic: no capacity concerns have identified and sight distances appear to be adequate. The 20 proposed units project out to 200 Average Daily Trips (ADTs); the 20 units require 40 parking spaces, plus being in a residential zone, another space for every 6 units, so 44 total. This triggers the need for a traffic study, and should be discussed as to whether the Board believes a study is necessary, or is willing to waive it. A waiver request has not been made, nor has a traffic study been submitted.
 - The wetland delineation reports no impacts on wetlands being proposed. Normandeau Associates will visit the site as a peer review.
 - The applicant is in receipt of Joe Laverriere’s comments of 2/23/18, but no revisions to date. If the Board chooses to act on any of the submitted applications, the Conditions of Approval note his comments and require a response.
 - A neighborhood meeting is required for a multi-unit residential project expansion of six or more units. The applicant has submitted a sign-in list and minutes of the 9/20/17 meeting. No staff member attended the meeting, but one could anticipate that traffic, and the loss of undeveloped land in the neighborhood were perhaps the primary issues.
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- Site Plan Review Waivers are requested for:
 - Sec. 230-1104 -1.9 landscaping plan – will be submitted, the applicant has stated.
 - 1.15 traffic plan – require, or not?

For the purpose of discussion, staff supports the waivers for this meeting.

Don: 200 trips per day is not significant. He doesn’t see the value in a traffic study.

Vangel: “I move that the Board waive submission items found in Sec. 1104- 1.9, and 1.15 for the purposes of discussion.”, seconded by Don, and so voted 6-0

Don: “I move to find the application for site plan review to be complete.”, seconded by Vangel , and so voted 6-0.

Paul Gadbois, engineer: there will be raspberry bushes along with 100 arborvitaes planted along the border. Joe Laverriers comments dated March 19, 2018 will be addressed with the first 4 already being taken care of. They will work with Joe on erosion control. **Gary Salamacha, applicant:** showed some photos of the plantings from the first phase, which will be the same on the second phase. Prices will be from \$253,000 to \$294,000, including solar option, and a garage. Units will be 1100 to 1700 sq.ft.

Don: Are there any wetland impacts to Phase 2?

Paul: We will get DEP involved and figure it out. If there is any impact, they will deal with it.

Don: How about erosion control? **Joe:** It’s not their fault. That area has been known to have issues. Don asked Joe if it was an obstruction for the planning board to move forward with preliminary approval? **Joe.** The planning board can move forward.

Vangel: I move to open the public hearing, seconded by Marty and so voted 6-0

Trish Leet, 4 Shannon Lane, Unit 18: Has the Board seen the huge ravine between the properties? The land is wide at the top and narrows down to her property? She is concerned about drainage onto her property. Also the traffic is an issue. There will be more traffic with this addition, and there is an area on the curve on Smith Ln in front of the development where the road narrows on the curve, and traffic gets bottlenecked.

Vangel: I move to close the public hearing, seconded by Marty, and so voted 6-0

Peter: The site distance looks fine to him. The market will determine if buyers want to live in that area.

Don: “I move to find the application for preliminary subdivision review to be complete for the purposes of discussion, and the applicant shall submit letters from the Maine Water Co. and Water Resource Recovery Department as part of final plan submissions.”, seconded by Vangel, and so voted 6-0.

Don: He suggests people take the S Curve with the bottleneck issue in Smith Lane, to the Safety Committee.

Don: “I move to find the application for design review to be complete.”, seconded by Peter, and so voted 6-0.

Don: “Move that the Board grant approval under the provisions of the Saco Subdivision Regulations for the preliminary plan submitted for the 20 unit Multi-Family Dwelling proposed by applicant Gary Salamacha, based on the Findings of Fact and Conditions of Approval dated March 20, 2018.”, seconded by Vangel, and so voted 6-0.

Workshop 7:30pm

a. Discussion of site plan amendment, Cutts Avenue apartments – Transformer Vault

Dick: Staff broached the subject with Bob Gaudreau and Frank Carr, of the proposed transformer location. It is not shown on the approved site plan, and being added would constitute an amendment to the site plan.

Joe Laverriere has provided a mark-up of the proposed location, which is clearly visible from the street.

Three-phase power is necessary for the project due to two elevator installations, and the transformer itself is estimated at perhaps 4ft high, 4ftx4ft. The front of the transformer is only a few inches from the sidewalk.

Rene: problems would be aesthetics and the potential damage by snow plowing. **Don:** Let the applicant engineer where it should go and bring it to the planning board for review. CMP has already determined that its large enough to need a pad.

The planning board's consensus was for the applicant to come back with an alternative idea to place the transformer.

b. Discussion of draft Blasting Ordinance.

Dick: Councilor Doyle seems to be driving the charge for the City of Saco to consider amending the zoning ordinance to add blasting. Councilor Doyle's suggested notification requirements are much more arduous in the proposed ordinance, and suggests notifications be required for property owners within 700 to 2100 feet of a blasting site, while other towns such as Ogunquit, Harpswell, Augusta and Biddeford range from as little as 300 feet in Augusta to a high of 500 feet in Biddeford and Harpswell.

Beyond this, the proposed ordinance did not contain any requirements for the blasting contractor to show proof of insurance coverage which all the other ordinances did. I think the best course of action would be to have this ordinance reviewed by a Blast Monitoring company along with a list of what the City would like to see regulated under this ordinance. **Don:** It should be a criteria for a subdivision approval. The fastest and easiest would be to change the Subdivision Regulations, and Site Plan, that when there is any Blasting, the applicant would provide information and a blasting survey, and plan. We should then make it a standard in the zoning ordinance. The language for distance will be drafted.

c. Discussion of Chapter 149 of the Zoning Ordinance – Noise

Dick: Construction and maintenance activities shall be restricted to the hours from 7:00am to 10:00pm within 500ft of any building used for residential, hospital or nursing home purposes except as provided in 149-5

The City of Saco has a "Good Neighbor" ordinance that should be coordinated with the State statutes. The time should probably be from 8:00am to 9:00pm. Something should be drafted up to modify the ZO.

Respectfully submitted by,

Maggie Edwards
Board Secretary

Meeting adjourned at 9:00pm