

Planning and Development

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Minutes
Planning Board
Tuesday, October 15, 2019
Fire Department – Training Room
271 North Street, Saco, ME 04072
5:30 PM – Regular Meeting

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

Also Present: Bob Hamblen, Consulting Planner; Isabelle Oechsle, Program Coordinator

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

1. Call to Order: Chair Neil Schuster called the meeting to order at 5:32PM.
2. Minutes of Previous Meetings:
September 17, 2019 Site Walk – Site Walk ended at 5:50PM, not 6:50PM. **Peter Scontras moved to accept the September 17, 2019 Site Walk minutes as amended. Jeff Brochu seconded, and the motion carried unanimously.**
September 17, 2019 Meeting – **Peter Scontras moved to accept the September 17, 2019 meeting minutes as presented. Jeff Brochu seconded, and the motion carried unanimously.**
3. New Business, Tabled Items & Public Hearings:
 - a. Application Review & Public Hearing – Shipyard Cove – Proposed Private Road off Ferry Road (Map 8 Lot 18-1): Site Plan Review & Lot Line Revision for Map 8 Lot 18-1 & 14 Windy Point Lane (Map 8 Lot 24)
 - Applicants: Robert & Laurel Faucette
 - Zone: R-1A

Alyssa Bouthot stated for the record that Ken Janson of 14 Windy Point Lane is a family friend, though cited no significant concerns with being fair and unbiased for the purposes of this review. Neil Schuster stated that he is an abutter to the property, though cited no significant concerns with being fair and unbiased for the purposes of this review.

Lot Line Revision Overview: The Faucettes have approached Mr. Janson in recognizing that there can be benefit for both properties in creating a utility easement across Mr. Janson's side yard from Windy Point Lane to provide utilities to the Faucettes. Mr. Janson would be exchanging part of his side yard to provide an easement to the Faucettes for utilities, and the Faucettes would provide him some land adjacent to his property to create a larger back yard. The Jansons are retaining the side yard but simply providing easement and gaining additional land in their backyard.

Application Completeness: **Peter Scontras moved to find the application for lot line revision complete. Joyce Leary Clark seconded, and the motion carried unanimously.**

Applicant's Presentation: Dr. Faucette stated that he will be responsible for maintaining anything within the easement. The City will put public sewer through the easement and Central Maine Power will put electricity through the easement.

Public Hearing: **Peter Scontras moved to open the public hearing. Jeff Brochu seconded, and the motion carried unanimously.** The following residents chose to speak: Michael O'Toole, 12 Windy Point Lane: stated that he has no opposition to this lot line revision. **Jeff Brochu moved to close the public hearing. Peter Scontras seconded, and the motion carried unanimously.**

Action: Joyce Leary Clark moved to approve the lot line revision for Windy Point Lane with the findings of fact and conditions of approval dated October 14, 2019. Jeff Brochu seconded, and the motion carried unanimously.

Joe Laverriere, City Engineer, was present for this discussion.

Private Road Overview: Dr. and Mrs. Faucette are proposing a 950-foot private road. Private roads are allowed city-wide and aren't necessarily subject to zoning. Due to the proximity of this proposed private road application to the Saco River, this application has come under an extraordinary amount of review by the Army Corps, DEP, Saco River Corridor Commission, as well as city staff. There is no requirement for homes on this proposed private road to be hooked up to public water, according to Maine Water Company and Planner's knowledge of City ordinances.

Application Completeness: **Peter Scontras moved to find the application complete for the purpose of moving forward with site plan review. Matt Provencal seconded, and the motion carried unanimously.**

Applicant's Presentation: Dr. Faucette plans to keep one parcel of the land for himself and to eventually provide each of his three children a parcel as well (though because he is doing this in the future for the purpose of gifting to family the cutting of future lots would not subject to a subdivision review). Applicant stated that these plans are why he is proposing to create a private road. As addressed in the lot-line revision portion of tonight's meeting, an easement is being created to supply public utilities to houses on this private road (the easement would provide for sewer and electricity). The applicant is not proposing to be on public water, as running a 950-foot water main to provide city water would be cost prohibitive (especially in comparison to the cost of a well to service the properties).

Jayson Haskell, DM Roma, was present for this discussion.

There were questions concerning Dr. Faucette's long term plans for this property. As the Planning Board was not reviewing lot splits this evening, Jeff Brochu mentioned that the Board should only be looking at the impacts that the private road could have on abutters and on Ferry Road's utilities.

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

Discussion: Matt Provencal wanted it noted for the record that no lots are currently split within the property line that Dr. Faucette owns. Furthermore, Joe Laverriere noted that the approval of a private road does not divide any lots. As far as lots are concerned, condition #14 in the Planner's review memo addresses that this approval does not approve any lot lines and is only for the private road.

Action: **Jeff Brochu moved to approve the proposed private with the conditions of approval and findings of fact noted October 15, 2019. Peter Scontras seconded, and the motion carried unanimously.**

- b. Application Review & Public Hearing: Cataract Hydroelectric Project: West Channel Fish Passage Improvements (Map 37 Lot 4): Site Plan Review
 - Applicant: Brookfield White Pine Hydro, LLC
 - Zone: B-4 & Saco River Overlay

Overview: This project will be less visible than the previous project that Brookfield came in for in the past. The level of technical review is extensive, including a number of federal and state agencies. The City Planner pointed out that a boundary survey is not part of the application package, but that a waiver ought to be considered by the board for that survey.

Application Completeness: **Jeff Brochu moved to waive the boundary survey submission requirement. Joyce Leary Clark seconded, and the motion carried unanimously. Jeff Brochu moved to find the site plan review application for Map 37 Lot 4 complete. Matt Provencal seconded, and the motion carried unanimously.**

Applicant's Presentation: As always, Brookfield's fish passages are under supervision from many state and federal agencies which help to provide sources of improvement. US Fish and Wildlife engineers suggested that Brookfield put this wall in to try to divert the flow to prevent it from rushing in front of the current fish passage.

Bob Hamblen asked if Brookfield would maintain the current flow of the river. Brookfield representative said that he does not believe they would require a draw down for this project.

Public Hearing: **Jeff Brochu moved to open the public hearing. Matt Provencal seconded, and the motion carried unanimously.** No residents chose to speak at this public hearing. **Jeff Brochu moved to close the public hearing. Matt Provencal seconded, and the motion carried unanimously.**

Discussion: Brookfield hopes to have this project completed this winter. From a biological standpoint, Brookfield believes that this improvement would help the fish move up river.

Action: **Joyce Leary Clark moved to approve the site plan review application for Map 37 Lot 4 as proposed. Matt Provencal seconded, and the motion passed unanimously.**

4. Adjournment: The meeting adjourned at 6:44PM.