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Minutes  
Planning Board  
Tuesday, November 5, 2019  
City Hall Auditorium  
5:30 PM – Regular Meeting

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

Also Present: Emily Cole-Prescott, City Planner; Isabelle Oechsle, Program Coordinator; Denise Clavette, Planning & Development Director; Tim Murphy, City Attorney

*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 this meeting to order at 5:30 PM.
2. Review of Minutes – October 15, 2019: **Joyce Leary Clark moved to accept the October 15, 2019 meeting minutes as presented. Peter Scontras seconded, and the motion passed unanimously.**
3. New Business, Tabled Items & Public Hearings –
  - a. 5 Willey Road (Map 59 Lot 33): Change of Use Request (Site Plan Amendment) for Saco School Department:

*Adrienne Fouts, attorney for the school department in this matter, was present for this discussion. Tim Murphy, City Attorney, was also present for this discussion.*

Overview: Emily Cole-Prescott provided overview of the application and noted that both the City's Economic Development Commission (EDC) and the Saco City Council had reviewed the School Department's request to amend the City's Industrial Park Covenants, and thereby authorize the use of 5 Willey Road for purposes of a Public Pre-K program.

Public Comment: **Jeff Brochu moved to open the floor for public comment. Peter Scontras seconded, and the motion passed unanimously.** *No members of the public chose to speak regarding this matter.* **Jeff Brochu moved to close the floor for public comment. Peter Scontras seconded, and the motion passed unanimously.**

Attorney Adrienne Fouts answered Board member's questions about the existing lease for 5 Willey Road between the Saco School Department and the owners of the premises at 5 Willey Road.

The Board asked whether the property would still be garnering property tax revenue if the Saco Schools did move into the premises. Attorney Murphy explained that the City would lose the personal property tax revenue from the occupancy because of the non-taxable nature of the Schools, and it would lose the real estate property taxes as well because of the triple net nature of the lease between the schools and the owners. In effect, the City would be paying the taxes on the property.

**Action:** Jeff Brochu moved to deny the use change request for 5 Willey Road, for a public pre-kindergarten use, nothing that the use is prohibited per section 5.2 of the industrial park covenants, and the use change request and accompanying park covenant amendment have been denied by both the Economic Development Commission and the City Council. Therefore, the Planning Board finds that this request does not meet the approval criteria specified in section 230-1106(A) of the City’s ordinances. Alyssa Bouthot seconded. Discussion ensued. Peter Scontras moved to amend the motion to strike the mention of findings of other commissions. No one seconded, motion failed. Original motion passes 5-0-1, with Peter Scontras abstaining.

- b. 184 Simpson Road (Map 121 Lot 6): Site Plan Amendment – Application Review & Public Hearing – Revisions to previously approved site plan
  - Applicant: Ecology Education, Inc.
  - Zone: C-1 & Contract Zone

*John Mahoney, Ransom Consulting and Jesse Thompson, Kaplan-Thompson Architects were present for this discussion.*

**Overview:** Emily Cole-Prescott provided overview of the application. During this overview, she pointed out that many of the revisions are minor in nature, but with so many minor revisions it becomes important to open a public hearing and for the Board to review all the changes. Mentioned that the Board should limit its review to only the proposed changes tonight and not those things which have previously been approved.

**Application Completeness:** Jeff Brochu moved to find the application for site plan amendment complete. Alyssa Bouthot seconded, and the motion passed unanimously.

Jesse Thompson, Kaplan-Thompson (on behalf of the applicant) presented an overview of the proposed changes to the originally approved site plan. Since the last time the applicants were here in June 2018, construction has begun on the previously approved, un-changed items, such as the dorm.

The Board asked the applicants questions about their choices regarding above ground electric lines, and width of the access drive. The occupancy load of the buildings has not changed, the provisions of the contract zone have not changed. The use for the site has also not changed.

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

- Henry Beeuwkes, 168 Simpson Road
- Martha Mills, 168 Simpson Road
- Inga Browne, 161 Simpson Road
- Roger Gay, Rocky Hill Road

*This list provides the names of those who spoke. Please refer to the meeting recording for detail.*

Jesse Thompson, Kaplan-Thompson, explained that the existing well tested at 20 gallons per minute. The second well is being proposed as a “just-in-case” measure. The septic system is designed for a flow of up to 8,000 gallons per day, though current testing suggests that the school will use about 5,000 gallons per day. There will not be treated water being used for agricultural use (they do not

plan on using well water for irrigation; rain water alone will be used for irrigation). Irrigation will be collected from roof run-off. Applicants believe that there is capacity to pump at 8 gallons per minute, 10 hours a day based on tests completed about 2 weeks ago. Applicants want to keep the second well on the plan to have that option, only if necessary.

The applicants explained the purpose of wellhead protection and the recently issued grant approval. Jeff Brochu asked if there had been a formal report about the drawdown of the well. Applicants answered that there just recently had been (as of a few days ago). The applicants plan to steadily filter at the 8 gallons per minute, 10 hours per day into the water tank. All the water in the tank will be treated for arsenic. Jeff Brochu asked if the 5,000 gallons per day includes back-wash from filtering membranes and wanted to know if the tank was insulated to prevent icing.

Emily Cole-Prescott answered several questions raised during public comment. The Site Plan Review was valid for one year. The applicant applied for an extension in early June prior to the deadline to extend the approval for one year. As for the contract zone, “failure for the applicant to secure site plan approval for the property within 2 years will render this contract null and void.” Therefore, the contract zone is still valid.

Emily Cole-Prescott addressed a comment about construction timelines. Applicants have fulfilled appropriate conditions (see compliance summary in memo) to obtain foundation permits for only those site items which were previously approved and have not been revised. This has been consistent with other foundation permits issued in the City.

The following resident spoke:

- *Inga Browne, 161 Simpson Road*

**Peter Scontras moved to close the public hearing. Jeff Brochu seconded, and the motion passed unanimously.**

Board Discussion: Jeff Brochu asked about requesting draw down data. Alyssa Bouthot noted that this is primarily a secondary well and there is no change of use to the site. Alyssa Bouthot asked about item 4.b on the proposed findings of fact. The Board will amend the City Planner’s findings of facts to say “48 square-foot garden shed” not “water tower.”

**Alyssa Bouthot moved to approve the site plan amendment per the findings of fact and conditions of approval dated November 5, 2019, as amended this evening. Matt Provencal seconded, and the motion passed 5-0-1, with Jeff Brochu abstaining.**

c. Zoning Ordinance Revision Update

The number of revisions to the proposed zoning ordinance, for which the Board held a public hearing on October 22, 2019, are quite substantial, so staff is recommending that we continue this process into Spring 2020 to provide time to complete the substantial number of edits.

Staff is thankful for public comment and concerns from the Planning Board. Staff is working on an updated timeline and next steps.

**Jeff Brochu moved to charge the Planning & Development Department to make revisions as discussed during previous meetings, and to present Draft Four of the Site Plan, Subdivision and Zoning Ordinances in the Spring. The Planning Board understands that this process will require additional time and supports this direction. Joyce Leary Clark seconded, and the motion passed unanimously.**

Adjourned at 7:05 PM.