

**Planning and Development**

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Minutes  
Planning Board  
Tuesday, January 14, 2020  
City Hall Auditorium (2<sup>nd</sup> Floor)  
5:00 PM Workshop  
6:00 PM Regular Meeting

Present: Joyce Leary Clark; Alyssa Bouthot; Don Girouard; Jeff Brochu; Matt Provencal; Neil Schuster  
(present only for workshop start)

*Don Girouard was Acting Chair for all items, other than 60 Bay View Road.  
Alyssa Bouthot was Acting Chair for 60 Bay View Road.*

Excused Absence: Peter Scontras

Also Present: Emily Cole-Prescott, City Planner; Isabelle Oechsle, Program Coordinator; Joe Laverriere, City Engineer; Dick Lambert, Code Enforcement Officer; Tim Murphy, City Attorney; Nathan Johnston, Council Liaison; members of the ZOR Steering Committee; members of the public

*Note: Regular meeting is audio recorded, and recordings are available on the City's website for review.*

Workshop – 5:00 PM:

- I. Zoning Ordinance Revision

Regular Meeting – 6:00 PM:

1. Call to Order: Acting Chair Don Girouard called the meeting to order at 6:06 PM.
2. Review Minutes of Previous Meeting: December 17, 2019 – **Alyssa Bouthot moved to accept the December 17<sup>th</sup> minutes as presented in the packet. Jeff Brochu seconded, and the motion carried unanimously.**
3. New Business:
  - a. 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

*Don Girouard recused himself from this item. Alyssa Bouthot acted as Chair for this application review.*

Overview: Emily Cole-Prescott provided overview of updates to the application since the last meeting on November 19, 2019.

*Applicant Tim Swenson, Estates at Bay View, was present for continued application review.*

Applicant's Presentation: Applicant, Tim Swenson, provided updates on what has occurred since the last meeting on this application.

**Public Hearing:** Jeff Brochu moved to open the continued public hearing. Joyce Leary Clark seconded, and the motion carried unanimously.

*The following is a list of people who chose to speak during the public hearing. Please refer to meeting recording for full information. Meeting recordings are available on the City's website at this link: [Planning Board Meeting Recordings](#).*

- Kathleen Dziadzio, 15 Plymouth Drive
- Pamela Lassek, 7 Christopher Terrace
- Kevin Roche, 18 Vines Road
- Robert Dziadzio, 15 Plymouth Drive
- Neil Schuster, 433 Ferry Road
- Paul Traban (representing Hector Moreno, 1 Christopher Terrace)
- Anne Cook, Plymouth Drive
- Frank Gondreau, 9 Sailboat Lane
- Kelly Snow, 12 Plymouth Drive

**Jeff Brochu moved to close the public hearing, and Matt Provencal seconded.** Board discussion occurred. **Jeff Brochu withdrew his motion, and Matt Provencal withdrew his second.**

*At this time, the following members of the public spoke:*

- Jean Saunders, 3 Plymouth Drive
- Robert Dziadzio, 15 Plymouth Drive
- Paul Traban (representing Hector Moreno, 1 Christopher Terrace)
- Kevin Roche, 18 Vines Road
- Neil Schuster, 433 Ferry Road
- Kathleen Dziadzio, 15 Plymouth Drive

**Jeff Brochu moved to close the public hearing. Joyce Leary Clark seconded, and the motion carried unanimously.**

**Discussion:** Jeff Brochu asked about private trash hauler. The applicant proposes private hauling of individual trash bins by Pine Tree Waste rather than a centralized dumpster. The Board discussed specific conditions to mitigate any future expansion of habitable space and asked for clarification on the proposed habitable space square footage. Emily Cole-Prescott directed the Board to an email included in the meeting packet from Code Enforcement Officer Dick Lambert, calculating the total proposed habitable square footage.

Emily Cole-Prescott responded to questions from the Board which were raised during the public hearing. Questions included name of applicant relative to submitted building plans, current condition of the site primarily relative to fencing of foundation hole, proposed basement heights, verbiage in the solid waste agreement, which utilities would be shut off in effort to assure seasonality. The Board also discussed potential, additional conditions.

The Board asked for additional clarification from Attorney Murphy regarding non-conformance Article V standards relative to this proposal. Atty. Murphy's December 2019 memo about this topic was included in the meeting packet.

The Board discussed methods to guarantee seasonality through additional conditions of approval, including but not limited to, amendments to the condominium documents.

**Action:** Jeff Brochu moved to deny the application for 60 Bay View Road, that in the opinion of the Board, it [the application] does not meet section 230-1106(B) of the Zoning Ordinance, Compatibility with Neighboring Buildings. Matt Provencal seconded, for discussion. Discussion ensued. Matt Provencal noted that in his opinion, there are still questions that remain outstanding. As

presented, with garages, extra storage, heat, insulation, and water shut off restriction, the Board was not convinced that seasonal use is substantiated, therefore not meeting the existing non-conforming use as transient rental property. The overall, scale, context, massing, use throughout the site, is not conducive to a transient rental property like it was before. There was also concern about loss of natural landscape and existing context for the work that had been done on site before Board review. Joyce Leary Clark indicated that this seems to be an expansion of non-conforming use not consistent with seasonal use, noting crawl spaces, garages, proposed condo ownership with no unified management. The structures themselves and change of ownership seem to be increasing the non-conformity. Jeff Brochu spoke to topic of compatibility of neighboring buildings, noting that they are “very nice buildings” but being in such close proximity to other properties where traditional setbacks are met, stated the proposed plan is not compatible with the existing neighborhood. **The motion carried unanimously.**

- b. Request for City Street Acceptance Recommendations
  - Ocean Greens Drive
  - Caroline Way

Overview: Emily Cole-Prescott provided overview of this request, which was tabled from the last meeting. The applicant has attempted to address some concerns from the last meeting.

*Mike Mezoian, Mezoian Development, was present for this review.*

Applicant’s Presentation: Applicant, Mike Mezoian, provided additional information regarding the different subdivision plans. Applicant will plant street trees in the spring to satisfaction of city staff.

Discussion: Jeff Brochu asked about the HOA information. Emily Cole-Prescott made the Board aware that, with the removal of the sign, Staff sees no reason for an HOA to be formed in the Juniper Knoll section, as other items throughout the subdivision are already under agreements. (E. Cole-Prescott indicated that the applicant plans to form the HOA for the Copperleaf Subdivision, which includes Country Club Drive. Since this has not yet been done, Country Club Drive will be sent to the Board separately for review on another night).

Public Hearing: **Jeff Brochu moved to open a public comment session regarding the City Street Acceptance Review for [the specified portion of] Ocean Greens Drive and Caroline Way. Alyssa Bouthot seconded, and the motion carried unanimously. No members of the public chose to speak about this item. Jeff Brochu moved to close the public hearing. Alyssa Bouthot seconded, and the motion carried unanimously.**

Action: **Joyce Leary Clark moved, pursuant to Chapter 186 of the City’s ordinances, that the Planning Board forward a positive recommendation for city street acceptance of Caroline Way and the specified portion of Ocean Greens Drive to the City Council with the condition that the developer enter into an agreement to plant street trees and to remove the Juniper Knoll sign from the proposed City right-of-way. Alyssa Bouthot seconded, and the motion passed 4-1.**

- c. Chapter 81 Request: 351 North Street (existing Public Works Facility)

Overview: Emily Cole-Prescott provided overview of this item, which was on the agenda simply to make the Board aware and to solicit feedback about selling the site.

Discussion: Board members raised concerns about process and the fact that this review has been forwarded after the RFP has been advertised. Atty. Murphy’s emailed opinion was referenced, and Emily Cole-Prescott indicated that she has been asked to bring this item to the Planning Board at this time. Board members agreed that the question before them is whether to sell the property, and Chapter 81 review should be

completed. Emily Cole-Prescott will compile additional documentation and return to the January 21<sup>st</sup> Board meeting.

Adjournment: Meeting adjourned at 10:35 PM.