

Planning and Development

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Minutes
Planning Board
Tuesday, November 19, 2019
City Hall Auditorium, Second Floor
5:00 PM Workshop
6:00 PM Regular Meeting

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

Absent: Don Girouard (excused)

Also Present: Emily Cole-Prescott, City Planner; Isabelle Oechsle, Program Coordinator; Joseph Laverriere, City Engineer; Denise Clavette, Planning & Development Director; Tim Murphy, City Attorney; Dave Pendleton, Deputy Fire Chief; Roger Gay, City Council Liaison

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

1. Zoning Ordinance Revision Workshop:

Denise Clavette, Planning & Development Director, and members of the Zoning Ordinance Revision Steering Committee were present for this discussion.

Denise Clavette provided overview of next steps of the zoning ordinance revision process and sought feedback on the proposed schedule of workshops to revise Draft 4.

Emily Cole-Prescott provided an overview of changes and updates to the proposed Draft 4 version of the Permitted & Conditional Uses table and Use definitions. Mike Eon (ZOR Steering Committee member) asked about providing subsequent drafts of future changes in track changes or red-lined versions so that Committee and Board members can see what has been revised.

Planning & Development Department staff encouraged members of the Planning Board and ZOR Steering Committee to come prepared to the next workshop on December 3rd with questions or comments about the draft land use table and definitions.

2. Call to Order: Chair Neil Schuster called the meeting to order at 6:06 PM.

3. Minutes of Previous Meetings:

- October 22, 2019: **Jeff Brochu moved to approve the minutes of October 22, 2019 as presented. Peter Scontras seconded, and the motion carried unanimously.**

- October 29, 2019: **Jeff Brochu moved to approve the minutes of October 29, 2019 as presented. Peter Scontras seconded, and the motion carried unanimously.**
- November 5, 2019: **Jeff Brochu moved to approve the minutes of November 5, 2019 as presented. Peter Scontras seconded, and the motion carried unanimously.**

4. New Business, Tabled Items & Public Hearings:

- a. 153 & 157 Grant Road (Map 124 Lot 6-21 & Map 124 Lot 6-1): Subdivision Amendment – Lot Line Revision Request
 - Applicant: Gary A. Fortier
 - Zone: C-1

Overview: Emily Cole-Prescott provided an overview of this application. The requirement to maintain the stormwater buffer per original subdivision approval will need to be maintained.

Application Completeness: **Peter Scontras moved to find the application complete. Alyssa Bouthot seconded, and the motion carried unanimously.**

Applicant’s Presentation: Mr. Gary Fortier provided clarification regarding a question from the Board.

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

Action: **Jeff Brochu moved to approve the lot line revision application for 153 Grant Road and 157 Grant Road per the findings of fact and conditions of approval dated November 19, 2019. Peter Scontras seconded, and the motion carried unanimously.**

- b. 60 Bay View Road (Map 9 Lot 1): Site Plan & Design Review – Continued Application Review & Public Hearing – 6-unit residential condominium (4 seasonal dwelling units and 2 year-round dwelling units) with associated site improvements
 - Applicant: Estates at Bay View LLC
 - Zone: R-1A

Neil Schuster recused himself from for the purposes of this review but reserved his right to speak on the application as a Saco resident. In the absence of Vice Chair Don Girouard, Alyssa Bouthot acted as Chair for this review.

Tim Murphy, City Attorney, was present for this discussion.

Tim Swenson, applicant, Estates at Bay View, was present to discuss this application.

Overview: Emily Cole-Prescott provided an overview of the application and revisions to date. Proposal is for 4 seasonal dwelling units and 2 year-round dwelling units. The Board began review of

this application on May 7, 2019. The Board continued review of this application on September 3, 2019. Since the September 3, 2019 meeting, the applicant has submitted revised landscaping, lighting, existing conditions plans, and responded to Maine Water comments. The applicant also responded to staff questions regarding proposed basements and proposed attics and updated the submitted plans accordingly.

Application Completeness: This application was previously found complete at the Board's September 3, 2019 meeting.

Applicant's Presentation: Applicant, Tim Swenson (Estates at Bayview), provided updates regarding this proposal.

Public Hearing: **Matt Provencal moved to open the public hearing. Peter Scontras seconded, and the motion carried unanimously.**

The following residents chose to speak:

This section provides a list, but please refer to the meeting audio recording for details.

- *Jean Saunders, 3 Plymouth Drive, read a letter from Ron Michaud (143 Bay View Road)*
- *Kathleen Dziadio, 15 Plymouth Drive*
- *Cornelia Sawyer, 1 Plymouth Drive*
- *Neil Schuster, 433 Ferry Road*
- *PJ Lassek, 7 Christopher Terrace*
- *Paul Trahan (representing Hector Moreno, 1 Christopher Terrace)*
- *Steve Shyman, Bayview Terrace*

Discussion: Some members of the Board questioned the City Attorney's opinion that this proposal constitutes a continuation of existing use, asking questions about the timing of the use on the site relative to Article V standards. Attorney Murphy weighed in on this question, stating that the question of continuance ultimately rests with the Code Enforcement Office and not with this Board. The Board questioned whether the Code Enforcement Office has been asked to weigh in about the continuance of non-conformity, and whether the time period has elapsed due to ongoing review of this application.

Action: **Jeff Brochu moved to deny the site plan as in the opinion of the Board, the proposal does not meet the requirements of 230-1106 per the findings of fact drafted this evening. Peter Scontras seconded.** Discussion ensued. Emily Cole-Prescott stated that the Board would need to make findings of fact to support denying the application. The Board discussed the proposed findings of fact, Section 230-1106: 13.2, 13.4, 13.5, 13.7, 13.11, 13.17. Some members felt as though proposed finding 13.2: compatibility with neighboring buildings, was grounds for denial as they do not believe these buildings fit with the character of the neighborhood on Bay View Road. Of proposed finding 13.4: public safety, some members believed that there should be another public safety review done to ensure that fire apparatus is still able to turn when cars are using the proposed parking spaces. Of proposed finding 13.5: lighting, some members of the Board believed that lighting would shine onto neighboring properties. Of proposed finding 13.7: off-site impacts, some Board members believed that the proposed use of this property would have a significant detrimental effect on the use and peaceful enjoyment of abutting property, as a result of increased traffic and noise due to the seasonality of the rentals, especially when people are moving in and out. Of

proposed finding 13.11: solid waste, the Board wishes to see documentation that a trash hauler will pick up the trash of these properties. Of finding 13.17: traffic conditions, some members of the Board believed that this site would substantially increase traffic and that a traffic impact analysis is necessary. **The motion failed, 2-3, with Alyssa Bouthot, Joyce Leary Clark, and Matt Provencal opposed.**

Joyce Leary Clark moved to table this hearing to direct City Attorney Tim Murphy and the CEO Department to reinvestigate the issue of current nonconformance section 230-1106 (regarding continuation of use) and in addition, request clarity from the applicant and appropriate parties on proposed findings of fact stated above. Matt Provencal seconded, and the motion passed 4-1, with Jeff Brochu opposed.

- c. Fogg Estates (Map 90 Lot 23): Final Subdivision Plan – Application Review & Public Hearing – 14-lot subdivision off Jenkins Road
 - Applicant: Design Build Associates
 - Zone: R-1D

Adrienne Fine, Terradyn Consultants, and Matthew Chamberlain, Design Build Associates, were present to discuss this application.

Overview: Emily Cole-Prescott provided an overview of this application. The Board granted preliminary approval of this subdivision application on August 20, 2019. Since that time, the applicant and engineer have fulfilled conditions for final review.

Application Completeness: **Peter Scontras moved to find the application complete. Jeff Brochu seconded, and the motion carried unanimously.**

Applicant's Presentation: Adrienne Fine, on behalf of the applicant, provided an overview of revisions since the last time this subdivision application was presented to the Planning Board. The applicant has attempted to address Board's concerns of drainage.

Public Hearing: **Jeff Brochu moved to open the public hearing. Peter Scontras seconded, and the motion carried unanimously.** The following resident chose to speak:

- *Karen Unglaub, abutting property owner of existing outparcel*

Matt Provencal moved to close the public hearing. Joyce Leary Clark seconded, and the motion carried 4-2, with Peter Scontras and Jeff Brochu opposed.

Discussion: There was discussion about drainage concerns. After discussion, the Board scheduled a site walk on Monday, December 9th at 7:30 AM.

Action: **Peter Scontras moved to schedule a site walk for Fogg Estates. Joyce Leary Clark seconded.** Discussion ensued. **Motion carried unanimously.** Scheduled for December 9, 2019 at 7:30AM.

Adjournment: 10:44PM.