

**Planning and Development**

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Minutes

Planning Board

Tuesday, June 18, 2019

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

City Hall Auditorium

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

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

Also Present: Kimberly Sawyer, Program Coordinator; Joe Laverriere, City Engineer; Dave Pendleton, Deputy Fire Chief; Emily Cole-Prescott, City Planner

5:00 PM – Workshop

1. Sketch Plan Review – Contract Zone Request – *Paul and Chris Hollis were present for this review.* The Board offered non-binding feedback about the concept. The Planning & Development Department will send the applicants general feedback from the review.

*Note: Regular 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.*

5:30 PM – Regular Meeting

1. Call to Order: Chair Shuster called the meeting to order at 5:30 PM.
2. Minutes of May 7, 2019 Meeting: **Joyce Leary Clark moved to approve the May 7, 2019 minutes as presented. Jeff Brochu seconded the motion, and it carried 3-0-2, with Neil Shuster and Alyssa Bouthot abstaining from the vote, and Jeff Brochu, Matt Provencal, and Joyce Leary Clark voting in favor of the motion.**
3. New Business, Tabled Items & Public Hearings:
  - a. Application Review & Public Hearing: Map 42 Lot 1-2: Preliminary Subdivision Plan Review – Re-subdivision to create three additional lots
    - Applicant: City of Saco
    - Zone: B-8 & I-1

*John Kuchinski, engineer with CES; Joe Laverriere, City Engineer; and Pat Fox, Public Works Director were present to discuss this application.*

Overview: Emily Cole-Prescott introduced the application, noting that this preliminary subdivision application is to re-subdivide the 42-acre parcel created from the Sweetser-Saco Subdivision, approved in April 2019, to create three additional lots. This proposal includes a right-of-way from the existing Spring Hill Road to map 42 lot 1-2. The proposal is to construct an approximate 1,400' dead-end road built to City street standards to provide access to lot one, and proposed lots 2, 3, and 4 (lot 4 to remain land of the City of Saco). This preliminary plan is accompanied by a site plan review/design review application for the development of lot one (approximately 15 acres) to serve as the new Public Works facility.

The project is subject to the following permitting requirements, all underway by the applicant:

- Subdivision Review
- Site Plan Review
- Site Location of Development under existing Spring Hill Site Law – The DEP is retaining jurisdictional authority of the Site law review for this proposal.
- NRPA Permit with the DEP
- Army Corps Permit: The applicant has obtained the required Army Corps permit, which has been included in the meeting packet.
- Traffic Movement Permit with the DOT

Application Completeness: **Joyce Leary Clark moved to find the application for preliminary subdivision review for Map 42 Lot 1-2 complete. Alyssa Bouthot seconded the motion, and it carried unanimously.**

Applicant's Presentation: Joe Laverriere, City Engineer, John Kuchinski, Engineer with CES, and Public Works Director Pat Fox presented the application.

Public Hearing: **Jeff Brochu moved to open the public hearing. Joyce Leary Clark seconded the motion, and it carried unanimously.** Roger Gay, City Council Liaison, asked questions about the application, which Joe Laverriere addressed through the Chair. At this time, no other member of the public chose to speak during the hearing. **Jeff Brochu moved to close the public hearing. Joyce Leary Clark seconded the motion, and it carried unanimously.**

Waiver Requests: The Board reviewed and discussed the following waiver requests with the applicant:

- Section 10.11.5.9: Dead Ends – The applicant has indicated that the road as designed will initially only serve the proposed Public Works facility, and the applicant plans to connect this property as a through-street in the future with a right-of-way through the A. Duie Pyle property. E. Cole-Prescott clarified that the proposal is to be able to use lots two and three without construction over the right-of-way as a through street at this time. However, the long-term plan will be to connect to the right-of-way to create a through-street. Additionally, the applicant has indicated that there is enough room in the proposed facility to turn around. The Board discussed this waiver request with the applicant, which had been presented in 2018 during sketch plan review. **Joyce Leary Clark moved to approve the waiver request to Section 10.11.5.9, dead end streets. Matt Provencal seconded the motion, and it carried unanimously.**
- Section 10.15.2: Underground Utilities – The applicant plans to extend existing overhead utilities into the subdivision from the industrial park, and therefore, requests a waiver. The Board discussed this waiver request. **Joyce Leary Clark moved to approve the waiver request to section 10.15.2, underground utilities. Alyssa Bouthot seconded the motion, and it carried unanimously.**
- Section 10.21: Street Trees – The applicant has requested a waiver to the street tree requirement, citing the industrial nature of the development and the fact that Spring Hill and the older section of the industrial park do not have street trees. The Board discussed this item with the applicant. **Alyssa Bouthot moved to approve the waiver to section 10.21, street trees. There was no second. The motion failed. The waiver for street trees was not approved.**
- Section 11.9.1: Vertical Granite Curb: The applicant requests a waiver to the vertical granite curb standard, asking to substitute slipform concrete curbing where needed to support the

stormwater design. The applicant also indicates that the “use of slip form curb has been used by the City on most new roadway construction projects.” The Board discussed this waiver request. **Joyce Leary Clark moved to approve the waiver to section 11.9.1, vertical granite curb. Alyssa Bouthot seconded the motion, and it carried unanimously.**

- Sections 11.11 and 11.17: Sidewalks and Esplanades – The applicant has indicated that due to the industrial nature of the site, pedestrian traffic is not anticipated. The applicant also indicates that other industrial parks in the City do not have sidewalks. The Board discussed this waiver request. **Joyce Leary Clark moved to approve the waiver request to sections 11.11 and 11.17, sidewalks and esplanades. Alyssa Bouthot seconded the motion, and it carried, 4-1, with Jeff Brochu opposed.**

Discussion: The Board discussed aspects of the proposal and asked the applicant for clarification where needed.

Action: **Joyce Leary Clark moved to approve the preliminary subdivision review for Map 42 Lot 1-2, noting the granted waivers. Matt Provencal seconded the motion, and it carried unanimously.**

- b. Application Review & Public Hearing: Map 42 Lot 1-2: Site Plan & Design Review – New Public Works Facility, accessory structures and associated site improvements
  - Applicant: City of Saco
  - Zone: B-8 & I-1

*John Kuchinski, engineer with CES; Joe Laverriere, City Engineer; Pat Fox, Public Works Director; M. Hayes, architect were present to discuss this application.*

Overview: Emily Cole-Prescott introduced the application: Applicant, City of Saco, requests the Board’s review of site plan and design review for the construction of a new Public Works facility and associated site improvements on Map 42 Lot 1-2. The proposal consists of an approximate 27,000 square foot structure, 6,900 square feet of storage, 6,900 square ft. salt shed, and 1,152 square feet transportation building. The site is to be served by 89 parking spaces, and will include a fuel island with 10,000-gallon diesel and 10,000-gallon gasoline above-ground storage tanks.

Application Completeness: **Jeff Brochu moved to find the application for site plan and design review for Map 42 Lot 1-2 complete. Joyce Leary Clark seconded the motion, and it carried unanimously.**

Applicant’s Presentation: Joe Laverriere, Pat Fox, John Kuchinski, and M. Hayes presented aspects of the application, and answered the Board’s questions.

Public Hearing: **Joyce Leary Clark moved to open the public hearing. Matt Provencal seconded the motion, and it carried unanimously.** Roger Gay, City Council Liaison, asked questions which Joe Laverriere addressed through the Chair. No other members of the public chose to speak at the hearing. **Jeff Brochu moved to close the public hearing. Joyce Leary Clark seconded the motion, and it carried unanimously.**

Discussion: The Board discussed the design of the proposed building with the project’s architect. Samples of the siding and plans of the building were reviewed.

**Action: Alyssa Bouthot moved to continue application review for site plan and design review for this application to an upcoming meeting date. Joyce Leary Clark seconded the motion, and it carried unanimously.**

- c. Continued Application Review & Public Hearing: 193 Flag Pond Road (Map 92 Lot 19): Preliminary Subdivision Review – four-lot subdivision
  - Applicant: Great Lots of Maine, LLC
  - Zone: C-1

*Paul and Chris Hollis, Great Lots of Maine, were present for discussion of the application.*

**Overview:** Emily Cole-Prescott introduced the application: Applicant, Great Lots of Maine, LLC, has applied for preliminary plan review for a four-lot subdivision on Flag Pond Road. An existing house sits on the current property, which is approximately 30 acres in the C-1 zone. The applicant plans to retain the existing structures shown on the plan as lot 4. The applicant has completed a sketch plan review with the Planning Board earlier this year. The Planning Board reviewed the application materials submitted to date at the May 21<sup>st</sup> meeting, and moved to continue the application to a future meeting date.

**Application Completeness:** Emily Cole-Prescott noted that since the last meeting, the applicant has submitted additional requirements. **Joyce Leary Clark moved to find the application for 193 Flag Pond Road for preliminary subdivision review complete. Matt Provencal seconded the motion, and it carried unanimously.**

**Public Hearing:** **Alyssa Bouthot moved to open the public hearing. Jeff Brochu seconded the motion, and it carried unanimously.** Roger Gay, City Council Liaison, asked about turnaround options within individual, proposed driveways. No other member of the public chose to speak during the hearing. **Alyssa Bouthot moved to close the hearing. Jeff Brochu seconded the motion, and it carried unanimously.**

**Discussion:** The Board reviewed the proposal, and asked questions of the applicants. Paul Hollis noted that the wetlands peer review done by Normandeau and Associates has found additional wetlands, which has been flagged and re-reviewed to Normandeau’s satisfaction. The Board discussed the requirement to have utilities underground, and the applicant agreed to contact CMP to verify the availability of underground utilities to all proposed lots. The applicant also presented an updated plan showing the location of the shared access drive for lot one and the closed curb cut on lot four to support the waiver request for access off Flag Pond Road. The Board discussed other subdivision standards that had not been specifically marked not applicable, such as street trees, sidewalks, street lighting, and road construction standards. It was noted that this road is already constructed.

**Waiver Requests:** After discussing with the applicant and reviewing the supporting documentation presented, the Board made the following motions:

- Sections 10.21, 10.22, 11: Because of the nature of the proposal, the Board discussed these waivers with the applicant. **Joyce Leary Clark moved to waive Subdivision Regulations sections 10.21, 10.22, and 11 because of the nature of the proposal. Alyssa Bouthot seconded the motion, and it carried unanimously.**
- Section 10.8.10: **Alyssa Bouthot moved to waive section 10.8.10, access limitation, per the conditions that there will be a shared drive for lots one and two and that there can be no further subdivision of this parcel. Matt Provencal seconded the motion, and it carried, 3-**

**2, with Alyssa Bouthot, Neil Shuster and Matt Provencal voting in favor of the motion, and Jeff Brochu and Joyce Leary Clark voting in opposition to the motion.**

**Action: Joyce Leary Clark moved to approve the preliminary subdivision plan for 193 Flag Pond Road per the findings of fact and conditions of approval dated June 18, 2019 with an additional condition that utility access details are addressed before final subdivision review. Matt Provencal seconded the motion, and it carried unanimously.**

- d. Continued Application Review & Public Hearing: Map 88 Lot 12: Preliminary Subdivision Review – 21-lot subdivision – Sandy Brook off Chantelle Way
  - Applicant: Star Homes Inc.
  - Zone: R-1D & RP

*Bill Thompson, BH2M, and Joe Frustaci, Star Homes, were present for discussion.*

Overview: Emily Cole-Prescott presented an overview: Applicant, Star Homes, Inc., has submitted revised materials to request preliminary subdivision review of a 21-lot subdivision off Chantelle Way, known as Sandy Brook. Review of this project began in 2016, when the applicant had originally proposed a 25-lot clustered subdivision. In June 2018, the applicant revised the plans to pursue a 21-lot conventional subdivision. The applicant met with the Planning Board in both 2017 and 2018 to obtain feedback about the initial application items, but at that time, there was not a finding on application completeness. City staff provided comments about the proposal, and the applicant has since responded to a number of those comments with several updates. The applicant has also attended the May 28<sup>th</sup> PDRC meeting to obtain additional feedback on the progress of plan revisions to date.

In 2016, Bob Hamblen provided the following information: “The Sierra Woods subdivision was approved by the Board on April 10, 2001, subject to both local subdivision and Site Location of Development review. The original, undeveloped parcel was 65.78 acres and had been owned for a number of years by the Laure Hill Cemetery Association. Sierra Woods occupies a 46.08-acre portion of that. Laurel Hill sold the rear 20+/- acres to Andy Howard dba Sierra Gardens Sierra Woods, Inc., in 2004. The current applicant acquired the parcel at auction in 2012 (now proposed as Sandy Brook Subdivision). The original developer left the country, and the City ‘took’ the remaining financial guarantee funds of roughly \$110,000 with which it oversaw the completion of streets as far as the money would go. Blake and Jasmine were completed; Chantelle was built and base paved, but the money ran out before sidewalks and curb were installed, nor was finish paving done. It is the City’s intent that the developer of “the back 20” will complete Chantelle Way.”<sup>1</sup>

In 2017, the applicant obtained City Council’s approval to construct and complete improvements to Chantelle Way. The applicant agreed to pay \$57,920.50 to the City for the outstanding construction fees for Chantelle Way improvements.

This proposal is subject to the following reviews and permits:

- Subdivision Review with the City
- Site Location of Development – The City received a major amendment application to the Site Law permit. The City completed the site law review for the Sierra Woods subdivision in 2001, and will confirm with the DEP via municipal reviewing authority to accept this Site Law amendment application. The applicant should coordinate this review with the City’s Planning &

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<sup>1</sup> Hamblen, B. (2016, February 23). Memo to Planning Board Members – Sketch Plan, Sandy Brook Subdivision.

Development Department, and complete the review and approval process with the Planning Board before final subdivision review.

- NRPA Permitting with the DEP: Correspondence in the file between Bob Hamblen and Bob Green (Project Manager at the DEP) indicate that this will be considered common scheme, and wetland impacts will therefore be considered cumulative over the entire parcel.<sup>2</sup>
- Army Corps Permit: The applicant will be required to amend the existing Army Corps permit for Sierra Woods to accommodate additional wetland impacts on the site.

Application Completeness: There are still several outstanding items, which are listed on the project review memo, and on which the applicant will follow up.

Public Hearing: **Jeff Brochu moved to open the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously.**

- Roger Gay, City Council Liaison, agreed with the Planner's proposal to ask the applicant to work with the Parks & Recreation Department to create a formal plan for the land proposed to be deeded to the City of Saco as open space.

The following members of the public spoke, noting concerns about the application:

- Anthony Palleschi, owner of 7 Chantelle Way, stated he was speaking on behalf of his wife, who lives at 7 Chantelle Way, and his mother-in-law, who owns a home in the neighborhood. He stated that the proposed lot sizes do not fit well with the existing lot sizes throughout the neighborhood.
- Jonathan Woodcock, owner of 14 Blake Avenue, stated that he agreed with the concerns raised by Mr. Palleschi.

*Please refer to meeting recording available online for full details.*

At this time, no other member of the public chose to speak. **Alyssa Bouthot moved to close the public hearing. Jeff Brochu seconded the motion, and it carried unanimously.**

Discussion: The Board asked the applicant to return with the remaining items listed in the project review memo to be considered a complete application. The Board also asked the applicant to complete the following:

- Formalize a plan for the open space/recreational component of the proposal with the Parks & Recreation Director
- Submit the vernal pool study results, once complete
- Update the financial capacity letter for the record
- Follow up on the traffic assessment recommendations from the project review memo

The Board also asked the Department to provide clarification on when the construction improvement cost was to be paid, per the City Council's approval to allow the applicant to make improvements to Chantelle Way.

Adjournment: Without objection, the meeting ended at 8:20 PM.

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<sup>2</sup> Green, B. (2018, January 19). Email to Bob Hamblen, Sandy Brook Subdivision.