

SANFORD PLANNING BOARD MINUTES
MEETING May 21, 2014 – 7:00 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: John McAdam, Chair
Kelly Tarbox, Vice Chair
Robert Hardison
Richard Bergeron
Lenny Horr

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

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Michael Casserly, P.E., Interim City Engineer

STAFF ABSENT: None

I. CALL TO ORDER

Chair McAdam called the meeting to order at 7:00 P.M. Chair McAdam informed everyone in attendance the order of the meeting was going to change and Old Business would be discussed before New Business.

II. PUBLIC HEARINGS

There were no public hearing items.

III. NEW BUSINESS

1. **File #08-14-R: Lionel Sevigny, d/b/a 7e Properties, LLC, c/o John Hutchins,** Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

Chair McAdam called for a representative to present the project.

Staff member Gulnac said the applicant met with the Site Plan Review Committee (SPRC) earlier in the day; he forwarded notes from that meeting to the Board. There were no major recommendations, but John (Hutchins) would be presenting a revised plan to the Board and asking the Board to formally accept the revised plan.

John Hutchins, Corner Post, briefly overviewed the project. He explained the following:

- Add a couple of buildings: a new building fronting on Main Street and an addition to an existing building
- Obtained a DEP Permit by Rule
- Rearranged some of the parking, decreasing the amount of impervious surface
- Additional landscaping

Mr. Gulnac asked Mr. Hutchins to highlight the issues relating to the shoreland permit. Mr. Hutchins explained which areas of the project are within the 75' setback and then explained how the DEP approval works. Mr. Gulnac added that the permit is required due to the drainage of runoff into the Chapman Brook.

Chair McAdam asked if Board members had any questions for Mr. Hutchins; no one did.

Vice Chair Tarbox explained what the Design Review Committee's (DRC) recommendations were:

- landscaping similar to what was being proposed in the sketch
- agreed with the color scheme
- parking and entrance layout were acceptable

Vice Chair Tarbox asked the applicant to describe the lighting plan since this was not reviewed during the DRC meeting.

Lionel Sevigny said they were going to use the existing post lighting and would add an additional pole light in the rear of the property by the brook. Mr. Sevigny then explained some of the site changes he has made over the last few years to enhance the Chapman Brook area. Discussion took place about lighting.

Chair McAdam asked Mike Casserly, interim city engineer, if he had any questions. Mr. Casserly said he had worked with the applicant on some questions he had such as a handicap parking space, the opening towards Leighton Street, and a revised easement for the Veterans Center building. Mr. Casserly stated the project is in good shape for approval.

Staff member Gulnac said the water district has worked out the details necessary because there will be a new water line connection for the new building, the area is connected to public sewer, and the fire marshal has signed off on the project as well.

Chair McAdam called for a motion.

Vice Chair Tarbox made a motion that the Planning Board accept the information above (see attached) as the Finding of Facts and find that application File #08-14-P: Lionel Sevigny, 7e Properties, LLC c/o John Hutchins, Corner Post Land Surveying, LLC requesting permission to construct a new 1,792 SF retail building and add 832 SF to an existing retail building and grant both minor site plan and shoreland permit approval subject to the conditions listed below:

1. That the applicant pays any and all outstanding fees.
2. That any construction be in compliance with any and all building codes.

Board member Hardison seconded the motion.

A vote was taken and the motion passed 5-0.

2. **File #09-14-R: Pauline Harriman, c/o John Hutchins**, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

This item was discussed after non-agenda item File #01-07-R: Edison School Contract Zone Revision Request.*

Chair McAdam called for a representative to present the project.

John Hutchins, representing the applicant, said the roof collapsed the garage but the applicant would like to build a bigger garage in the same location, but the new structure would be no closer to the lot line than it is now.

Staff member Gulnac explained a bit more as to why the applicant was before the Board tonight.

Vice Chair Tarbox asked if the applicant wasn't moving the garage because the grade dropped off towards the back. Mr. Hutchins responded it did drop off more towards the back and staff member Gulnac added there is also an existing patio area on the property the applicant would like to keep as well.

Chair McAdam asked if staff member Casserly had any issues; Mr. Casserly did not.

Board member Hardison asked the Board to recognize the Board's approval is for a 3 ½' distance away from the property line and any mistakes in foundation placement would not be tolerated. Discussion followed.

Staff member Casserly asked Mr. Hutchins if the garage was already built and if this was an after-the-fact approval and explained why he asked this question. Discussion followed.

Chair McAdam asked if there were any more questions from the Planning Board; there were none.

Chair McAdam called for a motion.

Vice Chair Tarbox made a motion that the Planning Board add the following statement to the finding of facts: the applicant's agent will layout and verify the location of the foundation with respect to the side setback, and further, make a motion that the Planning Board accept the information above (see attached) as the Finding of Facts and find that application file #09-14-P: Pauline Harriman, c/o John Hutchins, Corner Post Land Surveying, Inc. request to build a new garage slightly larger than the previously existing garage but maintaining the maximum achievable side setback has satisfied the requirements of Section 280-25 C, grant approval, and authorizes the issuance of a building permit subject to the following conditions:

1. That the applicant pays any and all outstanding fees.
2. That the applicant provide five copies (can be reduced to 11 x 17) to the planning department for certification.
3. That any construction be in compliance with any and all building codes.

Board member Hardison seconded the motion.

A vote was taken and the motion passed 5-0.

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES – May 7, 2014

Vice Chair Tarbox made a motion to accept the minutes as written.

Board member Hardison seconded the motion.

A vote was taken, and the motion passed 5-0.

VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac discussed the traffic impact fee. Mr. Gulnac stated the ordinance was created based upon assumptions that have not taken place so the fees are hitting small local businesses not outside developers coming in. He has retained Bill Bray, traffic engineer to advise the city on how to proceed with the ordinance. He is asking the

Planning Board for permission to ask Mr. Bray the best way to move forward with the ordinance.

(The recording ended before the Planning Board took action on this item.)

VII. ADJOURN

The meeting adjourned at 7:42 P.M. (This is when the recording ended.)

***Non-agenda item, File #01-07-R: Edison School Contract Zone Revision Request**

Chair McAdam asked Staff member Gulnac about the Edison School project. The item was immediately discussed after action was taken on New Business Item #1: 636 Main Street since both projects have the same owner and agent.

Staff member Gulnac stated what the Board typically does, even not on the record, is to do a consensus vote on a project that is requesting to do a minor change to an approval.

He said the applicant is requesting to construct all dwelling units instead of mixed-use in a previously approved plan. Since the original project received approval as a contract zone, the applicant has already received contract zone change approval from the city council. Mr. Gulnac then stated he reviewed the ordinance, and the ordinance allowed him to bring this to the Planning Board for a consensus approval.

Vice Chair Tarbox made a motion that the Planning Board, by consensus, accept the Finding of Facts itemized above (see attached) and find that application File #01-07-R, Edison School, LLC, requesting a change to the final major subdivision approval of a contract zone application to construct Phase 2 as a residential development project has been prepared in accordance with the requirements of the City's Zoning Ordinance and, subject to the conditions listed below, is approved:

1. The project is subject to the terms and conditions of the Contract Zone Agreement as amended between the applicant and the City of Sanford.
2. The applicant will provide a copy of the subdivision mylar for signature by the Planning Board.
3. The applicant will comply with the provisions of Article 8.3 – Final Approval and Filing.
4. The Board grants a waiver of Article 11.15.A.1 permitting a slight increase in peak discharge.
5. The applicant will comply with any and all code permit requirements.
6. The applicant will coordinate any and all onsite construction with the Public Works Department.
7. Any Certificates of Occupancy will be subject to any applicable conditions in the contract zone agreement and the CEO.

Board member Hardison seconded the motion.

A vote was taken and the motion passed 5-0.

Attachment to May 21, 2014 Minutes

*Finding of Facts for New Business Item #1
File #08-14-R: 636 Main Street*

- The applicant has provided proof of ownership and has standing to submit the application.
- The application is a minor development by definition; however, the property is within the shoreland zone and therefore requires Planning Board review and approval.

- The project falls within the Mandatory Design Review area of Springvale. The committee chair, Kelly Tarbox, will be scheduling a review meeting.
- The project is scheduled for Site Plan Review Committee and Planning Board for May 21, 2014.
- The Fire Marshal has reviewed the proposal and has no recommendations for revisions to the site plan.
- Both the water district and the sewer district have reviewed the proposal and indicate there is adequate capacity to provide service to the project. It is noted that the applicant will need to coordinate with the Highway Department and MDOT if they need to make connections in Main Street.
- The Planning Board should discuss with the applicant the proposed future use identified as retail to determine whether or not further review when an occupant is identified is required. This would include consideration of a highway impact fee.
- The Board will also need to have verification from both the CEO and City Engineer that the proposal is in conformance with the shoreland regulations.

Finding of Facts for New Business Item #1
File #08-14-R: 636 Main Street

- The applicant has provided proof of ownership and has standing to submit the application.
- The existing garage structure is non-conforming as it is only 3.5 feet from the side line and 10 feet is the minimum permitted in the SFR zone for accessory structures.
- This past winter the roof of the garage collapsed due to the snow.
- The applicant is requesting permission to remove the remains of the existing garage and construct a new 24 x 12 foot wood frame structure on a new concrete slab.
- The CEO has determined that per City Code Section 280-25C in order to re-build a non-conforming structure, Planning Board approval is required.
- Section 280-25C (2) states "In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in Subsection B ..., the physical condition and type of foundation present if any."
- Section 280-25B (2) reads "The Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, septic system (N/A) and the type and amount of vegetation to be removed to accomplish the relocation."
- The proposal to replace the garage does not create a greater non-conformity as to side yard set-back. To move the garage to a different location on the property would involve the removal of a patio and create greater potential for soil erosion.
- The Board needs to be satisfied that the proposed reconstruction complies with Section 250-25 B & C of the City Code.
- The applicant's agent will layout and verify the location of the foundation with respect to the side setback.

Finding of Facts for Non-Agenda Item
File #01-07-R: Edison School Project

- The applicant has standing to submit the application.
- The application is being considered under the contract zone provision of the City of Sanford Zoning Ordinance, Section 10.4.
 1. Section 10.4 of the City of Sanford Zoning Ordinance authorizes contract zoning pursuant to Title 30-A M.R.S.A. Section 4352(8). All rezoning under this section shall establish rezoned areas that are compatible with the existing and permitted uses within the original zone. Furthermore, any rezoning or contractual agreement to set up a contract zone may not be authorized if the proposal is found to be inconsistent with the City's Comprehensive Plan.

-The Planning Board has found that the application is compatible.

2. The contract zone process requires that the Planning Board conduct a public hearing on the zone change portion of a contract zone application as set forth in Section 4.3 of the City of Sanford Zoning Ordinance.
-The Planning Board has held the required public hearing.
 3. Section 10.4.7 – Land Use Reviews Contract Zoning states “Where site plan or subdivision review is required for the use proposed in the rezoning request, the Planning Board may conduct the site plan or subdivision review concurrently with its review of the request for rezoning, and the public hearing required by Section 10.4.5 may be conducted simultaneously with a public hearing conducted as part of site plan or subdivision review. If the Planning Board determines that the proposed development meets such land use approval standards, the Board shall grant preliminary, provisional approval, subject to enactment of the contract zoning amendment by the City Council.”
- The applicant is proposing a three (3) phase construction project:
 1. Phase I will consist of the renovation of the existing 3-story Edison building into a multi-unit residential complex with nine (9) 1-bedroom units & six (6) 2-bedroom units.
-The Planning Board has granted final approval for Phase 1.
 2. Phase II will consist of a new retail/office building with a 7,800 square foot footprint.
 3. Phase III will consist of a new 2-story residential building with a 4,608 square foot footprint with sixteen (16) 1-bedroom units. Phase III will also involve the conveyance of 2,561 square feet of property from the City of Sanford from an adjacent town owned parcel.
 - The Planning Board reviewed the request by the applicant to provide ten (10) less parking spaces than the ordinance requires. The applicant indicated that many of his clients only have one car and the need for the additional spaces is not justified. The Board found the applicant's request reasonable and accepted the reduced number of spaces.
 - The applicant has received and filed with the York County Registry of Deeds approval from the City Council to change the use of the Phase II building to be all residential units. Under the State of Maine subdivision requirements this requires that the subdivision plan be amended and updated.
 - The Planner has determined that this change does not require formal notice and that the Planning Board may, should it agree, approve the revised subdivision plan by consensus.