

**Planning and Development**

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**Planning Board Meeting**  
**January 22, 2019**  
**City Hall Conference Room – First Floor**  
**5:30 PM: Workshop**  
**6:00 PM: Regular Meeting**

PLANNING BOARD MINUTES  
1/22/2019

Planning Board Members Present: Neil Schuster, Chair; Vice Chair Don Girouard; Alyssa Bouthot, Matt Provencal, Joyce Leary Clark; Jeff Brochu City Council Liaison Roger Gay (present for the workshop and first half hour of the meeting)

Planning Board Members Absent: Peter Scontras

Staff Members Present: Denise Clavette, Planning & Development Director; Emily C. Prescott, Economic Development Specialist; Joseph Laverriere, City Engineer

NOTE: Meeting is audio recorded. These audio records will be posted on the City's website and available for public review within one week of the meeting.

**5:30 PM Workshop**

Walkability and Connectivity (Subdivision Ordinance Section 10.11.5.11): The Planning Board reviewed sections of the Zoning Ordinance and Subdivision Regulations, per this [presentation](#).

**6:00 PM Regular Meeting**

1. Election of Officers (Chair and Vice Chair):

**Nomination of Chair: Joyce Leary-Clark made a motion to nominate Neil Schuster as Chair of the Planning Board. Alyssa Bouthot seconded the motion, and it carried unanimously**

Nomination of Vice Chair: **Matthew Provencal moved to nominate Don Girouard as Vice Chair. Jeffrey Brochu seconded the motion, and it carried unanimously.**

2. Minutes of December 18, 2018: **Joyce Leary-Clark made a motion to approve the minutes [of the December 18, 2018] meeting as presented. Jeffrey Brochu seconded the motion, and it carried unanimously.**

**Public Hearings:**

3. **Site Plan Review for proposed 8,000 s.f. daycare building in the Park North subdivision on Waterfall Drive. Applicant is Park North, LLC. Tax Map 63, Lot 6-3. Zoned MU3 and Contract Zone:**

**Denise Clavette** read the memo that was written by Zach Mosher: Park North Development LLC, is seeking site plan approval for an approx. 8,000 sf daycare facility within Lot 18 of the Park North Subdivision (Tax Map 63, Lot 6-3). The site will be accessed from a proposed common drive for the recently approved Cascade Falls apartments off Waterfall Dr. A 6.27 acre portion of Lot 18 (Tax Map 63, Lot 6), was split from this lot and is now known as Lot 24 which is the location of the Cascade Falls Apartments. (The 6.27 acre lot was accomplished via the Seventh Amended Subdivision Plan and was approved by the Planning Board at their October 2, 2018 meeting.) The proposed site of the daycare facility, which is the remaining portion of Lot 18, is zoned MU-3 and Contract Zone.

The Lot 18 parcel is located in Parcel 1 of the Park North CZ and the proposed project falls within the permitted use, "Daycare Center." The CZ agreement for Parcel 1 specifies that minimum lot size is 7,500 sf with 50 ft of street frontage and 20 ft setbacks for rear and back yard setbacks. Max lot coverage within parcel 1 is 40%. Lot 18 is approx. 7.5 acres and the proposed developed area will be 1.4 acres and will meet all setbacks.

The proposed site development includes an 8,000 sf building with approx. 4,200 sf of outdoor play area and 45 parking spaces, walkways and a storm drain connection to an existing management facility. Utility services, consisting of public water, sanitary sewer and electrical/communication services will be extended underground from Waterfall Drive and Dawn Marie Dr. The Saco Zoning ordinance requires one parking spaces for every 4 children which equals 63 parking spaces. As mentioned the applicant is proposing 45 spaces since in their experience daycares typically do not need one space for every 4 children. If the need for more parking arises at this facility, the applicant has proposed 18 shared spaces within the approved Cascade Falls apartments parking lot. The applicant must meet the requirements of Item (9) in Sec. 230-708 (C) for landscaping in parking lots. Staff has also asked the applicant to provide A manufacturer's catalogue cut sheet must be submitted for the proposed exterior light fixtures proposed for use throughout the site and any exterior lighting on the building and is addressed in the conditions of approval.

**Denise:** Zach wrote this memo before he left. I have an updated memo dated 1- 16-19 written to the planning board, which was submitted for the record. On January 16, 2019, the City of Saco represented by Denise Clavette, Planning and Development Director, met with MDOT, Elliott Chamberlain, Sebago Technics, PD Deputy Chief, Corey Huntress, City Engineer, Joe Laverriere. Although there is an existing TMP, it has expired (after 5 years). It was discussed and understood that the TMP requirements still need to be met, and

that the TMP would change from the original results. Elliott Chamberlain agreed to apply for a new Traffic Permit. It was agreed that at a minimum a traffic light would be required at Flag Pond Rd. Please refer to recording of minutes for detail of memo. (6:41)  
Also, Joe Laverriere submitted more comments that will be part of the Conditions of Approval.

**Don:** We should vote on the waiver request for the hydrogeologic assessment, as well as the reduction in the number of parking spaces, required by Sec. 708 of the ordinance.

**Waiver Request: Section 230-1104A (16):**

**Don Girouard moved to waive the hydrogeologic assessment [submission requirement] on the basis that this project will be served by both sewer and water. Joyce Leary-Clark seconded the motion, and so moved. 6-0.**

**Determination of Completeness**

**Don Girouard: "I move to find the application for site plan review complete.", seconded by Alyssa, and so moved 6-0.**

**Design review:** The applicant has provided answers to the criteria listed in Sec. 230-729 (E) and those answers are in the application materials.

**Richard Meek, Sebago Technics:** A correction on the parking. The count for the children is proposed as 200, at 1 space per 4 children would be 50 spaces, which means only 5 spaces to be shared. It is possible that that could change, because we do not yet know the exact number of children that there will be. They just received Joe Laverriere's comments today, and they will be addressed. The conditions that Zach had written up, they are in agreement, except for #5 regarding the parking spaces, which he already mentioned. Other details can be heard from the audio recording. (14:34)

**Jeff Brochu:** there is a discrepancy in the paperwork on the height of the building. What is the correct height?  
Elliott: 44ft. The building will be 1-1/2 stories. Undecided as to radiant heat, or an HVAC system. If they go with an HVAC, it will be screened by a fence.

The Board and applicant discussed whether it was necessary for Diane Morabito to do a full traffic analysis every time he comes to the Board for site plan. She should just be able to add the counts to the already developed study.

Suggestion to add condition 19 that reflects the TMP based on Denise Clavette's memo

**Don Girouard moved to open the public hearing, Jeffrey Brochu seconded the motion, and so moved. 6-0  
No one from the public was present to speak about this application**

**Don Girouard moved to close the public hearing. Jeffrey Brochu seconded the motion, and so moved. 6-0**

**Denise:** Per the subsequent memo from Joe Laverriere. When she and Emily reviewed items 1, 2, 4, and 8, they are essentially covered in her memo, in the Conditions of Approval, but the Board may want to look at items 3, 5, 6, and 7, and see how you want to incorporate that in the COA, depending on what the Board wants them to read.

**Neil:** The Board typically makes a motion that Joe's comments be addressed to city staff's satisfaction.

**Emily:** you may also want to add or change the height of the building where relevant, to 44ft.

## **BOARD DISCUSSION:**

**Neil: part of the COA should include:**

- a. Change the height of the building to 44ft
  - b. Change/Update to the TMP
  - c. Joe's memo be addressed to the satisfaction of city staff
  - d. Edit #5 COA to read that the long term lease agreement for 5 off-sight parking spaces
  - e. Add a condition that the approval be based on a maximum of 200 students.
- a. Conditions of Approval and Approval Motion:
1. All work shall be in conformance with the approved plans, entitled "Daycare Facility" prepared by Richard L. Meek, PE of Sebago Technics, revised through 12/31/18. These plans consist of 9 sheets.
  2. No deviations from the approved plans are permitted without prior approval from the Planning Board for major changes, and from the City Planner for minor changes. The determination of major or minor shall be made by the City Planner.
  3. Since this project will disturb in excess of 1 acre, then it will be subject to the requirements of a Maine General Construction Permit (MGCP). The applicant is required to obtain said permit and comply with all requirements. In accordance with the MGCP, the erosion control requirements for this project need to include specific requirements for inspection frequency, maintaining weekly inspection records, etc. These written inspection logs need to be maintained onsite and available for viewing during site inspections.
  4. Site lighting shall comply with Section 804 requirements and must be approved by the city's lighting plan review consultant prior to construction.
  5. A long-term lease agreement needs to be provided for the 5 offsite parking spaces to be located at Cascade Falls Apartments in accordance with Article 708-3 of the Zoning Ordinance.
  6. Copies of the approvals for the minor amendment to the Site Location of Development permit and Natural Resources Protection Act permit shall be submitted to the City prior to the start of construction.
  7. A Letter of Credit or other form of financial guarantee acceptable to the City of Saco, as called for in Section 230-1110 of the Zoning Ordinance shall be submitted prior to the issuance of permit or site work being initiated. The financial guarantee shall be established for 150% of the cost of the following improvements: landscaping, paving, work within ROW, drainage, loam & seed, sediment & erosion control.

8. Prior to work commencing, the applicant shall establish a construction inspection account equal to 3% of the base cost of the financial guarantee.
9. To establish the financial guarantee amount, the applicant shall provide the City with itemized, per unit cost estimates, and a construction schedule, at least one week prior to the start of site work.
10. No permits shall be granted nor shall work commence until one mylar set and three paper sets of the final plans have been received by the Planning Office.
11. Prior to any construction activities, the applicant and contractor shall meet with the City Engineer and City Planner to review plans, inspection schedules and erosion control practices.
12. All plans and specifications shall be provided on disc in AutoCAD format.
13. At the completion of the project, a written request shall be submitted for final inspection and release of the financial guarantee and inspection account. Upon receipt of this written request, the City Planner shall circulate the request to all City departments that were involved in the initial review of the project. Final review of the project by the Public Works Department and the City's consulting engineering firm shall be completed, and as-built plans shall be submitted prior to the final release of the financial guarantee.
14. The applicant shall consult with the Saco Fire Department on the requirements and locations for knock box; annunciator panel; and external sprinkler riser connection (if needed).
15. The City's site lighting peer review consultant shall review the exterior lighting photometrics plan prior to the start of construction.
16. Per memo from Denise Clavette, Planning & Development Director, to the Planning Board, dated January 16, 2019, the applicant will file an updated Traffic Movement Permit with the Maine DOT.
17. Items identified within the memo dated January 22, 2019 from Joe Laverriere, City Engineer, will be addressed to the satisfaction of City Staff.
18. The submitted plan set will be revised to correct the indicated height of the proposed structure.
19. The application and plans are approved based on a maximum of 200 students.
20. Outdoor mechanical equipment shall be screened.

After review and revision of the conditions of approval prepared by former Planner Zach Mosher and additional conditions added during discussion,

**Don Girouard moved to approve the Site Plan for the Daycare Facility at Park North with the conditions stated here tonight. Jeffrey Brochu seconded the motion, and so moved 5-1.**

**4. Continued Preliminary review of 79 new lots at Heath Overlook off Buxton Road, and Sullivan Lane. Applicant is J. Thomas Scrivener. Tax Map 88, Lot 14 and 14-2. Zoned R-1d:**

**Emily C. Prescott:** J. Thomas Scrivener, LLC, is seeking approval to create 79 new lots at the Heath Overlook subdivision off Buxton Rd, which essentially would amend the March 15, 2016 subdivision approval. The project at that time called for 11-lots on a roughly 10-acre parcel, with a 920 foot long street off Buxton Road. The proposed amendment identifies that initial project of creating 11-lots in 2016 as Phase One. Phases 2 and 3 are proposed to include 79 new lots and over a mile of new streets that will provide a connection to Sullivan Ln, designed to City specifications for eventually offered to the City for acceptance. The Board reviewed a

sketch plan for the project at its 2/6/18 meeting. Both DPW and Planning staff agree that this project is an amendment to the original subdivision approval since it is part of the original land parcel and therefore needs to include cumulative permitting (i.e. wetlands, traffic, etc.). Phases 2 and 3 include the creation of 79 new logs spread over 80-acres of property owned by the applicant. This parcel is identified as Map 88 and 89, Lots 14/14-2 and 14-7, and is addressed as 79 Buxton Rd. and located in the R-1d zoning district, which dictates 15,000 sf lots with at least 100ft of road frontage, 25ft front setback and 25% maximum lot coverage.

**Neil:** some of the items discussed at the last meeting:

- a. Radius of the roadway
- b. Off sight sidewalk extended from Sullivan Lane and to continue to the new development.
- c. Sewer connection will be pump station vs. cross country sewer
- d. Traffic discussion
- e. A thru street be built to private road standards that would connect to Sullivan Lane to provide thru access to connecting street
- f. The cul-de-sac remain in place on Sullivan Lane
- g. Everyone agreed that with this project, traffic warrants meet the need for signalization

**Board discussion:**

Is there a short term fix to help with the traffic issue, while waiting for the signal to go in? Like maybe a 4-way stop? **Joe Laverriere:** I don't think that that is an option. MDOT will be driving this.

**Neil:** this project, like other projects in this area, will require a per lot traffic impact fee to contribute to the signalization and the work that needs to be done along the Rte. 1 corridor.

**Joyce:** what about the spur? **Joe:** that is another study, separate from this.

**Jeff:** traffic issue is not just at the intersection of Rte. 112 and Jenkins Rd, but also at Rte. 112 and the Industrial Park Rd. Those funds are for both intersections, right? **Joe:** there are 2 traffic impact fees. One was earmarked for Jenkins and the other for the Rte. 112 corridor. Whether that is being compiled into one, he is not sure. As long as he can remember, there has been an impact fee for projects that are in that area.

**Don:** what about the concept, if any, of a round-about at the Industrial Park Rd. **Joe:** that was looked at, but it was determined that was not going to work that well.

**Don:** has there been any further discussion of an extension of a bypass? **Joe:** that is one of the things that they are looking at and will be shared at a meeting in February. So, I don't know where that ranks. **Don:** wasn't that going to impact this project? **Shawn Frank:** yes. That was mentioned when they presented the overall concept plan. The applicant is fully aware. **Joe:** this may be 10 years out. There are a lot of logistics to be discussed between the City and MDOT.

The board would like to know how much money has been collected for the Rte. 112 and Jenkins Rd traffic fund. Emily will research.

**Joyce:** there was also discussion at the last meeting, as to having a one-way access into Sullivan Lane. Was that shot down, or is that still a possibility?

**Alyssa:** how do we handle this project compared to other projects in the past that had to pay this impact fee? In the past the projects did not trigger a warrant, where today, this project does. **Neil:** while this applicant is not the sole one to fix this problem, he will contribute to the traffic impact fee to hopefully resolve the issue in the future.

**Neil:** another topic, the off sight sidewalk. Inside the development there are sidewalks proposed. The question is the off-sight sidewalk from Overlook Drive, along Rte. 112.

**Jeff Brochu:** I think it is a must that there be an off sight sidewalk. As he heard one home owner in the Heath Overlook subdivision (phase 1). His son can see the school, but he can't get there. There needs to be a way for the kids to walk to the Middle School. There needs to be a way for the kids to be able to get to the recreational fields at the Middle School, as well as get them away from the higher speeds that Heath Overlook exits onto now.

**Matt Provencal:** He agrees with Jeff. What would it take to have one of those signals like they have at Main St for Thornton Academy students?

Further discussion can be heard on the audio recording. (2.01 minutes)

#### **Motions:**

**Jeff Brochu:** I move that an offsite improvement for this project be the construction of a sidewalk from Heath Overlook to Rotary Drive, seconded by Joyce, and so moved. 5-0-1, with Don Girouard abstaining.

#### **Traffic Impact Fee:**

**Don motioned that the applicant pays a traffic impact fee of \$1050 per lot which is consistent to what other subdivisions have paid along Jenkins Road, seconded by Matt Provencal, and so moved 6-0**

Board discussion of thru street and what the subdivision regulations Sec. 10.11.2 requires.

**Joyce:** I move that the Board waive Sec. 10.11.2 of the Subdivision Regulations as applied to the cul-de-sac at the end of Overlook Drive, seconded by Alyssa, and so moved. 5-1, with Jeff Brochu voting in opposition.

**Shawn Frank:** questioned the open space fee.

**Neil:** the standards talk about active open space which is defined as more than just a field. Maybe this is a question for our interim planner.

**Jeff Brochu moved to open the public hearing, seconded by Alyssa Bouthot, and so moved 6-0.**

**Bob Kegler, 14 Steeple Drive:** Is it possible that you wouldn't have a cul-de-sac down there. Also, the stream is a spring fed stream, he is wondering what kind of impact that road is going to have on that stream. The same thing that happened to the stream on Jenkins Rd. (overflow) back in 1990, could happen with this stream.

**Lynn Martin, 4 Sullivan Lane:** she heard earlier discussion about Sullivan Lane becoming a one-way. She is the 3<sup>rd</sup> house in Sullivan Ln and it is a narrow street. Are there plans to widen it? Also, the discussion on having a pump station and how they may affect the wells they are on? Sidewalk on Jenkins Rd should be evaluated. They are close to the road. And lastly, the increase in traffic this project will bring.

**Cathy Dupee, 1 Sullivan Lane:** her concern is the increase in traffic, as well. I think the Foss Rd discussion is a good idea, or maybe the old Exit 5.

**Resident of Jenkins Rd:** she has lived there for 46 years. It breaks her heart to see all the houses that are being built and the traffic it will create. Just the other day, a car hit someone riding a bike in front of her house.

**Gary Stevenson, resident of Jenkins Rd:** he sees a real problem with phase 2 of this development, and the dirt road into Sullivan Ln. That dirt road is going to nowhere. It will become a dumping ground. A dirt road coming down to Sullivan Ln, will create a dust bowl. That road should be locked at the end of Sullivan Ln.

**Gary Hoyt, owner of Lot 8 in Heath Overlook subdivision.** the pump station which eventually will become the property of the City, will the capacity be designed to accommodate the remainder of the development specifically Lots 8 thru Lot 16. What of access to utilities for abutting properties. He agrees with the previous resident who said that the dirt road will just be a dumping ground.

**Neil asked Shawn Frank to address these items that were discussed:**

- a. the bridge over the stream;
- b. any proposed Sullivan Ln changes;
- c. the pump station and its capacity;
- d. the private road construction and what the surface will consist of;
- e. and access to utilities for abutting properties.

**Shawn Frank: Responses**

- a. this is the one crossing that DEP is going to allow them. It is designed for 100yr storm event and is very specific. This is all approved by several entities such as, the Army Corp of Engineers, and DEP.
- b. Pump station is sized specifically to the proposed units that will be tied into it. It will have the capacity to tie in a few more units, but not the capacity to add 50-60 houses. It will be owned by the City of Saco.
- c. Streets will be built to City standards. The ROW will be there and will be conveyed to the City. Utilities will be in the cul-de-sac, and any house that has access can tie in, because it will be city property.
- d. Pump Station will have no adverse effect on surrounding properties. The sewer will be collected, and the pump station will pump it up to the city's sewer.
- e. Dirt road will be a temporary emergency access. The idea is when we get to developing phase 2 and 3, we should eliminate the problem of people dumping.
- f. Existing sidewalk on Jenkins Rd, they are not proposing any improvements there, neither are they proposing the widening of Sullivan Lane.



**Neil** asked Joe Laverriere when MDOT was scheduled for a public hearing to discuss the spur.

**Joe:** It is scheduled for Feb. 13, which is a Weds. night at 6:00pm. But there hasn't been an official notice of that yet. The city is meeting with DOT next week to review alternatives. So that will be the proof. If the city doesn't feel they are ready, then there won't be a meeting on the 13<sup>th</sup>.

**Jeffrey Brochu moved to close the public hearing. Matthew Provencal seconded the motion, and it carried unanimously 6-0**

**Neil:** Board discussion of a one-way on Sullivan Ln.

**Joyce:** how could it be enforced? How do you know if the car came from before the cul-de-sac, or after the cul-de-sac? While it may solve one issue, it creates other issues.

Sullivan Ln was designed as a two-way for a right of way access to abutting properties for future development.

**Jeff Brochu:** should we stipulate that all construction vehicles exit only onto Overlook Drive during all phases of construction?

**Joe Laverriere:** Usually when a road is designated as access for construction vehicles, the base pavement is thicker, so it can withstand the traffic.

**Don:** I think Sullivan Ln residents deserve our protection, by not letting all these construction vehicles traveling all over their street during the duration of this build out. It is not unreasonable to restrict that access for construction vehicles to Overlook Drive.

All agreed to make Overlook Drive the main route for construction vehicles during the construction phase of this development.

The Recreation Impact fee is clear, but the Open space is still in question, and will be clarified by city staff.

**Alyssa Bouthot moved to grant approval for the preliminary subdivision plan submitted by J. Thomas Scrivener, LLC and Rick Meek of Sebago Technics for Phases 2 and 3 of the Heath Overlook subdivision based on submissions to date and the Conditions of Approval as modified at this meeting, dated 1-22-19, with the following findings: The application meets Articles 1, 5, 7 and 10 of the Saco Subdivision Regulations. Joyce Leary-Clark seconded the motion, and it carried 4-2, with Alyssa Bouthot, Joyce Leary-Clark, Matthew Provencal, Chair Schuster voting in favor of the motion, and Don Girouard and Jeffrey Brochu voting in opposition to the motion.**

**meeting adjourned at 9:32 PM.**

Respectfully submitted by,

Maggie Edwards  
Board Secretary