

SANFORD PLANNING BOARD MINUTES
MEETING March 20, 2013 – 7:00 P.M.
Town Hall Annex Third Floor Chambers
AMENDED
Amended with Corrections

MEMBERS PRESENT: Robert Hardison, Chair
John McAdam, Vice Chair
Richard Bergeron
David Mongeau, Secretary
Lela Harrison
Matthew Treadwell
Kelly Tarbox

MEMBERS ABSENT: None

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

STAFF ABSENT: None

I. CALL TO ORDER

Chair Hardison called the meeting to order at 7:00 P.M.

II. SWEARING IN OF NEW MEMBER

The new member was sworn in prior to the meeting.

III. PUBLIC HEARINGS

There were no public hearing items.

IV. NEW BUSINESS

There were no new business items.

V. OLD BUSINESS

- 1. File #11-12-R: Rockwell Investment Group, LLC, c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chair Hardison read the agenda item then explained how tonight's meeting would go:

- This would be a voting meeting only
- Voting meeting was requested by applicant's attorney
- No new material will be presented tonight
- The Board will discuss the project with the information previously submitted
- No additional information will be presented by the applicant
- The public hearing was closed and no public comment will be heard tonight
- Input from the public hearings will be considered

Chair Hardison asked Board member Bergeron if he would be in a position to vote at tonight's meeting. Board member Bergeron said he has reviewed the information from last year and is up to the current information. Chair Hardison stated Board member Bergeron will be voting tonight.

Chair Hardison gave a timeline of this project:

- Application was submitted in August 2012
- Project reviewed by SPRC
- Public hearings were conducted
- The Planning Board conducted a site visit
- A Planning Board work session was held
 - This work session on December 5, 2012 was the last official meeting that was held in regard to this project
 - Discussions were held with the applicant and the representative, suggestions were offered by the Planning Board, and the applicant agreed to consider these suggestions
- Applicant requested another work session with the Planning Board, scheduled for February 20, 2013
- Planning department received a letter from the applicant's attorney withdrawing from the February 20, 2013 work session and requested a voting meeting instead which was scheduled for March 20, 2013

Chair Hardison asked James Gulnac, Planning Director if he wanted to add anything else; staff member Gulnac did not.

Chair Hardison said the Planning Board has an application checklist used to review applications and wanted to go through the checklist line by line to assure nothing was overlooked during the review process (this checklist with responses is included in the project's finding of facts and is an attachment to these minutes).

Staff member Gulnac commented that information exchanged back and forth during the review process is great, but unless the information has been brought into the planning office as a formal submittal the information is not part of the packet. Chair Hardison also commented that once the attorney's letter was received, the review process stopped as the applicant felt enough information was provided to the Board during the meetings and site visit.

Chair Hardison asked if there were any comments, questions, or concerns regarding the checklist review.

Board member McAdam said he felt there were a lot of remaining unanswered questions in order for the Board to vote on the project tonight.

Chair Hardison said the project site is within the borders of what is considered the Village of Springvale and covered by the village design guidelines. The applicant met with the design review committee and made revisions to the building designs as a result of this meeting.

Chair Hardison moved onto the original engineer memo dated November 9, 2012. He asked the engineering staff if there were still open items remaining that have not been resolved. Mike Casserly, assistant engineer stated there were, some of which were mentioned during the review of the checklist. The outstanding items mainly deal with plan updates to accommodate recommendations and submitting supplemental information to address concerns/questions from the engineering department.

Chair Hardison asked if there were any more questions regarding the engineering portion of the project; there were none.

Chair Hardison asked staff member Gulnac if there were additional comments that should be included in the finding of facts. Mr. Gulnac replied Section 280-43 H(2) & (3) of the GR zone.

Chair Hardison asked Board members if they had anything further to discuss.

Board member Tarbox wanted to address Section 280-46 H referencing the size of the proposed buildings being comparable to residential structures on abutting lots. She had a concern with this item so she went to the area to look at the surrounding buildings in the area compared to the proposal. This reinforced her feeling that proposed building on this particular site was out of scale with the surrounding properties.

Board member Mongeau wanted to discuss density. Member Mongeau asked staff member Gulnac about the density allowed in this zone. Mr. Gulnac said in this particular zone the Planning Board had to feel comfortable with the number of units proposed. Discussion took place on:

- Size of building vs. number of units
- If single-family building was proposed that was out of scale with the other buildings in the area, it would still be allowed
- Density allowance per acre in the zone
- Density being separate from building scale

Chair Hardison asked if there were any other questions or comments; there were none.

Chair Hardison asked if there was enough information for the Board to consider a vote.

Staff member Gulnac asked the Board if they could formalize the information just established as finding of facts for the project. Discussion took place.

Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board accept the comments from the Site Plan Review Committee and confirm the Finding of Facts established this evening (see attached) and after consideration of the public comments and those of the staff, find that the request of the application prepared by Corner Post Land Surveying, Inc. received in the office on August 20, 2012 for an application to construct a seventeen (17) unit apartment complex in two (2) structures on property located at 3 Beaver Hill Road (tax map J14, lot 12B) to be called Beaver Hill Estates has been prepared in conformance with the Town of Sanford Land Use codes and the laws of the State of Maine and grant approval subject to the following conditions:

1. That any and all outstanding fees be paid.
2. That the applicant complies with any and all local and/or state code requirements.
3. That the Planning Board has considered the recommendations from the design committee.
4. That construction must commence within one (1) year of the approval and that a certificate of occupancy issued within three (3) years of approval.
5. That the Planning Board has considered the requirement for the applicant to provide a performance guarantee per Article V of Chapter 272 Site Plan and requires the following amount and conditions.

Chair Hardison said the motion is in the affirmative to approve the project.

Board member Mongeau seconded the motion.

A vote was taken and the motion failed 0-7. Chair Hardison said the Planning Board does not have adequate information to approve the project citing the outstanding information identified while establishing finding of facts earlier in the meeting.

Discussion took place on the next steps in the process the applicant can take. It was determined that this application is closed and, should the applicant wish to present the proposal again, he would have to reapply.

VI. APPROVAL OF MINUTES – September 5, 2012 and September 19, 2012

Board member Mongeau made a motion to accept the minutes of September 5, 2012 and September 19, 2012 as written.

Board member Tarbox seconded the motion.

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

VII. PLANNING DIRECTOR'S REPORT

There was no report discussed tonight.

VIII. ADJOURN

The meeting adjourned at 7:48 PM.

Attachment to March 20, 2013 Minutes

There are no Public Hearing Items

There are no New Business Items

*Finding of Facts for Old Business Item #1
File #11-12-R: Beaver Hill Estates*

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- By definition the application is classified as a major subdivision (number of units) however it would be reviewed as a major site plan.
- The application was heard by the Site Plan Review Committee and forwarded to the Planning Board and the Design Review Committee.
- The application was heard by the Planning Board on October 3, 2012 and tabled pending review by the Design Review Committee.
- Design Committee submitted their report on November 8, 2012 and the application was deemed complete and scheduled for November 14, 2012.
- The application was reviewed in Public Hearing on November 14, 2012 and a site walk scheduled was scheduled for Friday November 16th and the Public hearing continued until December 5, 2013.
- The site walk was held with approximately ten (10) residents and neighbors in attendance.
- A Public hearing was held and closed on December 5, 2013. A work session was held following the closing of the hearing. The applicant was instructed to make revisions based upon the suggestions made by the Planning Board. The primary concern centered on the number of units. Under the GR section of the ordinance, the maximum density for a 1.13 acre lot was calculated at 17. However, under section

280-43 H(2) any proposal requesting a net acreage of greater than eight (8) units (total of 9 for 1.13 ac) requires Planning Board approval. A meeting was scheduled for February 20, 2013.

- By written request from the applicant's attorney the applicant requested that they be taken off the work session agenda for Feb 20, 2013 and scheduled for a vote.
- At the February 20th meeting the Board confirmed that the public hearing had been closed and directed that the application be scheduled for the regularly scheduled March 20, 2013 meeting and that notices be sent to the abutters.
- Chairman Hardison opened the March 20th meeting with an explanation of how the meeting would proceed. He explained that at the request of the applicant the Board would be considering the application as it was presented at the December 5th meeting. He further explained that there would be no presentation by the applicant and that as the public hearing had been closed there would be no public comment. He then indicated that the Board would go through the checklist of approval standards Section 272-1-8 of the Site Plan Ordinance and Section 280-43 H(2) 7 (3) in the GR Zone section of the Zoning Ordinance.

**CITY OF SANFORD
 PLANNING BOARD FINDING of FACTS
 REVIEW CHECKLIST FOR MAJOR DEVELOPMENTS**

Application File #11-12-R Beaver Hill Estates

Planning Board Meeting March 20, 2013

Approval Criteria and Standards

The following criteria shall be used by the Site Plan Review Committee and the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Site Plan Review Committee or the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence sufficient to warrant a finding that all applicable criteria have been met. (Notes from the meeting are in red.)

		Utilization of the site. The plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features will be maintained and preserved to the maximum extent. Natural drainage areas will be preserved to the maximum extent.	Planner mentioned that there was possible need to remove ledge. Engineer indicated that there still some outstanding issues, he presented a memo dated March 20, 2013 which is attached and made part of the Finding of facts.
		Access to the site. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate 100 or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one mile of any entrance road which are functioning at a Level of Service of C or better prior to the development will function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service. The Planning Board or Site Plan Review Committee may approve a development not meeting this requirement if the applicant demonstrates that:	Engineer indicated that a requested report for additional traffic impact had not been supplied
		A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or	N/A
		The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.	N/A
		Access into the site. Vehicular access into the development will provide	Engineer indicated that as

	for safe and convenient access.	presented there were no issues
	Any exit driveway or proposed street will be so designed as to provide the minimum sight distance to meet the Maine Department of Transportation standards.	
	Points of access will be located to avoid hazardous conflicts with existing turning movements and traffic flows.	
	The grade of any proposed drive or street will be not more than 3% for a minimum of two car lengths or 40 feet from the intersection.	
	The intersection of any access drive or proposed street will function at a Level of Service of C following development if the project will generate 1,000 or more vehicle trips per twenty-four-hour period or at a level which will allow safe access into and out of the project if fewer than 1,000 trips are generated.	Member Kelly Tarbox was concerned about the difficult intersection and the impact of the driveway. Engineer indicated that that issue was included in the request for additional information.
	Internal vehicular circulation. The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.	Engineer indicated no problems as presented
	Nonresidential projects will provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-50 vehicles.	
	Clear routes of access will be provided and maintained for emergency vehicles to and around all buildings and will be posted with appropriate signage ("fire lane - no parking").	
	The layout and design of parking areas will provide for safe and convenient circulation of vehicles throughout the lot and will prohibit vehicles from backing out onto a street.	
	All roadways will be designed to harmonize with the topographic and natural features of the site. The road network will provide for vehicular and pedestrian safety, all-season emergency access, snow storage, and delivery and collection services.	Member David Mongeau expressed concern about adequate room for snow storage and parking
	Pedestrian circulation. The development plan will provide for pedestrian circulation within the development. If the project is located in an area where sidewalks exist or are located within 1,000 feet of the site, provisions shall be made for connection to the existing sidewalk system	Planner indicated that much concern about pedestrian safety especially school age children had been raised by the abutters during the public hearings and site walk
	Stormwater management. Adequate provisions will be made for the disposal of all stormwater collected from proposed streets, parking areas, roofs and other surfaces through a stormwater drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties:	Engineer indicated that the request for a waiver did not raise a problem and that he had been working with the applicants engineer and had reviewed some drafts but these plans had not been formally submitted prior to the requested shut off and therefore not part of this review
	To the extent possible, the plan will detain stormwater on the land at the site of development and do so through the use of the natural features of the site.	
	For major developments, stormwater runoff systems will detain or retain water falling from the site such that the rate of flow from the site does not exceed the predevelopment rate.	
	The applicant will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects or will be responsible for the improvements to provide the required increase in	

		capacity.	
		All natural drainage ways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the Site Plan Review Committee or Planning Board and appropriate state agencies if required.	
		The design of stormwater drainage systems shall provide for the disposal of stormwater without damage to streets, adjacent properties, or downstream properties.	
		The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed.	
		The biological and chemical properties of the receiving waters will not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source.	
		Erosion control.	Engineer indicated that this information was included in the work he had been reviewing with the applicant's engineer but not yet submitted.
		For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation and earthmoving activity will be kept to a minimum. Parking lots on sloped areas will be terraced to avoid undue cuts and fills and the need for retaining walls. Natural vegetation will be preserved and protected wherever possible.	
		During construction of major developments, soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the York County Soil and Water Conservation District's Best Management Practices.	
		Water supply.	No issues
		The development will be provided with a system of water supply that provides each use with an adequate supply of drinking water.	
		If the project will be served by the Sanford Water District, the applicant has secured, in writing, a statement from the Water District that the proposed water supply system conforms to its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.	
		Sewage disposal.	No issues
		A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as defined by the Sanford Sewerage District. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where service is not available.	
		Upstream sewage flows will be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.	
		All components of sanitary sewerage facilities that connect to the Sewerage District's system must be designed by a professional engineer registered in the State of Maine and will be tested in full compliance with	

		the design specifications and construction practices as established by the District. The construction of sewer lines will include the construction of laterals to the property line of each lot where individual lots are created.	
		All individual and community on-site systems will be designed in full compliance with the Maine State Plumbing Code (May 1, 1995 Edition), as amended. Upon the recommendation of the Local Plumbing Inspector, the Site Plan Review Committee or Planning Board may require the location of reserve areas for replacement systems.	
		If the project will be served by the Sanford Sewerage District, the applicant shall secure, in writing, a statement from the Sewerage District that the proposed sewerage system conforms to its design specifications and construction practices and that the project will not result in an undue burden on the system.	
		Utilities. The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.	No issues
		Natural features. The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling will be avoided as far as possible.	Only issue the possible work necessary to remove some ledge
		Groundwater protection. The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.	Information had been requested concerning a retaining wall not yet received.
		Exterior lighting. The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours. All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.	Only draft information provided to the Engineer and it was incomplete information never forwarded formally to the Planning Board as no revised plans were submitted after the workshop on December 5th
		Waste disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.	Location of a dumpster not yet determined.
		All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.	
		All hazardous wastes will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.	
		Landscaping. The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.	No issues
		Shoreland relationship. The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.	N/A
		Technical and financial capacity. The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.	Planner indicated that the applicant had completed similar projects in other communities and had the financial and technical capacity
		Buffering. The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the zoning regulations	Engineer indicated that a good tree buffer existed on the Cloutier side but that there was no real buffer on

		will be provided and maintained.	the Grondin side. Member David Mongeau concerned about light impacts of the proposed development on the adjacent properties. Not enough information presented to determine.
		Airport encroachment. The development will not encroach above the imaginary surface of the Sanford Regional Airport as specified in Section 77.13 of Part 77 of the Federal Aviation Regulations unless such encroachment will not have a detrimental impact on the instrument landing approach minimums currently in use or likely to be in use in the future.	N/A

Section 280-43 H (2) & (3) Review:

Comments in red:

(2) Design standards. Any proposal involving the expansion of the gross floor area of an existing residential building or the construction of a new residential building in which the net residential density of the site shall be greater than eight dwelling units per net acre shall be found by the Planning Board to conform to the following standards:

(a) The size of the proposed building is comparable to the size of residential structures on abutting lots; The Chair indicated that the structures that were abutting and in the immediate area of the subject property were single family style homes. The properties of higher density and size identified by the applicant were not in the immediate area. This position was echoed by member Tarbox. It was also repeatedly expressed by the residents in the neighborhood.

It was noted that the applicant did meet with the design committee and had made revisions in building design as a result of the meetings. However no reduction in the number of total units proposed (17) was proposed. The Planning Board in the work session of December 5, 2012 indicated to the applicant that density greater than eight (8) units per acre was not acceptable due to the impact on the property and the neighborhood. The property is 1.13 acres which would yield a total of 9 units. At that work shop the Board suggested that the applicant go back and redesign a structure or structures for a total of ten (10) residential units. The applicant requested that the Planning Board take action on the information presented at the December 5, 2013 meeting. The Chair indicated that without the additional information requested the consensus of the Board was that the size of the two structures with 17 units was not comparable to the size of the residential units on abutting lots. Furthermore the applicant had not provided the requested additional information.

and

(b) The building's placement on the lot with respect to front and side lot lines is similar to the pattern of existing developed lots, and if the subject lot contains more than 60,000 square feet, the Planning Board shall also find that the proposed development conforms to the following standards: **At 1.13 acres or 49,230 sf the property is below the 60,000 threshold**

[1] The size and scale of the proposed buildings are similar to other buildings in the General Residential (GR) Zone in the surrounding area; and

[2] The buildings are located on the lot in such a manner as to maintain an "urban relationship" with the street in which the building is oriented toward the street, there is a front yard between the building and the street and parking is located to the side and/or rear of the buildings.

[3] Use of front yard. Parking of motor vehicles in the area between the front property line and the wall of the building or structure closest to the street and running the full width of the property shall be allowed on driveways with a maximum width of 20 feet. No other parking of vehicles shall be permitted in this area.

Engineer's Memo

Date: March 20, 2013

RE: **Beaver Hill Estates – List of Some Unresolved Application Issues**
 File 11-12-R Map J14, Lot 12B

Dear Planning Board Members:

At Planner Jim Gulnac's request, in addition to my March 1st memo for this meeting, I am providing the following list of the major unresolved engineering issues:

1. There are no engineering details. No revised details were provided since the original drafts to me (and the originals are not in the Planning File).
2. A plan note is needed describing what happens if the City's Elm Street drain manhole is damaged during construction. Also the manhole pipe separation issue has not been resolved.
3. Other than the full size lighting plans, I only received draft cut sheets of fixtures via email. None of these cut sheets are in the Planning File. (Nov 9 memo, Item 8.)
4. Need to show large ash trees relative to new building layout. Removed? Saved?
5. We asked for additional traffic information from the Applicant's Traffic Engineer in response to Public Hearing comments. This was not provided. (from my 11/21/12 email to John Hutchins)
6. The Applicant had indicated the dumpster was going to be moved (it hinders snow storage in my opinion). This has not been done.
7. In addition, on the November 9 2012 memo, Items 4, 9, 10, 12, 21 (detail), 23, 24, and 26 need to be addressed satisfactorily.
8. If approval is granted, there should be some discussion about the performance guarantee.

Michael J. Caserly