

Planning and Development

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Minutes
Planning Board
Tuesday December 17, 2019
City Hall Conference Room
Regular Meeting

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

Excused: Joyce Leary Clark, Don Girouard

Also Present: Emily Cole-Prescott, City Planner; Isabelle Oechsle, Program Coordinator; Joe Laverriere, City Engineer; Dave Pendleton, Deputy Fire Chief; Tim Murphy, City Attorney; Nathan Johnston, City Council Liaison; Members of the Zoning Ordinance Revision Steering Committee

5:00 PM – Workshop

1. Zoning Ordinance Revision: Members of both the ZOR Steering Committee and the Planning Board provided feedback and asked questions about proposed changes to dimensional standards.
2. Solar Overlay: The ZOR Steering Committee and Planning Board discussed the potential of adding a commercial solar overlay for a handful of parcels in the current C-1 zone district.

6:00 PM – Regular Meeting

1. Call to Order: Chair Neil Schuster called the meeting to order at 6:08 PM.
2. Minutes of Previous Meeting: December 3, 2019: **Alyssa Bouthot moved to approve the December 3, 2019 Minutes as presented. Matt Provencal seconded, and the motion carried.**
3. New Business, Tabled Items & Public Hearings
 - a. Planning Board Recommendations – City Street Acceptance Requests:
 - i. Ocean Greens Drive
 - ii. Caroline Way
 - iii. Country Club Drive

Overview: Emily Cole-Prescott provided overview of the requests for recommendation for city street acceptance of the three streets, each previously approved as other subdivision approvals.

Discussion: Questions were asked about who maintains the signs referenced in the Planner's review memo and about adding conditions of removal if the signs are not maintained. Multiple questions were asked about the formation of a Homeowner's Association and Joe Laverriere provided his

understanding of the standing of a Homeowner's Association. The Board came to a consensus that the developer either needs to amend the subdivision plan to reflect current standing or form a Homeowner's Association.

Action: Jeff Brochu moved to table the request for city street acceptance of Ocean Greens Drive, Caroline Way, and Country Club Drive pending more information from the applicant regarding the HOA. Peter Scontras seconded, and the motion carried unanimously.

4. Old Business

a. 193 Flag Pond Road (Map 92 Lot 19): Possible Reconsideration of Findings and Conditions

Overview: Emily Cole-Prescott provided overview and summary of what has occurred since the December 3, 2019 meeting when the Board approved this application with conditions.

Applicant's Presentation: Applicant, Paul Hollis of Great Lots of Maine, explained that he wants this matter tabled until his counsel can discuss the situation with the City Attorney.

Discussion: Chair Schuster asked for Attorney Murphy's opinion on this matter. Attorney Murphy opined that the Board needs to take in information regarding the right, title, and interest issue presented in the Board's materials. The Board discussed the information provided.

Action: Based on the information provided, Alyssa Bouthot moved that the Board reconsider the final, conditional approval and findings of fact dated December 3, 2019 as amended with the additional conditions added at the December 3rd meeting. Matt Provencal seconded, and the motion carried unanimously.

Jeff Brochu moved that the Board deny the final subdivision application for the proposed four-lot subdivision at 193 Flag Pond Road (Map 92 Lot 19), finding that the applicant does not hold right, title and interest to any portion of what is proposed as lot four. The Board also finds that due to the fact the applicant does not hold right, title and interest to proposed lot four, conditions of approval as discussed with the applicant cannot be fulfilled, including but not limited to, the condition of no further subdivision relative to the requested access waiver, and the vernal pool buffer as described and outlined in the vernal pool information prepared by Albert Frick Associates dated November 26, 2019. Peter Scontras seconded, and the motion passed unanimously.

5. Adjournment: Meeting adjourned at 7:30 PM.