

**SANFORD PLANNING BOARD MINUTES
MEETING – October 21, 2015 – 7:00 P.M.
City Hall Annex Third Floor Chambers**

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

MEMBERS ABSENT: Kelly Tarbox, Secretary (w/notice)
Dana Peterson (w/notice)

STAFF PRESENT: Elizabeth Della Valle, AICP, Director of Planning & Development
Michael Casserly, Asst. City Engineer
Shirley Sheesley, Codes Enforcement Officer

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 #15-15-Z: Renato Azevedo, c/o Stephen Zuk, Zuk Construction, 21 Javica Lane, Sanford, Maine.**

Chair McAdam called for a representative to present the project.

Steve Horne, representing the applicant briefly described the project.

Chair McAdam asked about the location of the septic system for this property.

Board member Connolly asked about the status of the foundation.

Staff member Casserly had no concerns with this project.

Staff member Sheesley overviewed her memo to the Board.

Mr. Horne and staff member Sheesley agreed to work together to address outstanding violations on the property.

Beth Della Valle, Director of Planning & Development read the proposed motion: The Planning Board confirms the Findings of Fact and request for waiver of the submission standard requiring use of the State Plane Coordinate System, both described below,

1. The applicant, and agent, has authorization to act on behalf of the owner of the property.
2. The subject property is within the shoreland zone. The former residence that stood on this lot burned in a fire in the spring of 2015. The burned remains of the dwelling

and destroyed foundation have been removed and, currently, there is an empty foundation hole on the site.

3. The building that is proposed to be replaced was a legally nonconforming structure because it was located within the required 75-foot shoreland zoning setback/buffer and the western side yard and was constructed prior to the adoption of the City's Shoreland Zoning Ordinance. The replacement structure appears to meet all setbacks, except the 75-foot shoreland setback, although the proposed new setback will be approximately 18' further away from the shoreline than the original structure. The finished floor elevation is proposed to be at existing grade (elevation 213), the lowest adjacent grade to the steps and posts supporting the deck is 211; therefore, the all building improvements are proposed to be above the Base Flood Elevation of 210'.
4. Per §§270-11.C(2) and (3) reconstruction or replacement is permitted subject to Planning Board review and finding that the structure location meets the setback requirement to *the greatest practical extent*. In making this determination, the 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, the location of the septic system (if any) and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation* per §§ 270-11.C(2)(b) and *the physical condition and type of foundation present, if any* per §§270-1.1C(3)(d).
5. As part of the reconstruction, the applicant proposes to fill the existing foundation hole with compacted gravel and locate the new foundation towards the center of the lot such that it meets the setbacks to the sideline and existing septic system and allows for the septic tank and pump station to be relocated onto the owners' property. The area of filled and/or disturbed soil will be revegetated with native species of plants and trees using current Best Management Practices subject to approval by the CEO.
6. Access to the site is via an existing gravel way from the end of West First Street to the front of the lot. The applicant proposes to remove and replace gravel from the surface of the drive on the applicant's property and replace it with an erosion control mix subject to the approval of the CEO.
7. The applicant proposes to regrade and revegetate the site such that there is no channelized runoff toward Bauneg Beg Pond.
8. Five mature trees are proposed to be removed from the site to accommodate the reconstruction. In compliance with per §270-11.C(2)(c), which required replanting with native species of trees and other vegetation to compensate for the trees cut for demolition and reconstruction, five new trees (2 oaks, 1 beech, 1 white pine, and 1 hemlock) are proposed to be planted on the site, subject to approval by the CEO. In addition, the applicant proposes to plant blueberries and other native shrubs to act as a buffer between the new residence and the Pond to interrupt stormwater runoff from the roof and other areas, also subject to the approval of the CEO. All proposed plantings within the Shoreland Zone will be subject to the approval of the CEO.
9. The site shall be prepared, graded and stabilized with an erosion control mix or erosion control blankets prior to the onset of the end and recommencement of the growing season (typically between October 15, 2015 and May 1, 2016). All permanent revegetation shall be performed during the growing season to ensure a greater likelihood of survival. In the event that any plantings do not survive the winter months, the owners will be expected to replace and maintain the plantings as soon as practical in the spring of 2016.
10. In accordance with Best Management Practices, the applicant shall prepare, grade, and stabilize the site with an erosion control mix or erosion control blankets prior to freezing conditions, subject to approval by the CEO. The site shall be inspected daily and any issues or repairs shall be made immediately.

11. Overall, lot coverage, after the proposed reconstruction, will be reduced from 39% to 26%.
12. The applicant has been notified that all excavation work must be performed by a contractor who is certified in conformance with the Maine Department of Environmental Protection rules and regulations.
13. The applicant has been notified that the Code Enforcement Office does not appear to have permits on file for the 12'x12' deck, adjacent to the shoreline, and the 6'x10' shed that are currently located on the property. These structures will have to be removed or applications made for their placement on the site in accordance with current shoreland regulations.
14. Under §270-15.D(2)(a-i), to grant this shoreland permit, the Planning Board must find that the proposed use:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal for all wastewater'
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archaeological and historic resources as designated in the Comprehensive Plan;
 - g. Will not adversely affect existing commercial fishing activities;
 - h. Will avoid problems associated with floodplain development and use; and
 - i. Is in conformance with the provision of §280-13, Land Use Standards.

and reconstruction of the legally nonconforming structure is consistent with the regulations of the shoreland zone and grants approval for a shoreland permit to reconstruct a legally nonconforming structure, File #15-15-Z, Tax Map R21, Lots 1E & 1G, 148 West First Street, Sanford, subject to the following conditions:

1. That any and all outstanding review fees for this file are paid.
2. That the applicant has or will address the issues raised by the CEO.
3. That the applicant complies with any and all local and state building and fire safety codes.
4. Any additional conditions the Planning Board may wish to add.

Vice Chair Horr made a motion to accept the proposed motion as read by Planning Director Della Valle.

Discussion took place on the waiver request for the submittal of plan based on the state plane coordinate system.

Vice Chair Horr reread the motion above.

Board member Connolly 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 – June 17, 2015; July 15, 2015; and August 5, 2015

June 17, 2015

Chair McAdam asked if there was any discussion on this set of minutes; there was none.

Vice Chair Horr made a motion to approve the minutes as written.

Board member Connolly seconded the motion.

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

July 15, 2015 and August 5, 2015

These minutes were not available for approval.

VI. PLANNING DIRECTOR'S REPORT

Planner Della Valle discussed the following:

- Planning Board training being held next week
- Her meetings with members of the community to get to know the city
- A separate training with the City Council and other Boards
- Future meeting with the Planning Board to discuss processes
- Upcoming high school application

VII. ADJOURN

The meeting adjourned at 7:54 P.M.