

## Planning and Development

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### Minutes

#### Planning Board

Tuesday, August 20, 2019

5:30 PM – Regular Meeting

City Hall Conference Room (First Floor)

Present for the Board: Chair Neil Schuster; Vice Chair Don Girouard; Matthew Provencal; Alyssa Bouthot; Jeffrey Brochu; Joyce Leary Clark

Absent: Peter Scontras

Also Present: Emily Cole-Prescott, City Planner; Isabelle Oechsle, Program Coordinator; members of the public

*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 5:30 PM.
2. Minutes of Previous Meetings: The August 6<sup>th</sup> draft minutes will be available for review at the next meeting.
3. New Business, Tabled Items & Public Hearings:
  - a. Application Review & Public Hearing: 200 Jenkins Road (Map 91 Lot 2-2): Conditional Use Review – Daycare Home
    - Applicant: Sara Wiggs
    - Zone: R-1D

*Sara Wiggs, applicant, was present for this discussion.*

Overview: Emily Cole-Prescott presented an overview of the application: Applicant, Sara Wiggs, has requested review of a conditional use application to expand her existing, approved home babysitting service (defined as less than 6 students) into a daycare home to serve up to 8 children. She is able to easily configure parking in her driveway for up to 8 students (which requires at least 2 parking spaces for this number of students per Table 708-2), and has had a site evaluator provide an updated septic system design to ensure that her current septic system can handle additional students on site.

Application Completeness: **Alyssa Bouthot moved to find the application for conditional use review for a daycare home at 200 Jenkins Road complete. Joyce Leary-Clark seconded the motion, and it carried unanimously.**

Public Hearing: **Jeff Brochu moved to open the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously.** Roger Gay asked about the age range of the students, and the applicant responded that she is allowed 9 months to 12 years old but currently only has 18 months to five years old. She would be planning to add two more school-aged children (ages 5 to 12 years old). Chair Schuster asked the applicant if 8 was her desired number at this time. Ms. Wiggs stated it is. **Jeff Brochu moved to close the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously.**

Discussion: Don Girouard asked about future growth of the business. The applicant said she was only expanding to 8 at this time because if she expanded to more than 8, she would need to add another full-time employee, which she is not currently looking to do. Jeff Brochu asked about the fence surrounding the property and whether it would be closed during hours of operation. The applicant responded that during pickup and drop off time the gate stays open, but when the children are outside playing the gate is closed.

The Board reviewed the traffic peer review that suggested sight line distances off Jenkins Road be checked to ensure compliance with ordinance standards. The Board discussed that this could be included as an additional condition of approval.

**Action: Jeff Brochu moved to approve the conditional use review for a daycare home to serve up to 8 children for 200 Jenkins Road with the conditions of approval and per the findings of fact both dated August 20, 2019 with the additional condition of approval that sight line distances on Jenkins Road be checked to ensure conformance with ordinance requirements. Vice Chair Girouard seconded the motion, and it carried unanimously.**

- b. Application Review & Public Hearing: 146 McKenney Road (Map 125 Lot 4-4): Site Plan & Conditional Use Review – Proposed Building & Riding Arena
  - Applicant: Dana Weeman
  - Zone: C-1

*Dana Weeman, applicant and Jason Vafiades, Atlantic Resource Consultants, were present for this discussion.*

Overview: Emily Cole-Prescott presented an overview of the application: Applicant, Dana Weeman, has submitted a site plan, design review, and conditional use application to construct an indoor riding arena. The existing site includes barns that have eight stables for horses and a single-family residence. This proposal is to add the use of “public riding arena” within a proposed 7,416 square foot structure. Per city ordinance, a public riding arena requires a conditional use review by the Planning Board. The building that the applicant is proposing would not be connected to any utilities except electrical. The existing site has a 12-foot-wide access drive, which the applicant proposes to expand to 16 feet in support of this proposal. The Board has the option to condition that no events are permitted with this approval. Furthermore, there is no public riding arena parking standard, so the Board can discuss parking for the site, as the applicant has presented what he believes to be a reasonable number of parking spaces for the use and the site, with future reserve parking shown on the proposed plan. Another smaller building is shown on the site plan, which was small enough for the Code Enforcement Department to approve without site plan review.

Application Completeness: The proposed use of the new structure is for agricultural and public riding arena use. The applicant has asked for a waiver of the landscaping plan due to the fact that this site and use are primarily agricultural.

**Jeff Brochu moved to waive section 230-1104(9), landscaping plan. Alyssa Bouthot seconded the motion, and it carried unanimously.**

**Jeff Brochu moved to find the application for site plan and conditional use review complete. Alyssa Bouthot seconded the motion, and it carried unanimously.**

**Public Hearing: Jeff Brochu moved to open the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously.** No member of the public chose to speak about the application. **Jeff Brochu moved to close the public hearing. Alyssa Bouthot seconded the motion, and it carried unanimously.**

**Discussion:** The applicant said that this will be a very small operation. The applicant indicated that the proposed structure will be used for hay storage and indoor riding arena, to support the existing operations. Joyce Leary Clark asked if this will be a heated structure. The barn is connected to the electricity, but it will not be heated. The electricity connection is only for lighting. Chair Schuster asked about future expansion, specifically wondering if the applicant will ever want to use this for a wedding venue, and the applicant indicated that he does not plan to use this site for a wedding or other such event(s). Chair Schuster asked about overall height, the applicant said that the structure will be about 29 feet high. Joyce Leary Clark asked if the applicant had a problem with a proposed condition of “no events.” The applicant said no, as he doesn’t plan on hosting events, other than for small, private get-togethers for the people who house their horses at the farm. After discussion, the Board discussed the potential condition of approval indicating that the applicant is not permitted to host large-scale public events, but is limited to small, private events that support the existing agricultural & equine character of the stables and current nature of the property.

Mr. Weeman told the planning board that architectural plans had recently been updated since submission, adding six windows facing the road, more in line with the City’s design standards. The Board found this revision appropriate for the use of the site and the design review standards.

**Action: Jeff Brochu moved to approve the site plan, design review, conditional use review for 146 McKenney Road per the findings of fact and conditions of approval dated August 20, 2019 to include conditions # 21 and 22 as discussed at this meeting. Alyssa Bouthot seconded the motion, and it carried unanimously.**

- c. 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

*Joe Frustaci, Star Homes, & Bill Thompson, BH2M Engineering, were present for discussion of this application.*

**Overview:** Emily Cole-Prescott presented an overview of the application. Cole-Prescott has been asking applicants to put street trees on their plan before final review, which will be requested of this applicant as well. Joe Laverriere, City Engineer, noted that some points in his memo were not addressed, so one of the proposed conditions is for the applicant to respond to the City Engineer’s latest review memo. At the June 18<sup>th</sup> meeting, the Board asked the applicant to provide additional traffic information.

**Application Completeness:** Emily Cole-Prescott indicated that the applicant has submitted traffic assessment information from Bill Bray, Traffic Engineer, in support of the waiver request to submit a traffic impact analysis. The applicant had discussed this waiver with City Staff in 2018 before she started working for the City. This traffic assessment was peer reviewed by Randy Dunton, PE, who suggested that the applicant identify an offsite impact for the additional traffic to the area. Bill Thompson, BH2M, spoke on behalf of the applicant, that the traffic assessment information was provided as requested and there were no offsite improvements suggested at this time. Vice Chair

Girouard and Jeff Brochu noted concerns about waiving this submission requirement. Emily Cole-  
Prescott said that another option would be to require the applicant to come back with potential  
offsite improvements as a condition for preliminary review. **Joyce Leary Clark moved to waive  
the submission of a traffic impact analysis noting condition #17 that the applicant is  
required to pay traffic impact fees per lot. Alyssa Bouthot seconded the motion, and it  
carried, 4-2, with Chair Schuster, Matt Provencal, Alyssa Bouthot, and Joyce Leary Clark  
voting in favor of the motion, and Vice Chair Girouard and Jeff Brochu in opposition to the  
motion.**

**Joyce Leary Clark moved to find the application for preliminary subdivision review for  
Sandy Brook complete. Alyssa Bouthot seconded the motion, it passed, 5-1, with Jeff Brochu  
in opposition.**

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

The following residents spoke during the hearing:

- Josh Keeto of 6 Sean Place noted concern with buffer between the proposed subdivision  
and his property. Noted large population of children who live on Sean Place (located behind  
this proposed development) and cited worries that additional traffic through this area could  
be dangerous for children out playing.
- Peter Koehffler of 21 Blake Ave asked if one retention pond could handle 21 homes. Mr.  
Koehffler also noted that water pressure in his neighborhood (Sierra Woods) is already low  
and wanted to know how this proposed subdivision would affect the water pressure in  
neighboring homes.
- Cynthia Chadwick-Granger of 3 Sean Place cited perceived concerns with builders and  
developers coming and going, concerned with the City of Saco having to pick up the bill for  
unfinished projects. Believes that there is too much growth coming off of Rte.112, and cited  
traffic concerns with the addition of 21 new homes in this area. Noted a desire for a 30-foot  
buffer. Ms. Chadwick-Granger expressed a desire to see similar size lots developed in the  
proposed subdivision as the lot sizes that are currently in Sierra Woods (the adjacent  
subdivision). Furthermore, she wants to know, prior to planting, what street trees would be  
going into the new neighborhood. She noted additional concerns with water pressure in the  
neighborhood. She asked about the continuation of underground electrical, which is how the  
front development (Sierra Woods) is served. In general, Ms. Chadwick-Granger is concerned  
with the amount of lighting in the area, she says that there is barely any street lighting on  
Sean Place. She expressed a desire for more signage that notes that children are  
playing/children are in the streets.

Mr. Frustaci and Mr. Thompson responded to public comments. Mr. Thompson stated that there is  
a proposed 30-foot no disturbance buffer (which would not be touched in order to maintain the  
visible buffer). The Parks & Recreation Department will choose 4 different street trees and ask the  
applicant to stagger them when planting. Mr. Thompson believes that these would be large trees  
with a 2.5-inch trunk. The proposed lot sizes in the Sandy Brook subdivision are 15,000-20,000 sq.  
feet. This is a conventional subdivision, not a cluster. The proposal includes underground electric.

There are three 3 street lights within the proposed subdivision (at each intersection and the turn from Chantelle to Blake Ave), and these will be the City of Saco's standard pole and light.

- Resident Josh Keeto mentioned that the buffer is made up of fairly small saplings currently and wanted to know if there would there be any increase in the density of the trees in that buffer. Mr. Thompson replied in the negative, as it is difficult for larger trees to grow in this area.

There was further discussion about adding additional stop signs in the area, Emily Cole-Prescott said she would follow up with the Traffic Safety Committee on this question, relative to the existing subdivision.

- Resident Peter Koehffler asked about the lot sizes and why they would be smaller than the lot sizes in the adjacent subdivision (Sierra Woods). The zoning has changed since the approval of the Sierra Woods subdivision, which, at the time, was 20,000 square feet per lot.

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

Discussion: Vice Chair Girouard noted his concern that there have been no offsite improvements suggested to mitigate traffic.

Jeff Brochu asked about the water pressure for this subdivision and whether the proposed, additional 21 lots would further limit existing water pressure in the area. The Board agreed that it is worth researching the impact of a subdivision on the average water pressure in this area. Matthew Provencal suggested that the applicant obtain a current pressure test closest to where the connection would be before returning for final plan review. After reviewing the capacity letter from Maine Water submitted by the applicant, the Board discussed a potential condition of approval of: "Before final plan review: The applicant shall confirm with Maine Water that there is sufficient water supply and pressure for this proposed subdivision and the existing subdivision to meet uniform plumbing code(s) adopted by the State of Maine. Such information will be comprised of a trend analysis of water pressure for this area." Additionally, Emily Cole-Prescott suggested that condition #16 be updated to state "before final plan review."

Emily Cole-Prescott reviewed the edits to the proposed conditions of approval.

Action: **Alyssa Bouthot moved to approve the preliminary subdivision application for the 21-lot subdivision, Sandy Brook (off of Chantelle Way) with the findings of fact and conditions of approval as amended, dated August 20, 2019. Joyce Leary Clark seconded the motion, and it carried unanimously.**

- d. Continued Application Review & Public Hearing: Fogg Estates: Map 90 Lot 23:  
Preliminary Subdivision Review – 14-lot subdivision off Jenkins Road
  - Applicant: Design Build Associates
  - Zone: R-1D

*Adrienne Fine, Terradyn Consultants, was present for discussion.*

Overview: Emily Cole-Prescott presented an overview of the application: Applicant, Design Build Associates, was present at the last meeting. Emily Cole-Prescott indicated that based on information received from the DEP about the Saco Tannery Waste pit at 193 Flag Pond Road, and since this application proposes private wells, it is recommended that a hydrogeologic assessment of the site be done to ensure groundwater quality. Emily Cole-Prescott indicated that she will be meeting with the DEP next week to review what applicants should test for in this area as part of any further groundwater assessments. If there are groundwater quality concerns, the applicant would be required to propose an appropriate type of remediation to ensure groundwater quality to any new homes.

Design Build Associates is now providing a sidewalk along the entire frontage of Jenkins Road per discussions from last meeting. At the last meeting there were some questions about sewer, and at that point the Board concluded with the help of the City Engineer that the sewer in this area could handle the 14 proposed lots. Stormwater will flow down swales in between houses toward a perimeter swale, so it will not be building up near homes. HOA documents propose that both the developer and the City review site plans with grading details for each newly proposed home before construction on each lot.

Matthew Provencal wanted to know the parcel size, pointed out that the total area of the parcel listed on the site plan needs to be revised now that what was previously considered lot 15 is not part of the subdivision.

Application Completeness: **Alyssa Bouthot moved to find the application for preliminary subdivision review for a 14-lot subdivision off Jenkins Road complete. Joyce Leary Clark seconded the motion, and it carried unanimously.**

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

The following person spoke about the application:

- Karen Unglaub, owner of existing outparcel shown on the plan, cited many concerns with the subdivision, including a fear that water from the proposed subdivision will enter her property and exacerbate a problem that she already experiences every spring, as these properties are adjacent to a wetland. She also questioned why the lot sizes were so small compared to her lot, and if the smaller lot sizes would have an impact on her property values. She questioned how the developer would make sure that the properties are graded properly. Ms. Fine indicated that the proposed plan would actually be helpful to the abutting property owner as it will be preventing water from flowing from the street onto her property. There was continued discussion between Board members and Ms. Fine about how the proposed swales and berm would work. Vice Chair Girouard suggested obtaining additional peer review to ensure that the plan for the swales as proposed would work.

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

Discussion: Chair Schuster stated that to him, this proposal does not meet the criteria because he still does not have a good sense about what the impact of the proposed subdivision would potentially be to the abutting parcel.

Matt Provencal asked about the feasibility of 3-D modeling of the topography to see a “big picture” of how water is moving across the site in order to provide additional information to the Board about the feasibility of this proposed stormwater design.

Emily Cole-Prescott suggested that the following conditions be added: #26: Final to plan review, the applicant will perform a groundwater assessment to be completed per recommendations from City Staff & information from ME DEP; #27: Before final plan review, the applicant will either remove the grading on the existing outparcel shown on the plan or obtain an easement in collaboration with the owner of the existing outparcel. In either case, there can be no offsite impacts to the existing outparcel from this proposal.

Action: **Joyce Leary-Clark moved to approve the preliminary subdivision for Fogg Estates with the conditions dated August 20, 2019 as amended at this meeting. Matthew Provencal seconded the motion.** Discussion occurred. Vice Chair Girouard suggested that Joe Laverriere’s peer-review was not specific enough about whether the grading would actually work. **The motion passed, 4-2, with Chair Schuster and Vice Chair Girouard voting in opposition.**

4. Adjournment: Chair Schuster adjourned the meeting at 9:52 PM.