

## Planning and Development

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### Minutes

#### Planning Board

Tuesday, April 2, 2019

5:30 PM Workshop/6:00 PM Regular Meeting

City Hall Conference Room (First Floor)

Present for the Board: Chair Neil Shuster; Matt Provencal; Joyce Leary Clark; Jeff Brochu; Alyssa Bouthot

Absent for the Board: Vice Chair Don Girouard; Peter Scontras

Also Present: Roger Gay, City Council Liaison; Dave Pendleton, Deputy Fire Chief; Emily Cole-Prescott, City Planner

#### Workshop – 5:30 PM

1. Review of Private Roads: Tim Murphy, City Attorney, answered the Board's questions about liability and notice requirements if the Board is to consider ordinance changes to allow small subdivisions to be developed on private roads.

#### Regular Meeting – 6:00 PM

1. Call to Order: Chair Shuster called the regular meeting to order at 6:00 PM.
2. Minutes of March 19, 2019 Meeting: Joyce Leary Clark asked for the hyphen to be removed from her last name. **Joyce Leary Clark made a motion to approve the March 19<sup>th</sup> minutes with one amendment to her last name. Jeff Brochu seconded the motion, and it carried unanimously.**
3. New Business, Tabled Items & Public Hearings:
  - a. Baxter Lane: Request for Recommendation for City Street Acceptance
    - Applicant: Mike Eon

*Mike Eon, of Mike Eon Associates, was present for this discussion.*

Overview: Emily Cole-Prescott provided some background information on this request, which was sent to former Planner Zach Mosher in October 2018. Mike Eon, developer of the eleven-lot subdivision at 300 Bradley Street, received subdivision approval on September 6, 2016. Since Mike Eon's request in October 2018, he has worked with City Staff to address outstanding concerns. There are currently four constructed homes on Baxter Lane. Emily Cole-Prescott explained that there is a Public Works policy that requests 70-80% of the lots be constructed before street acceptance.

Discussion: Mike Eon noted that he will have five homes constructed with a foundation for the sixth home on the street. He has also offered to retain a portion of his existing letter of credit with the City until six homes are fully constructed. Emily Cole-Prescott noted that aside from the 70-80%, policy which is unwritten, Joe Laverriere has reviewed the deeds and as-built documentation

submitted and finds both satisfactory. Other Departments were asked to review the request and responded with no issues. Emily Cole-Prescott noted that Tim Murphy, City Attorney, is currently completing final legal review on the deed, and the Planning Board may review this for the request, pending final legal review by both parties.

**Public Hearing:** Jeff Brochu moved to open the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously. Roger Gay, City Council Liaison, indicated that he will check into the 70-80% completion policy. No other member of the public chose to speak. Jeff Brochu moved to close the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously.

**Action:** Jeff Brochu moved, pursuant to Chapter 186 of the City's Ordinances, that the Planning Board forward a positive recommendation for Baxter Lane street acceptance to the City Council, contingent upon final legal review agreeable to both parties. Joyce Leary Clark seconded the motion, and it carried unanimously.

- b. Eloise's Place (Map 101 Lot 31-2): Final Subdivision Plan Review
  - Applicant: CVS Foundations LLC
  - Zone: C-1

*Bill Thompson, of BH2M Engineering, was present to discuss this application.*

**Overview:** Emily Cole-Prescott introduced the application, indicating that this request is for final plan review for a five-lot subdivision off of Lincoln Road. The Board granted preliminary approval for this subdivision on February 5, 2019, and since that time, Walter Pelkey of BH2M has submitted a final plan application with revisions and a copy of the Maine DEP Construction General Permit. Since the initial application, the plan has undergone several revisions, and at the time of preliminary plan approval, was a phased project. A condition of preliminary plan approval was to relabel phase two lot 5, so the plan has now been amended as a five-lot subdivision.

**Application Completeness:** Emily Cole-Prescott indicated that between the documentation submitted for preliminary plan review and the updated submissions for final plan review, the application is considered complete in Staff's opinion. Alyssa Bouthot moved to find the application for final plan approval for Eloise's Place complete. Matt Provencal seconded the motion, and it carried unanimously.

**Discussion:** Bill Thompson presented the most recently designed road plan to serve the subdivision, which was submitted to the Planning & Development Department on Monday (04/01) evening. Per this most recent plan, the road has now been raised, and other engineering comments have been addressed.

**Public Hearing:** Jeff Brochu moved to open the public hearing. Matt Provencal seconded the motion, and it carried unanimously. No member of the public chose to speak during the public hearing. Jeff Brochu moved to close the public hearing. Matt Provencal seconded the motion, and it carried unanimously.

Discussion & Action: Jeff Brochu noted concern about the new revisions to the plan, and the fact that because of timing of the submission, the plan revisions were not able to be vetted by City staff. Matt Provencal noted concerns about the road design relative to City street standards.

After further discussion, **Alyssa Bouthot moved that the Board grant approval for the final subdivision plan [for Eloise’s Place] based on the following findings of fact and conditions of approval, dated April 2, 2019. Joyce Leary Clark seconded the motion, and it carried 4-1, with Jeff Brochu opposed.**

*At this time, the Board recessed for five minutes, and then reconvened.*

- c. 4 Cascade Road (Map 62 Lot 1-4): Preliminary Plan Review for Re-subdivision to create one lot
  - Applicant: Amari Holdings LLC
  - Zone: MU-3 & Contract Zone

*Bill Thompson, BH2M Engineering, was present for discussion of this application.*

Overview: Emily Cole-Prescott introduced the application. Walter Pelkey and Nate Libby have been working on a site plan review application for a proposed 6,000 square ft. structure and associated site improvements on what currently exists as Lot C5-2. The site plan review application included an amended subdivision plan showing Lot C5-2 divided into two parcels. This divided parcel line was also shown on the site plans submitted for the Board’s review. This division meets the definition of “re-subdivision” found in the Subdivision Regulations, and therefore, requires a subdivision process of preliminary plan review and subsequent final plan review. As such, Walter Pelkey has submitted an application for the amended subdivision and copies of relevant documentation from the site plan review application have been added to this application to fulfill supporting documentation requirements. Before continued review of the site plan may occur, the Board must first review the amended subdivision plan. The proposed lot division meets the minimum lot size and dimensions specified in the Cascade Contract Zone (Contract Zone Agreement by and between Park North Development LLC and the City of Saco). Because this property is part of the existing contract zone, the applicant will be required to also obtain the Council’s approval on the re-subdivision, which is a four-step Council meeting process (workshop, first reading, public hearing, and final reading). This item may be conditioned by the Board, to remain in compliance with the contract zone agreement. This site is also subject to a Site Location of Development Permit, which is administered by the DEP. The applicant will be required to record this amendment and obtain approval from the DEP.

Application Completeness: Emily Cole-Prescott reported that the applicant has either submitted, or responded to, the submission requirements outlined in Section 5.2 of the Subdivision Regulations. The applicant has requested that financial and technical capacity be reviewed upon final plan review, and a waiver is therefore requested for preliminary plan review only. The applicant will be required to submit financial and technical capacity upon final plan review. **Joyce Leary Clark moved to waive section 5.2.3(10), only for the Board’s review of the preliminary plan, not for final plan review. Jeff Brochu seconded the motion, and it carried unanimously.**

**Joyce Leary Clark moved to find the application complete for preliminary subdivision plan review for the division of one lot. Alyssa Bouthot seconded the motion, and it carried unanimously.**

Discussion: Bill Thompson presented the preliminary plan.

Public Hearing: **Jeff Brochu moved to open the public hearing. Matt Provencal seconded the motion, and it carried unanimously.** No one chose to speak about the application. **Jeff Brochu moved to close the public hearing. Matt Provencal seconded the motion, and it carried unanimously.**

Traffic: Jeff Brochu noted the memo submitted about traffic for the site, indicating that features of the originally approved Traffic Movement Permit for Park North and the Cascades have not been completed. Emily Cole-Prescott indicated that per her knowledge, a new Traffic Movement Permit application has been submitted, and results of what improvements will be required are pending this approval. Also, she indicated that the DOT considers this new TMP application to encompass all of the original sites in both Park North and the Cascades. There is currently a condition of approval included in this documentation that indicates the TMP will need to be in place before a Certificate of Occupancy may be issued for any new structures on site. Nate Libby noted concerns about the TMP, and asked how this was not previously enforced. Emily Cole-Prescott noted that she cannot speak to the previous years, but since she has been here, there have been many meetings and work to have a new TMP in place. Chair Shuster also explained that it was unexpected that the TMP had sunset, and there is now work ongoing to resolve this matter.

Action: **Jeff Brochu moved to approve the preliminary subdivision plan for Map 64 Lot 1-4 for the creation of one additional lot per the enclosed findings of fact and conditions of approval dated April 2, 2019. Joyce Leary Clark seconded the motion, and it carried unanimously.**

4. Updates from City Planner: Emily Cole-Prescott indicated that she works with four ideas in mind: Process, Collaboration, Communication and Transparency. She said Saco already does a great job with planning by incorporating staff members.
  - a. Process: Matt Provencal asked that the submission timelines be considered, as the Board had previously discussed with Denise Clavette. For instance, perhaps a longer timeline (rather than three weeks before) would be helpful to the applicants, Board, and Planning & Development Department. This is particularly important for revised submissions, which should have a one or two-week deadline before the Board meeting. Jeff Brochu agreed with this suggestion, and other Board members noted value in reworking deadlines. E. Cole-Prescott noted timing for applicants, as waiting until a next meeting can hold someone up longer than two weeks with their projects. She will return to the Board with a proposal which will incorporate suggestions from City staff, for the Board's review and consideration.
  - b. Transparency: Emily Cole-Prescott noted that she will be coordinating posting approval letters on the Department's website for greater transparency on what the Board and staff approves. Also, she will start reporting staff level approvals and updates from Council meetings relative to Planning matters, especially contract zones decisions.
5. Adjournment: Without objection, the meeting adjourned at 7:20 PM.