

Planning and Development

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Minutes

Planning Board

Tuesday, July 2, 2019

5:30 PM Regular Meeting

City Hall Conference Room (First Floor)

Present for the Board: Chair Neil Schuster; Vice Chair Don Girouard; Peter Scontras; Matt Provencal; Joyce Leary Clark; Alyssa Bouthot; Jeff Brochu

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

Note: Regular meeting is audio recorded. These audio records will be posted on the City's website and available for public review.

1. Call to Order: Chair Neil Schuster called the meeting to order at 5:32 PM.
2. Minutes of June 18, 2019 Meeting: Jeff Brochu noted that during discussion of 193 Flag Pond Road, verification of overhead utilities should be underground utilities. **Jeff Brochu moved to approve the minutes with the noted amendment. Joyce Leary Clark seconded the motion, and it carried unanimously.**
3. New Business, Tabled Items & Public Hearings:
 - a. Application Review & Public Hearing: 1016 Portland Road (Map 64 Lot 12): Site Plan Amendment
 - Applicant: 1016 Portland Road LLC
 - Zone: MU-3

Rick Meeke, Sebago Technics, was present for discussion of this application.

Overview: Emily Cole-Prescott presented an overview of the site plan amendment: Applicant 1016 Portland Road LLC has presented a site plan amendment for several revisions to the previous site plan approval issued by the Planning Board on September 18, 2018. The applicant has revised the plan accordingly:

- constructed on a smaller footprint (42,800 square feet versus the approved footprint of 64,250 square feet);
- added future development area (originally approved footprint) shown on the site plan;
- slightly revised access drive location;
- removed two parking spaces from the total parking count and revised the parking layout as indicated;
- As per the conditions of approval, the applicant has also solidified the design of the wastewater treatment shown as an addition to the structure on the site plan.

Application Completeness: **Jeff Brochu moved to find the application for site plan amendment for Ready Seafood, Map 64 Lot 12, complete. Alyssa Bouthot 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.** No member of the public chose to speak about the

application. **Alyssa Bouthot moved to close the public hearing. Jeff Brochu seconded the motion, and it carried unanimously.**

Discussion:

Matt Provencal asked that updated, full architectural and building elevations plans be submitted to the Planning & Development Department, for city staff to ensure compliance with design review standards.

Jeff Brochu asked for clarification on the design of the pump station, which E. Cole-Prescott indicated could be reviewed with the WRRD Director before construction, per the existing condition from the September 2018 approval.

Vice Chair Girouard mentioned the future development area, noting that a condition of approval could be that the City Planner has the option to review future development area proposals per his or her discretion on a determination of major or minor amendment, as has been Saco's normal review standard.

Action: Jeff Brochu moved to approve the site plan amendment for Map 64 Lot 12, Ready Seafood, per the findings of fact and conditions of approval dated July 2, 2019, inclusive of the two additional conditions (full building elevations/architectural plans and review of future development area at the discretion of the City Planner) noted. Joyce Leary Clark seconded the motion, and it carried unanimously.

- b. Application Review & Public Hearing: 94 Lincoln Street (Map 38 Lot 234-1): Subdivision Review
 - Applicant: KB Building Contractors LLC
 - Zone: R-3 & Saco River Overlay

Kevin Bedard, KB Building Contracting, was present to discuss the application.

Overview: Emily Cole-Prescott presented an overview of the application: Applicant, KB Building Contractors LLC requested the Planning Board's review and approval to construct a three-unit, multi-family dwelling to retain as a rental property. At their meeting on November 6, 2018, the Planning Board approved with conditions the proposal for site plan and conditional use review. Since that time, the applicant has constructed the three-unit, obtaining appropriate permits from the Code Enforcement Department. However, at the beginning of June, the Code Enforcement Department brought to my attention that there was not a subdivision review and approval on file for this 3-unit structure. Because the definition of subdivision per state law requires subdivision review any time three or more dwelling units are created, this proposal is also subject to subdivision review. Since this came to our attention, the Code Enforcement and Planning Departments worked together to contact the City Attorney to verify that even retroactively, subdivision review is still required, to which the City Attorney agreed with both Departments and indicated that subdivision review is still required. The applicant is pending issuance of a Certificate of Occupancy, which cannot be legally granted until subdivision review is finalized. Board members may recall the proposal, which had been included in the November 6, 2018 meeting packet for site plan and conditional use review.

Application Completeness & Waiver Requests:

- Waiver Request: Section 8.7: Financial Capacity – E. Cole-Prescott indicated that the applicant has already constructed the structure under the original approvals. The applicant has presented a

letter and subsequent photos for the record as evidence for the waiver request. **Jeff Brochu moved to approve the waiver request to section 8.7, financial capacity, for subdivision review for 94 Lincoln Street (Map 38 Lot 234-1), due to the circumstances of the application review and per the evidence presented by the applicant. Alyssa Bouthot seconded the motion, and it carried unanimously.**

Jeff Brochu moved to find the application for preliminary subdivision review for 94 Lincoln Street (Map 38 Lot 234-1) complete. Alyssa Bouthot seconded the motion, and it carried unanimously.

Discussion: The applicant plans to bring final subdivision mylars to the meeting on July 16th for the Board's signature.

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

Action: **Alyssa Bouthot moved to approve the preliminary subdivision plan for 94 Lincoln Street per the findings of fact and conditions of approval dated July 2, 2019. Jeff Brochu seconded the motion, and it carried unanimously.**

- c. Application Review & Public Hearing: 80 Flag Pond Road (Map 62 Lot 16): Amendment to Conditional Use Review
 - Applicant: Michelle Goulet
 - Zone: R-1A

Michelle Goulet, owner of Kidz Go Eco, was present for discussion of the application.

Overview: E. Cole-Prescott introduced the application: Applicant Michelle L. Goulet has requested amendment to the previously issued conditional use permit to add a small classroom and office at the Kidz Go Eco existing day care. On June 19, 2018, the Board approved a conditional use for expansion of the day care center to allow for a state-licensed day care center for up to 32 children. The applicant now requests the Board's review to expand the number of children on site to 34, with one additional staff member. The applicant plans to construct a new structure (32'4" by 22') in place of the existing garage. The applicant has indicated in her letter that she is applying for conditional use review, State Fire Marshal approval, and State Child care licensing with the DHHS.

Application Completeness & Waivers:

- Waiver Request to Section 230-901(h): The Board had approved a waiver request to this item during its June 2018 review of a conditional use application for this site: **Alyssa Bouthot moved to grant a waiver to section 230-901(h) topography for map 62 lot 162. Joyce Leary Clark seconded the motion, and it carried unanimously.**

Alyssa Bouthot moved to find the application complete for conditional use review for Map 62 Lot 162. Joyce Leary Clark seconded the motion, and it carried unanimously.

Discussion: Michelle Goulet answered the Board's questions.

Jeff Brochu asked if the Planning & Development Department had checked distances to marijuana growing facilities to ensure that the location of this property was outside of the 1,000-ft. limit. E. Cole-Prescott replied that the distance could be checked. The applicant explained the DHHS licensing requirements relative to the type of licenses for the number of students on site.

Michelle Goulet explained that asphalt has been added to the parking area. She also noted that the day care center has reduced its hours of operation to 7:30 AM to 4:30 PM to help with traffic concerns in the area.

The Board discussed some concerns with the parking layout as presented, and noted the condition of the June 2018 approval was for the City Engineer to review the parking plan. The Board specified that this item be added as a condition of approval consistent with the 2018 approval.

Public Hearing: Alyssa Bouthot moved to open the public hearing. Peter Scontras seconded the motion, and it carried unanimously. Paul Strasky, owner of property on Bradley Street, spoke in favor of the application. **Alyssa Bouthot moved to close the public hearing. Peter Scontras seconded the motion, and it carried unanimously.**

Action: Vice Chair Girouard moved to approve the application for conditional use review amendment application as presented for map 62 lot 162 per the findings of fact and conditions of approval dated July 2, 2019. Peter Scontras seconded the motion, and it carried unanimously.

4. Old Business: None
5. Updates from City Planner/Planning Department
 - a. Process Updates: E. Cole-Prescott noted that the property owner/abutter notification letters have been updated to better clarify how an abutting property owner or member of the public can participate in the hearing process.
6. Other Discussion
 - a. ZOR Discussion: The Board asked E. Cole-Prescott questions about next steps and the timing of the process. E. Cole-Prescott indicated that she will report back at the next Board meeting.
7. Adjournment: Without objection, the meeting adjourned at 7:15 PM.