

**SANFORD PLANNING BOARD MINUTES
MEETING – August 19, 2015 – 7:00 P.M.
City Hall Annex Third Floor Chambers**

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

MEMBERS ABSENT: None

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
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

1. **File #08-15-S: Heritage Realty Trust, c/o Dana Libby**, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

Chair McAdam called for a representative to present the project.

Rob Reinken, agent for Heritage Realty Trust gave an overview of the project, which is a 15-lot residential cluster subdivision with a cul-de-sac set in a private setting.

Chair McAdam informed everyone that the Site Plan Review Committee (SPRC) whose meeting was held earlier in the day tabled this project. Since the SPRC did not recommend this project to the Planning Board, the Planning Board could not review the project.

Chair McAdam closed the public hearing.

Chair McAdam called for a motion to table the project.

Board member Tarbox made a motion that the Planning Board accept the recommendation of the Site Plan Review Committee and subject to the conditions listed below table, at the request of the Planning Director on behalf of Rob Reinken, File #08-15-S, Heritage Realty Trust for the request of final major subdivision approval to create a 15-lot cluster subdivision with cul-de-sac on property owned by the applicant and located off Country Club Road #3 in Sanford (Tax Map R24, Lot 46C, Rural Residential zone) and this application will be tabled until such time as the following conditions are satisfied:

- a. The applicant will provide verification of a MDEP permit.
- b. That the changes requested by the city engineer are incorporated into the plans.

- c. That any and all easements required are obtained and referenced on subdivision plan.
- d. That an acceptable methodology of assigning responsibility for the maintenance of any stormwater management structures located on the property identified as open space.
- e. That any other completeness requirements in Article 7 of the subdivision ordinance have been satisfied.
- f. Additional public hearings are not required.
- g. There will be no additional application fee; however, the applicant will be responsible for any additional review escrow.

Chair McAdam called for a second.

Board member Bergeron seconded the motion.

A vote was taken and the motion passed 7-0.

Chair McAdam briefly updated what took place at the SPRC meeting that caused the application to be tabled. Discussion followed.

2. File #10-15-S: David Twomey, DBH Management, Inc., c/o Stephen R. Bushey, P.E., Fay, Spofford, & Thorndike, 778 Main Street, Suite 8, Portland, Maine.

Chair McAdam called for a representative to present the project.

Kevin Bunker, representing DBH Management briefly overviewed the project. It will be affordable senior housing using the existing St. Ignatius Church building with a new building attached along with associated parking and landscaping.

Board member Lanigan confirmed the housing will be all low-income senior housing. Mr. Bunker said the rental cap will be at 60% and explained the income levels of potential renters and said the program is not aimed at Section 8 voucher rentals.

Board member Bergeron asked how wide the addition was. Mr. Bunker replied he believed it was sixty feet wide. David Lloyd, the architect explained where the addition was going to be built in relation to the surrounding area.

Board member Lanigan asked why the development looked like a new building attached to an old building instead of blending the two together. Mr. Bunker stated it was the goal of building preservation to intentionally make it look new attached to old and explained why. Discussion followed.

Board member Tarbox asked what the building in between the old and new buildings was going to be used for. Mr. Lloyd replied that this building acted like a hinge between the two; this building would be the entrance to the two buildings, house the elevator, etc. Discussion followed.

Board member Connolly asked if the elevator would be able to accommodate a stretcher. Mr. Lloyd responded it would be and has to be to meet code.

Board member Peterson asked if the parking count has been established. Mr. Lloyd responded it has. Mr. Bunker then asked the Board for a reduction by 30% and explained why. Discussion followed.

Board member Connolly asked if there was going to be a loading area for residents moving in and out of the complex. Mr. Bunker replied there was not going to be. Board member Connolly's concern was making elderly residents take the stairs who shouldn't

be taking the stairs; Mr. Bunker said that is more of a management issue for scheduling move-ins and gave examples as to how managing move-ins/outs could be done. Other discussion took place on how to manage unauthorized parking.

Board member Connolly asked staff member Casserly if improvements to St. Ignatius Street were going to be done once the project is complete. Mr. Casserly said this topic was discussed at the Site Plan Review Committee meeting earlier in the day and it was decided the small parking areas on St. Ignatius Street would be eliminated and striped indicating these areas are now fire lanes.

Board member Peterson said he was concerned with the increase of traffic at both the Winter Street/Riverside Avenue and Washington Street/Riverside Avenue intersections. Staff member Casserly said after reviewing the traffic analysis provided by the applicant, he agreed with the findings that there would not be any significant increase in traffic created by this proposal.

Board member Lanigan asked about trash removal. The applicant responded it would be private pickup and showed the dumpster locations on the plan.

Chair McAdam asked staff member Casserly if he had any other comments.

Staff member Casserly said the applicant was asking for a waiver from the stormwater analysis for peak flow. Staff member Casserly said he was in agreement with the applicant's request and explained why.

Vice Chair Horr asked if the parking for this project would decrease the parking for a project reviewed earlier in the year.

Chair McAdam asked if anyone present would like to speak for the project; there was no one.

Chair McAdam asked if anyone present would like to speak against the project.

Mark Pombriant, owner of 19 Winter Street said the two spaces for the pawn shop were going to be eliminated and wanted to know where customers were going to park. Staff member Gulnac responded the Mid-Town Mall parking area was available.

Mr. Pombriant's next concerns were the lights shining onto his property, the retaining wall, stormwater, and snow removal.

Staff member Gulnac said at the Site Plan Review Committee meeting, the applicant said they were willing to sit down with the abutter and discuss options to address his concerns. The applicant confirmed this and said these changes could be made conditions of approval.

Board member Tarbox said she is happy someone is going to be retaining this historic building and providing this type of housing for the community.

Chair McAdam closed the public hearing.

Chair McAdam asked the applicant to explain the application process that needs to be done by early fall in order to obtain funding for this project.

Chair McAdam called for a motion.

Board member Tarbox made a motion that the Planning Board accept the proposed Finding of Facts on File #10-15-S, DBH Management, Inc. and add to those finding of

facts the following four (4) items: That the applicant will commit to obtaining an easement from the owner of the adjacent parcel for (1) access and egress by foot, vehicles, and emergency vehicles; (2) snow storage is needed and reasonably agreed; (3) up to two (2) additional parking spaces; (4) appropriate striping and signage to delineate items (1) and (3) above:

- The applicant is the owner of the property and has standing to submit the application.
- The property is located in the Urban Zone and is classified as multi-family which is permitted with review.
- The application is also classified as a major development and a subdivision.
- The application will be reviewed under the site plan ordinance which is at least the same as the subdivision requirements [see notes D & E of CEO's report].
- The applicant has not requested any waivers in their application.
- The Sanford Water District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District.
- The Sanford Sewer District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District.
- The Planning Board has reviewed the proposed parking with the applicant and reached a consensus that an adequate number of spaces is provided.
- The Planning Board has reviewed the issue of site safety and supports the recommendation of the SPRC and Fire Marshal.
- The application has been reviewed by the SPRC and forwarded to the Planning Board with comments.

and approve File #10-15-S: David Twomey, DBH Management, Inc., c/o Stephen R. Bushey, P.E., Fay, Spofford & Thorndike, 778 Main Street, Suite 8, Portland requesting major site plan/subdivision approval to redevelop the former St. Ignatius Church/school building to create 66 senior residential apartment units on property owned by the Roman Catholic Bishop and located at 6 St. Ignatius Street in Sanford (Tax Map K28, Lots 55 & 63, Urban zone). The approval is made subject to the following conditions:

1. That before the site plan is certified by the Planner, any changes to the plans agreed to by the applicant have been made to the plans and approved by staff.
2. That before the Planning Board signs the subdivision mylar, any changes to the plans agreed to by the applicant have been made to the plans and approved by staff.
3. That the applicant/developer will comply with any and all building and/or fire safety codes.
4. That any and all review fees have been paid.
5. That the applicant will add the easements to the mylar and resubmit for planning department and engineering review and planning board members will individually come in to sign the mylar.
6. The mylar and easements are recorded in the York County Registry of Deeds within 90 days of the date of approval.
7. That prior to any Certificate of Occupancy being issued, the items in the Fire Marshal's PDF and listed in the Finding of Facts will be completed including any ordinance changes or other action required by the City Council.
8. Grants a waiver of Chapter 272-1-8F regarding stormwater.
9. Retaining wall repair is needed and will include additional effective screening to the satisfaction of the abutter.

Board member Lanigan seconded the motion.

A vote was taken and the motion passed 7-0.

III. NEW BUSINESS

1. File #11-15-Z: Ronald & Beverly Laverrierre, 219 Hill Street, Biddeford, Maine.

Chair McAdam called for a representative to present the project.

Staff member Gulnac said he would present the application on the applicants' behalf because he was originally going to present the request as a consent agreement, but other staff members informed him it required a shoreland permit by the Planning Board. Mr. Gulnac stated the applicants are repairing a deck that is nonconforming due to setback requirements within the 75' setback in the shoreland zone.

Shirley Sheesley, Codes Enforcement Officer said the structure is approximately 10-15' from the water, which is less than the 75' setback requirement in the shoreland zone, so it requires Planning Board approval to do any repairs on the existing deck. Staff member Sheesley said there is also another portion of the deck that is too close to the side property line but the applicants have agreed to remove this portion.

Board member Tarbox asked if the new structure would be built on the same footprint. Staff member Sheesley responded it would be.

Board member Peterson asked if the setback to the neighboring building was 30'. Ms. Sheesley responded it was 15' to the property line. Discussion followed.

Chair McAdam asked Ms. Sheesley if she was satisfied with the proposal. She replied she was.

Chair McAdam asked if there were any other questions; there were none.

Chair McAdam called for a motion.

Board member Tarbox made a motion that the Planning Board confirm the Finding of Facts:

- The owner has signed the application and is the owner of the subject property.
- The applicant is requesting the shoreland permit so that they can complete repair work on the cottage's decks which are nonconforming due to setbacks.
- The property is located in the shoreland zone.
- The shoreland zoning ordinance, Chapter 270-11C Nonconforming structures requires that the Planning Board must find that the setbacks are being met "...to the greatest practical extent possible..." of the city code, which is administered by the CEO.
- In my opinion and subject to the confirmation by the CEO, the proposal presented by the applicant as shown on the information 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 waiver request for the submission of a formal site plan.
- The approval granted would be based upon the data presented in the application and any change in that information could cause the permit to be invalid.

and approve the request for a shoreland zone permit application, File #11-15-Z, Ronald & Beverly Laverrierre, subject to the following conditions:

1. That any and all review fees have been paid.
2. That waivers are granted for the requirement of a site plan prepared under Chapter 272-1-8.
3. That the applicant complies with any and all local and state building and fire safety codes.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 7-0.

IV. OLD BUSINESS

1. File #19-14-RU: Matt Pepin, R. Pepin & Sons, Inc., P.O. Box 729, Sanford, Maine.

Chair McAdam called for a representative to present the project.

Staff member Gulnac asked to give an update as to where the project was in the review process.

Mr. Gulnac briefed the Board that the majority of the discussion was on the impact the truck traffic would have on Bernier Road. He then explained the approach that was being taken in order to determine this impact in a dollar value. Once Matt Hill, City Engineer has determined this value, he will inform the applicant and, together, they will work out a solution.

Mr. Gulnac was requesting the Board table this project to a time to be determined.

Board member Tarbox made a motion to table the application to a date that is to be determined.

Board member Lanigan seconded the motion.

A vote was taken and the motion passed 7-0.

V. APPROVAL OF MINUTES – June 17, 2015; July 15, 2015; and August 5, 2015

There were no minutes ready for approval.

VI. PLANNING DIRECTOR'S REPORT

James Gulnac, Director of Planning & Community Development asked the Board to submit their input on the traffic information so he can put together the information for the comprehensive plan update.

Mr. Gulnac then went over the schedule for September, updated the Board on the new Planning & Development Director position, and discussed the medical marijuana moratorium.

VII. ADJOURN

The meeting adjourned at 8:28 P.M.

Non-agenda item:

Board member Lanigan asked about the request from a gravel pit owner for the reuse of his pit as a race track. Mr. Gulnac replied he found another use for the pit. The owner was going to be putting a solar farm on the property instead. Board member Bergeron then asked what the status was for the city's solar farm venture. Discussion followed.