

SANFORD PLANNING BOARD MINUTES
MEETING – March 18, 2015 – 7:00 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: John McAdam, Chair
Lenny Horr, Vice Chair
Kelly Tarbox
Richard Bergeron
Dianne Connolly
Lucas Lanigan

MEMBERS ABSENT: Lela Harrison, Secretary (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Matthew Hill, City Engineer
Michael Casserly, Asst. City Engineer
Shirley Sheesley, CEO

STAFF ABSENT: None

I. CALL TO ORDER

Chair McAdam called the meeting to order at 7:00 PM.

II. PUBLIC HEARING

There were no public hearing items.

III. NEW BUSINESS

1. **File #03-15-Z: Charlotte & Kevin Whatley, c/o Steve Bourque, Patco Construction, Inc., 1293 Main Street, Sanford, Maine.**

Chair McAdam called for a representative to present the project.

Steven Bourque, Patco Construction, representing the applicant said they are seeking a shoreland permit on behalf of the applicant to demo an existing structure and rebuild a new conforming home.

Chair McAdam asked Mr. Bourque if the new structure was outside of the 75' buffer. Mr. Bourque replied it was.

Board member Tarbox asked if there was a site plan to review.

James Gulnac, Planning Director said there was one included in the packet. Board member Tarbox said she was unable to view the information.

Staff member Gulnac said Shirley Sheesley, CEO was available to answer any questions since she administers the shoreland zoning ordinance. Mr. Gulnac said he passed out a copy of the re-vegetation plan that shows where the house used to be and what the applicant is going to do to re-vegetate. He went on to say the new structure and new septic are all outside the 75' buffer. Mr. Gulnac said that the re-vegetation plan also has to be reviewed and confirmed by the Planning Board. Discussion took place on what should be affirmed by the Planning Board.

Shirley Sheesley, Codes Enforcement Officer said there were several things the Board needed to review:

- What is the status of the foundation
- Re-vegetation in the area where the old structure was
- Does the new structure meet the setback
- Location of septic system

Staff member Gulnac asked Mr. Bourque what was going to be done with the old structure. Mr. Bourque said the applicant would demolish the existing structure, including the cement block and piers supporting it. Once the building is removed, the area where the house was located will be re-vegetated. Mr. Bourque informed the Board of the area size that will be re-vegetated and that he has been working with Ms. Sheesley on the type of re-vegetation needed. Discussion followed.

After discussion, Chair McAdam asked staff member Sheesley what she would like from the Board on shoreland reviews. Ms. Sheesley said that the ordinance states the Planning Board needs to review the re-vegetation plan. She went on to say that although the ordinance doesn't state how many trees, it does state an opening cannot be greater than 250 square feet within the canopy. Ms. Sheesley gave examples of types of vegetation that could be used to the Board. Discussion took place on the area size that needs to be replanted and how to word the specific vegetation plan in the motion.

Chair McAdam asked if there were any other questions from the Board.

Board member Connolly asked if any determination has been made to anything that may have been put underground over the years (such as old oil tanks). Mr. Bourque replied there has not been any subsurface investigation; if anything is found, work would stop and the proper steps to remedy the situation would then take place.

Staff member Gulnac informed the Board the city has received the DEP Permit by Rule for this project and a site evaluation for septic placement has been done.

Board member Tarbox asked staff member Gulnac what the site plan waiver referenced in his report was. Mr. Gulnac said the waivers were from a formal presentation made by an engineer and from detailed mapping of the floodplains. Discussion followed.

Chair McAdam asked Mike Casserly, Asst. City Engineer if he had any comments. Staff member Casserly did not.

Chair McAdam called for a motion.

Board member Tarbox made a motion that the Planning Board has confirmed the Finding of Facts (see attached) and approves the request for a shoreland zone permit, application File #03-15-Z, Charlotte & Kevin Whatley, c/o Steven Bourque, Patco Construction, Inc. to remove an existing nonconforming structure and build a new single family residential structure all outside of the 75 foot setback from Estes Lake and recommends the issuance of a building permit subject to the following conditions:

1. That any and all outstanding review fees are paid.
2. That waivers are granted from the requirement of a site plan prepared under Chapter 272-1-8 and from providing a wetland survey data.
3. That a septic permit be obtained from the CEO and/or State of Maine for the proposed new field.

4. That the applicant complies with any and all requirements concerning the installation of a new well.
5. That the applicant will coordinate with and comply with the CEO on a re-vegetation plan as per shoreland zoning rules and shown in the application including an addition of 6-10 native plants and erosion control mulch in the area of the house that has been removed.
6. That the applicant complies with any and all local and state building and fire safety codes.

Board member Bergeron 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 – February 18, 2015

Board member Tarbox informed the Board she has read the minutes and they are fine.

Board member Tarbox made a motion to approve the minutes as written.

Board member Lanigan seconded the motion.

A vote was taken and the motion passed 5-0-1. (Board member Connolly abstained as she was not at the February 18 meeting.)

VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac updated the Board that the city council adopted the changes regarding the clustering subdivision with some minor changes. These ordinance changes are now in effect.

Mr. Gulnac informed the Board that Cumberland Farms reached an agreement with the city for the Emerson School property, and that he and Shirley met with a representative for Cumberland Farms. Mr. Gulnac went on to say that the property is within the mandatory design guideline area and a committee is being formed to review the proposal when it is submitted to the city. Discussion followed on who can be on the committee, consultants that have been acquired to assist in the review of a proposal, what time the meetings are held, etc.

Staff member Gulnac then told the Board he has retained William Bray as the traffic engineering consultant for the review of the comprehensive plan transportation update.

Mr. Gulnac updated the Board on the next steps for the Goodall Watershed program.

VII. ADJOURN

The meeting adjourned at 7:29 P.M. to go into work session.

Attachment to March 18, 2015 Minutes

- The owner has signed the application and named Steven Bourque of Patco Construction, Inc. as the agent.
- The applicant's application is very well prepared and contains all the information that the Planning Board will need to review and approve the request for their consideration under the shoreland zone requirements.
- The applicant is proposing to replace a nonconforming (within 75' shoreland zone setback) residential structure with a new residential structure completely out of the 75' setback.
- They also propose a new septic system and a new well, 100' from the septic system.
- The shoreland zoning ordinance, Chapter 270, of the city code is administered by the CEO.
- Section 270-11 C.(2) relocation states "A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site relocation conforms to all setback requirements to the greatest practical extent as *determined by the Planning Board* and provided, if the use is not connected to the public sewerage system, the applicant demonstrates that the present subsurface sewerage system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said rules."
- In my opinion and subject to the confirmation by the CEO, the proposal presented by the applicant as shown in the application information does satisfy the requirement that the setback requirements will be met to the greatest practical extent.
- Approval by the Planning Board would include the two (2) waiver requests, compliance with the rules concerning the septic system, best management practices for soil erosion and sediment control, approval by the CEO of the re-vegetation plan, and any/all other shoreland zoning requirements.

The approval granted would be based upon the data presented in the application and any change in the location of the structure, septic system and/or well may require a review by the Planning Board.