

SANFORD PLANNING BOARD MINUTES
MEETING October 6, 2010 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Vice Chair
Gary Morse, Secretary, Acting Chair
Joseph Herlihy
John McAdam
David Mongeau
Gregory Vermette

MEMBERS ABSENT: Kelly Tarbox, Chair (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Charles Andreson, P.E., AICP, Town Engineer
Michael Casserly, P.E., Assistant Engineer

STAFF ABSENT: Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

Vice Chair Hardison called the meeting to order at 7:30 P.M. The first 10 (ten) minutes of the meeting did not record.

II. PUBLIC HEARINGS

1. **File #33-08-S: William Elwell, c/o John Hutchins**, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.

A public hearing is not required for Article IV review and one was not held. This item was discussed in work session.

III. NEW BUSINESS

1. **File #13-10-W: Arista Development, c/o Curt Neufeld**, Sitelines P.A., 8 Cumberland Street, Brunswick, Maine. (This item was heard after item #2 under New Business.)

Vice Chair Hardison explained the process for this application:

- The application is being reviewed to see if the project is consistent with the comprehensive plan. A complete detailed engineering analysis was not required at this time.
- This was not a public hearing because the comprehensive plan process does not require one for this step in the process. A public hearing will be scheduled prior to the preliminary plan review.
- The Board will allow comments from the public with the following conditions:
 - Limit remarks to three (3) minutes
 - Recognize the Planning Board's job is to look at consistency with the comprehensive plan; any questions relative to engineering, design or site layout are undetermined and answers may not be forthcoming.

Vice Chair Hardison called for a representative to present the project.

Doug Benoit, project manager with Arista Development, gave a brief presentation describing the project. Mr. Benoit also said that he now has a response for staff member Gulnac's

question of where the residents currently living in the existing houses involved in the proposal would go.

Curt Neufeld, Sitelines PA, engineer for the project, said his review was to focus on consistency with the comprehensive plan and not the engineering details of the project for tonight's meeting.

Mr. Neufeld described the proposal as a revitalization project for the downtown area, and introduced the people involved in the project. He explained the following in his presentation:

- the location of the proposal and the current zone boundaries on a map
- the types of businesses currently in the existing buildings included in the proposal
- showed the proposed contract zone boundary
- described the current lot sizes included in the proposal that are located in the GR zone
- compared the current uses with the proposed uses
- described the building size of the two proposed buildings – the Walgreens building and the new YCFCU
- the locations of the two new buildings
- where the parking lot would be, route of drive-thru for Walgreens, and the total of parking spaces provided for both buildings
- explained that the drive-thru currently used for the YCFCU would be moved behind the proposed YCFCU building

Mr. Neufeld then went on to describe the public benefit of the proposal, which included the following:

- increased employment opportunities during the construction of the project
- YCFCU would maintain its existing jobs
- Walgreens would offer full-time and part-time positions
- increase in annual tax revenue

Next, Mr. Neufeld addressed the goals this project met:

- minor impact on population and household growth
- may stabilize the residents in the area by providing their daily needs

Other goals that the project addressed are the following:

- no adverse impact on natural resources
- in compliance with current stormwater rules
- water and sewer services are already met
- no new infrastructure or maintenance costs to bring sewer or water to this project
- enhancing the role in service, retail, and employment areas
 - to improve the image as a desirable place to do business
 - to increase employment opportunities
 - to increase the industrial and commercial development opportunities
 - to refocus the community's economic activities
 - looking to improve the aesthetics of the downtown area
 - enhance the quality of life of the local labor force

Based on the information presented, Mr. Neufeld believes this project meets the comprehensive plan goals and objectives. He also feels that, even though the location is on the fringe of the downtown area, the project meets some of the comprehensive plan's downtown goals:

- strengthens the downtown's role as a retail and service center
- extend the look in the downtown area by relocating the YCFCU building forward

- access to the project by the side street will allow traffic to move through downtown without additional curb cuts
- bring high-paying jobs to town
- improve visual appeal on the corner

Mr. Neufeld said that even though the project will be removing some residential buildings, Arista Development is working with the current property owners to relocate the current renters. He went on to discuss traffic issues, the location of the site, and felt that the project addressed the goals outlined in the presentation and kept with the revitalization of the downtown.

Vice Chair Hardison said that the process of analyzing the traffic and other items related to traffic is underway and is not completed, so any questions regarding traffic are premature. So at this point, traffic is a concern to the Planning Board and it is in the best interest to the Board to wait until the data has been completely reviewed, and that the engineers are not in the position to answer any questions relating to traffic.

Vice Chair Hardison asked staff members if they had any thing to add; they did not.

Vice Chair Hardison asked if the applicant had anything else to add; they did not.

Vice Chair Hardison asked Board members if they had any questions or concerns.

Board member Mongeau asked if the Walgreen's building will have the New England architecture.

Scott Weymouth, Arista Development, stated the architecture has not been finalized yet. There has been a proposal submitted, but it is subject to change. Mr. Weymouth said it will not be a traditional brick-and-block Walgreens.

Vice Chair Hardison asked if the Board wanted to discuss anything. They did not.

Vice Chair Hardison asked if anyone present wanted to share comments with the Board.

Lee Burnett, advisor to the Sanford Downtown Legacy group, said the group welcomes Arista to the downtown and they think having a Walgreens in downtown Sanford would be great but the group has a lot of concerns with this site and particular development. Mr. Burnett said the group has a lot to say, but they are limiting their concerns to the comprehensive plan for tonight.

Mr. Burnett said the group found at least seven (7) ways this project goes against the comprehensive plan (the italicized portion is the Sanford Downtown Legacy's concerns with the proposal:

- Chapter 6-13 #11: "The town should control the expansion of strip commercial development along the town's major roads...new or expanded commercial activity should be limited to existing non-residentially zoned areas." *Walgreens would be located on a major road and partly in a residentially zoned area, plus it would involve tearing down part of a residential neighborhood.*
- Chapter 6-33 #3: "The town should work with the historical committee to develop guidelines which preserve the architectural character of historic buildings and to revise the town's regulations to assure that new buildings are compatible with the neighborhood character." The comprehensive plan identifies four areas worthy of historic preservation. One area is described as "both sides of Main Street in Sanford from Grove Street and Hannaford Store from the west end to Park Street and Emery

Street in the east end.” *The development proposes tearing down two buildings in this area, one built in 1920 and one built in 1900. A suburban-style pharmacy would be totally out of character with the buildings across from it: the Sanford Unitarian Church built in 1918 and the St. Ignatius School built in 1926.*

- Chapter 6-17 #2: The comprehensive plan “recognizes the conflict between moving traffic quickly and maintaining downtown character...in any proposal to improve traffic flow, movement of pedestrians between buildings and across streets should be as important a consideration as the movement of cars.” *The intersection of Main, Winter, and Lebanon Streets is already a difficult one for pedestrians to cross and adding new traffic will make it even worse.*
- Chapter 6-25 #11: “The town’s designated growth areas should be designed at the appropriate density and with an appropriate mix of uses that will reduce dependence on the automobile and make walking, biking, and public transit more feasible.” *The Walgreens project will add a 5th drive-thru window to the downtown area and constructing a parking lot about an acre in size. Both of these uses increase a dependence on automobiles, and discourage walking.*
- Chapter 6-17 #1D: The comprehensive plan does not ban drive-thru windows in downtown and specifically makes allowances for banks. This recognizes the crucial importance of banking in the downtown area and works with banks so they can provide such needed services such as drive-thru windows and employee parking in the confines of the downtown area. *Walgreens is not a banking institution and whatever comprises are made to allow drive-thrus to keep banking in our downtown do not apply to pharmacies.*
- Chapter 6-16 #1A: “The town should play an active role in creating a revitalized downtown Sanford organization along the format recommended by the state’s Main Street program.” *The envisioned organization is now the Sanford Downtown Legacy. The organization is following the Main Street program and its boundaries include this project. The Legacy’s vision is based on “preserving historic character; promoting a pedestrian-friendly environment; and stimulating the growth of businesses, services, and cultural attractions that fit in the downtown.” This suburban-style project is not part of the Legacy’s vision for the downtown.*
- Chapter 7-5 #11: Flexible Zoning - The comprehensive plan sets up a four-part test to allow a development to go forward in spite of it being inconsistent with zoning ordinances. “Contract zoning should be reserved for those situations in which all of the following conditions apply: a) the property is unique (such as the Sanford Mill Yard); b) it is demonstrably in the public interest to allow the use of such a tool; c) the applicant to use the tool has the proven technical and financial resources to properly plan and implement the proposal; and d) the plan can be integrated with the surrounding area.” *A contract zone for Walgreens ‘flunks’ 3 of the 4 tests: a)the properties are not unique; b) it is demonstrably not in public interest to allow suburban development in the downtown; and d) the plan would not be integrated in the area, but would stick out as an anomaly.*

Harland Eastman, representing the historical committee, asked to speak. Mr. Eastman doesn’t believe putting a Walgreens in this location can be justified because the town has put a lot of money and thought into creating a design for the redevelopment of downtown Sanford, and feels that this development is invading a mostly residential neighborhood on the perimeter of the overall plan.

Mr. Eastman went on to describe the historic significance of the two buildings on Main Street that are proposed to be removed and currently being used as doctor’s offices. The building that is on the corner of Main and Acorn Streets is probably the oldest school building in Sanford. It was previously located on the corner of Harry Howes Road and Hanson Ridge Road, District School #12.

Mr. Eastman says he does not understand how this type of project can go in the proposed location that is on a street that is all residential and in an area having some historic significance in the town. He is not opposed to a Walgreens in Sanford, just not in this location.

Vice Chair Hardison asked the applicants if they wanted to respond to the comments from Mr. Burnett and Mr. Eastman.

Although the applicant appreciated the comments heard tonight, the applicant asked if they could have an opportunity to prepare statements to respond to the comments presented tonight, just as the gentlemen had the opportunity to prepare statement for tonight's meeting based on the application submitted, if the application should move forward.

Vice Chair Hardison that would be fine.

Vice Chair Hardison asked if anyone else that was present tonight wanted to speak in favor of, or comment on the proposal tonight.

Vice Chair Hardison asked the Board what they wanted to do tonight:

- a) Vote in favor of the application being in compliance
- b) Vote against the application being in compliance
- c) Table the proposal for additional review or information to be provided to the Board.

Staff member Gulnac recommended to Vice Chair Hardison that the Board table the application to allow the applicant more time to prepare statements, since the applicant requested this. Vice Chair Hardison replied that the applicant requested time to prepare comments should the application move forward tonight. Discussion took place.

Board member Mongeau asked the developers if the Board tabled the project to allow the applicant more time to comment, would the proposal they brought back before the Board be the same as presented tonight or changed to allow for the comments made tonight. Mr. Mongeau would prefer to see the development with a different layout than what was presented tonight. Discussion took place.

Vice Chair Hardison wanted to point out that Walgreens wasn't the only development being proposed in this application – the existing credit union building would be torn down and relocated on the property as well as the new construction of the Walgreens. So any changes that need to be done to the plan need to be a consensus of both parties. Discussion took place.

Vice Chair Hardison asked the Board if they would like to table the project.

Board member Herlihy said he thought it should be tabled in order to have one more meeting. He felt that this project would be a good opportunity to refocus on the downtown area.

Vice Chair Hardison summarized what was discussed tonight: no one was opposed to having a Walgreens come to town, but to work with the developer to use this project to enhance the downtown and help restore its vitality.

Board member McAdam asked the applicant why they chose this location for the project when there were so many vacant properties along Main Street. The applicant responded that today's pharmacies like to be located at intersections and explained why.

Discussion took place on location choices, other projects the applicant's developer had done, and concerns the developer faced in other communities and was able to work out.

Vice Chair Hardison commented that there is a time that the issues being discussed tonight will come up again for the other side of the intersection – where the St. Ignatius property is. He feels that it will be difficult to find a use that will be able to occupy the existing buildings.

Vice Chair Hardison said that traffic flow is an issue, and this is a topic that will be discussed and evaluated. He went on to say that Arista has been willing to support the traffic issue financially and with the help of their engineering. Before the project goes too far, the questions on traffic will be fully answered.

A member of the public asked if it was too late to add comments. Vice Chair Hardison said that if there were people that wanted to speak, to do so now because the meeting was going to wrap up soon.

Jim Carlson, resident of Acorn Street, said that he owns an older home on Acorn Street and it is hard to heat. He said if there is someone who wants to buy his home, he is all for it because there are plenty of newer, energy efficient houses for sale. He feels that the town makes it hard for businesses to come into town. It seems that most of the development is by the airport. He feels both parties have to bend a little to get something in town. Mr. Carlson also said that he doesn't know much about Walgreens but has heard of some of their programs and they are a good neighbor by what he hears. He feels all around, the proposal is good for the community.

Vice Chair Hardison asked if there was anyone else that wanted to speak; no one did.

Vice Chair Hardison asked if there was anything else the Board wanted to bring up. There was not.

Vice Chair Hardison asked the applicant if they were prepared to have the meeting tabled for two weeks, or would they need more time to prepare to answer comments and concerns.

Discussion took place among the Board, town engineer, and applicant on how detailed the traffic issue is to be resolved and the type/style of building to guide future development of the downtown area.

Vice Chair Hardison asked staff member Gulnac to form a group to work with the applicant to guide them through working what was discussed at tonight's meeting.

Todd Rothstein, a member of the Sanford Downtown Legacy, said that the committee has had some discussions of the site and design. The group has had discussions with the representative of the developer and the YCFCU, as well. Mr. Rothstein asked to have some input in the team that is put together by the town during the discussions with the developer. Mr. Rothstein wanted it on record that the Sanford Downtown Legacy wants to be part of the design elements the Board is looking for.

Vice Chair Hardison said the Legacy would be included in the discussions, but ultimately the final decision rests with the Planning Board and the Board's process is to gather as much input as they can to try to make the project evolve into something both the town and the developer can be proud of.

Board member Morse made a motion to table the application until October 20, 2010.

Board member Mongeau seconded the motion.

A vote was taken and the motion passed 6-0.

2. **File #15-10-R: James & Lory Payeur, c/o John Hutchins**, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine. (This item was heard before item #1 under New Business.)

Vice Chair Hardison called for a representative to present the application.

John Hutchins, Corner Post Land Surveying, Inc., representing the applicants gave a brief overview of the project, which is to reconstruct and relocate their mobile home. The Payeur's would like to move the mobile home further from the road. This requires Planning Board approval because the location does not meet the setback requirements; the Planning Board needs to review the application and make sure the applicants are meeting the setbacks to the greatest extent possible.

Vice Chair Hardison asked if Board members had any questions. No one did.

Vice Chair Hardison asked if the engineering department had comments. Staff member Casserly stated there was no engineering review required for this project.

Vice Chair Hardison asked if staff member Gulnac had anything to add. Mr. Gulnac stated he was recommending that the Board accept the proposal.

Vice Chair Hardison asked the Board if they had any discussion on the proposal; they did not.

Vice Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that File #15-10-R, Tax Map R12, Lot 43B to reconstruct a mobile home complies with Article XIV Chapter 280-25C, Zoning and is approved with the following conditions:

- a) The applicant will pay all outstanding application review fees.
- b) The applicant must comply with any and all building, fire code, and permit requirements.
- c) No construction permits shall be issued until the conditions of this approval have been met.

Board member Vermette seconded the motion.

A vote was taken and the motion passed 6-0.

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES

There were no minutes ready for approval.

VI. PLANNING DIRECTOR'S REPORT

There was no report for tonight's meeting.

VII. ADJOURN

The meeting adjourned at 8:10 PM. A work session immediately followed.

Attachment to October 6, 2010 Minutes

*Finding of Facts for New Business Item #2
File #15-10-R: Payeur Building Relocation*

- The owner has established that they own the property (Tax Map R12, lot 43B) and therefore have standing to submit the application.
- The CEO has referred the application to the Planning Board to place a mobile home replacement on the property under Section 280-25.C of the Town Code.
- The applicant was granted a waiver of the requirement to submit a complete (engineering) site plan and was also granted a waiver from review by the Site Plan Review Committee.
- The CEO has determined the following:
 - The proposed mobile home is a nonconforming structure because:
 - a. It does not meet the minimum 75-foot setback from the Rt. 4 property line.
 - b. It does not meet the minimum 40-foot setback from the Old Post Road line.(Note: the proposed home would be located further from front property line than the former mobile home.)
 - The proposed mobile home is a nonconforming use:
 - a. Mobile homes are not allowed on a lot fronting on Rt. 4.
 - b. A lot on which a nonconforming use is discontinued for a period exceeding one year may not again be devoted to a nonconforming use.
 - c. The old mobile home was removed earlier this year, so replacement may be done within one year (with Planning Board approval).
- In determining whether the building reconstruction meets the setback to the greatest practical extent the Planning Board has found that the applicant has demonstrated compliance with the conditions outlined in Section 280-25.b (1) & (2) and the condition and type of a foundation if present.