

SANFORD PLANNING BOARD MINUTES
MEETING July 20, 2011 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Robert Hardison, Vice Chair
David Mongeau, Secretary
Lela Harrison
Matthew Perkins

MEMBERS ABSENT: Joseph Herlihy (w/notice)
Stephen Catalano, Jr. (w/out notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Charles Andreson, P.E., Town Engineer
James Nimon, Executive Director, SREGC

STAFF ABSENT: Michael Casserly, P.E., Assistant Town Engineer (w/notice)
Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

Chair Tarbox called the meeting to order at 7:30 P.M.

II. PUBLIC HEARINGS

1. **File #04-11-W: Ronald K. DeCola, d/b/a Brady Sullivan Properties, 670 North Commercial Street, Manchester, New Hampshire.**

Chair Tarbox called for a representative to present the project.

Ron DeCola thanked everyone for their cooperation throughout the application process. He then introduced Tim Sheldon, Director of Design & Development; Chris Starr, one of the partners in the deal; Jan Wiegman, engineer from Wright-Pierce; Tom Gorrill, traffic engineer, Gorrill-Palmer; and Eric Stone, the current owner of the mill building. Mr. DeCola said the project, called the Lofts at No. 4 Mill, would consist of 143 workforce apartments and 26,000 square feet of commercial space located on the first floor.

After introductions, Mr. DeCola gave a background of Brady Sullivan Properties and how they choose mills to renovate into mixed-use apartments/office buildings. Mr. DeCola and others took a tour of the mill and liked it, and they liked Sanford in general. Mr. DeCola then said one of the major factors in the decision of choosing Eric Stone's mill was the new road in the mill yard. This project has been reviewed on April 26 at the Sanford Regional Economic Growth Council, on May 4 by the Planning Board for comprehensive plan consistency determination, and today at SPRC and Planning Board meetings for preliminary approval. He then asked Tim Sheldon to speak.

Tim Sheldon said he was pleased to be in front of the Board tonight. Mr. Sheldon said Brady Sullivan specializes in mill developments and they have 3-3 ½ million square feet of commercial spaces, they have received prestigious awards for their work, and that they take pride in the completion of their projects. Mr. Sheldon then went on to describe some of the projects they have done to other mills in other states. He said that they also have property managers and service technicians on-site at their finished properties.

Mr. Sheldon described what the project in Sanford would detail. The property is twelve (12) acres in size, he showed where the parking areas would be, it would be a mix of 2-3 bedroom units and the apartments would be converted over to condominiums once completed. Mr. Sheldon told everyone the reasons for choosing Sanford – the commitment for bringing development downtown by putting a road in the mill area as part of the master plan to attract developers in the mill yard area. He explained where the internet library, entertainment centers, recreation facilities, children’s play area, etc. would be located in the building and why these areas would be put in these locations. Mr. Sheldon also explained how shared parking would be used for this project, and described site details:

- Utilities
- Street openings
- Stormwater
- Roof drains
- Sewer lines
- Water lines
- Sprinkler system
- Lighting plan
- Landscaping plan

Chair Tarbox said that there were more trees showing on the night rendering plan than on the landscaping plan and wanted to know if the plan was still in flux. Mr. Sheldon stated it was not and explained what the plan is.

Chair Tarbox asked staff member Gulnac if he had anything to add.

Mr. Gulnac said that the town’s water and sewer districts have signed off on the application, a MDEP stormwater management permit will be required, and he was trying to get confirmation about not needing a traffic permit from MDOT. He went on to say there were quite a few issues at the SPRC meeting earlier in the day but felt that these issues could be resolved with little conditions placed on the approval, and there were some issues at the contract zone committee meeting (also earlier in the day) but Mr. Gulnac felt these could be worked out as well.

Chair Tarbox asked if anyone present wished to speak in favor of this application; there was no one.

Chair Tarbox asked if anyone present wished to speak against this application or had any questions for the developer.

Ann Cloutier, owner of property on the corner of Kempton Terrace and Emery Street, thanked Mr. Stone for getting her Mr. DeCola’s phone number. Ms. Cloutier then went on to say that her concern was large trailer trucks entering and exiting International Drive causing damage to her property and wanted to know what could be done to prevent that from happening during and after construction, especially with the increased traffic on Emery Street that will be generated once the project is completed. She also asked why this project only had one entrance when other projects are required to have more.

Ms. Cloutier informed the Board of her meeting with Mr. DeCola earlier in the day and she said Mr. DeCola would restrict the construction trucks to a left turn only from International Drive onto Emery Street, and she wanted to know what the town (who now owns the road) would do once the project was completed.

Chair Tarbox asked Charles Andreson, Town Engineer, if he had any possible solutions or insight to Ms. Cloutier’s question.

Mr. Andreson said he was uncertain about the status of International Drive, and explained why. Discussion took place. Mr. Andreson said he would look into the status of who would be responsible for the mill yard service ways because he was not instructed to maintain them in any way, and it was his understanding that the individual mill owners would be responsible for these roadways. As far as truck traffic goes, he believes that the number of WB-50 size trucks will reduce once this project is completed.

Mr. DeCola confirmed his onsite meeting with Ms. Cloutier earlier in the day. He said that he will instruct site superintendents to have WB-50 size trucks to take a left turn only out of International Drive, all other size trucks and other vehicles will have no restrictions. He also said there were two entrance points – the one shown on the site plan, and another that cannot be seen on the plan but is there.

Chair Tarbox asked if there were any other questions or comments from the audience; there were none.

Chair Tarbox asked if there were any questions or comments from Board members.

Board member Mongeau asked staff member Andreson if there were any standards for the types of corners being spoken of tonight in Ms. Cloutier's statements. Mr. Andreson said that when you are doing an adaptive reuse of existing buildings, you are bound by the boundaries and restrictions that are in place. Discussion took place.

Vice Chair Hardison said in years past, Mr. Stone's mill was used for companies that depended on large trucks for deliveries but through the years these types of businesses left and the current proposal being discussed tonight will not generate the truck traffic as in the past.

Mr. Gulnac said if an applicant comes in with a proposal for the empty Wasco building, the Board can limit access points during further reviews of future projects. He also said the new road does exit on High Street so residents/drivers have an option depending on which direction they go when they leave the mill building.

Chair Tarbox asked if there were any other questions or comments, or if the Board wanted to go into work session.

Mr. Gulnac asked Chair Tarbox if the Board had enough issues to go into a work session or if they had enough information to vote on the application. Chair Tarbox said there was an item that she felt needed to be discussed that deals with some construction that needs to be done now to place an access line under the road before the road is paved. Mr. Gulnac's recommended motion doesn't allow for this construction to take place but there was talk about changing that during the contract zone committee meeting held earlier in the day.

Vice Chair Hardison said the Board needs to be certain that any conditions that are relevant to preliminary approval are listed/included in the motion and clearly documented.

Mr. Andreson said he had a list of outstanding items that would need to be addressed before final approval as information to the Board. Discussion took place. It was decided that Charlie's memo with the outstanding list would be added as a condition to the approval, and allowance to let some construction take place to allow for the underground utility work would also be included.

Chair Tarbox closed the public hearing and called for a motion.

Vice Chair Hardison made a motion that the Planning Board confirm the Finding of Facts (see attached) and finds that File #04-11-W: Ronald K. DeCola, d/b/a Brady Sullivan Properties,

670 North Commercial Street, Manchester, New Hampshire, a preliminary major site plan application under Section 280-38 A – Contract Zoning to redevelop the mill located at the southwest corner of Emery Street into mixed use residential and commercial uses has been prepared in conformance with the Town of Sanford land use code and grant preliminary major site plan with a minor subdivision approval and recommend the zone change under contract zoning subject to the following conditions:

- a) The Town Council approves the zone change.
- b) The Town Council approves the contract for the application.
- c) The applicant has agreed to any and all changes recommended by the Planning Board as outlined in the town engineer's memo of 7/19/11.
- d) The approval does not authorize any construction on the site except as agreed to with the town specifically as needed for future utilities and to accommodate final paving of the roadway.
- e) The approval is subject to any conditions or requirements of the Sanford Land Use Code.
- f) Any conditions specifically required by the Planning Board.

Chair Tarbox asked if we needed to include final approval will not be scheduled until the applicant has received the MDEP permit. Mr. Gulnac said this was assumed and not necessary.

Board member Perkins seconded the motion.

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

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES – April 20, 2011 Amended and June 1, 2011

April 20, 2011 Amended

Chair Tarbox asked if Board members were all set with the minutes; they were.

Chair Tarbox called for a motion.

Board member Perkins made a motion to approve the minutes of April 20, 2011 with amendments.

Board member Harrison seconded the motion.

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

June 1, 2011

Chair Tarbox asked if Board members were all set with the minutes; they were.

Chair Tarbox called for a motion.

Board member Perkins made a motion to approve the minutes of June 1, 2011 as written.

Board member Harrison seconded the motion.

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

VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac said he left copies of his report on the table, and they were to discuss during work session.

VII. ADJOURN

The meeting adjourned at 8:30 PM.

Attachment to July 20, 2011 Minutes

*Finding of Facts for Public Hearing Item #1
File #04-11-W: Brady Sullivan Properties*

- A public hearing for the major site plan and the proposed zone change was held on Wednesday July 20, 2011. A work session followed the hearing. At the work session the Planning determined that action on the application for a vote to recommend the zone change and to confirm a preliminary major site plan approval subject to conditions agreed to by the applicant and approval by the Town Council for the zone change and the contract portion of the application.
- The applicant has provided proof of ownership or the right of ownership through a purchase and sales agreement.
- The Planning Board considered the contract zone request and found that it was not inconsistent with the goals and objectives of the comprehensive plan.
- MDEP or MDOT permits are required and applications have been submitted.
- The CEO will need to continue to compare the specific zone changes requested to verify that any and all items have been identified.
- Any preliminary approval will be considered a conditional approval pending the approval by the Town Council of the proposed zone change and the contract document itself.
Any other items the Board may wish to specifically add to the findings of fact list.

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**Michael Casserly, P.E.
Assistant Town Engineer**

**Charles J. Andreson, P.E., AICP
Town Engineer / Director of Public Works**

Memo To: Sanford Planning Board
Jim Gulnac, Planning Director

From: Charles J. Andreson, P.E.

Date: July 19, 2011

RE: REVISED PRELIMINARY REVIEW MEMO
Brady Sullivan Properties

Project Name: The Lofts at No. 4 Mill, Emery Street
Proposed Re-Use of Mill (formerly Stone Mill)
File 04-11-W Contract Zone, Site Plan and Subdivision Applications

I have reviewed the plans and application materials submitted by Brady Sullivan Properties for the proposed project. The plans were prepared by Wright Pierce, dated 7/14/11 (released to Town for Preliminary Review), consisting of eleven sheets, one of which is a property plan by Titcomb Associates, dated May 6, 2011. This project consists of a Major Site Plan, Subdivision and Contract Zone.

It is noted that no Subdivision Plan has been included with the plan set. It is also noted that I have not seen any documentation concerning right, title or interest in the property. Mr. Sheldon has indicated to me that a purchase and sale agreement does exist. The Planning Director should resolve these procedural matters with the Applicant if they have not been addressed.

This application contains no new building construction, but entails extensive renovations to the existing four and six story mill building to create 143 residential apartments and 26,000 square feet of commercial space. There are changes proposed to the existing 138 vehicle parking area and access from the new Town mill yard road, and the construction of a new parking area for an additional 138 vehicles. This parking is less than current zoning requirements and the applicant argues that shared parking between the residential and commercial spaces will occur. The Planning Board should act on this or adjust the requirement thru the contract zone.

The applicant should provide a photometric plan of the site to demonstrate that illumination will conform to the Town requirements. A narrative description indicates they intend to comply.

Storm water analysis needs to be submitted to the Town for pre-post analysis for 2, 10 and 25 year storm designs, with an assessment of conditions associated with the design for a 100 year event. Additionally, the project is in the Estes Lake watershed, which requires phosphorous removal. The Applicant indicates that the storm water management design will address this requirement. Roof drains are currently discharged to the Town storm drain in Emery Street, and this will continue. The drainage from the parking lot will be discharged into the newer Town storm drain recently installed in the mill yard road, and running down Emery Street.

Sewer and Water Districts have confirmed their ability to serve this project.

A landscape plan will have to be submitted.

The use of public right of way should be specifically incorporated into the contract zone process, or a special license be issued by the Town. These items are defined within the plan sheets.

The Applicant should indicate the Fire Marshall's approval of their plan for fire lanes, and also for the location of liquid propane gas tanks. These can affect the site plan in a material way.

State permit requirements include a Stormwater Permit from Maine Dept. of Environmental Protection. Wright Pierce is working on this permit on behalf of the Applicant, and receipt of this permit should be a condition of preliminary approval. Confirmation should be provided that the Maine Dept. of Transportation has found that no Traffic Movement Permit is required for this project.

If consideration is being made for the donation of property to the Town, this should be incorporated onto the subdivision plan when it is prepared. This may be a consideration during the Contract Zone process.

Subsequent to the review of the submittals, additional plans were submitted at the Site Plan Review

Committee meeting on July 20, 2011 and conversation with the Applicant yielded the following:

- a. **Revised plan shows propane tanks that will have to be relocated per Fire Codes. This will be accomplished prior to Final Approval.**
- b. **Fire lane requirements will be added to the plan as agreed to with Sanford Marshall. This will be done prior to Final Approval.**
- c. **Photometric plan has been submitted, indicating 1 footcandle of illumination at the property lines except for Emery Street where the illumination is 1 footcandle in the southbound travel lane.**
- d. **Landscape plans were submitted, consisting of three sheets. The Planning Board generally rules on the adequacy of the landscaping. Staff is relying on Brady Sullivan Properties expertise. Suggestions were made by Weston and Sampson for additional street trees.**
- e. **The supplemental plans should be incorporated into the plan set prior to Final Approval.**
- f. **The proposed use of public ROW will be incorporated into the language of the Contract Zone agreement, which will constitute a license for the improvements within the ROW.**
- g. **A final subdivision plan will be submitted to the Planning Board concurrently with the submittal of the Final Site Plan.**
- h. **The Applicant will continue to pursue the confirmation from MDOT regarding the Traffic Movement Permit.**
- i. **The Applicant will provide a copy of the MDEP Stormwater Permit prior to Final Approval.**
- j. **The Applicant will provide Storm Water analysis to the Town Engineer prior to Final Approval.**
- k. **The Town Engineer will continue to work with the Applicant to resolve any questions with regard to plan details, which will be resolved prior to Final Approval.**
- l. **Details for signage will be explained to the Planning Board, and the Applicant will provide any additional information required by the Planning Board prior to Final Approval. The Contract Zone agreement will include specific relief from Zoning Ordinance restrictions as agreed to with the Applicant.**
- m. **The Applicant will provide a performance guarantee for improvements within the Public Right of Way (Mill Yard Road), upon Final Approval. Additional performance guarantee will be provided, per a schedule of values to be submitted by the Applicant, if an Occupancy Permit is requested prior to completion of site work. The schedule of values will be submitted by the Applicant as part of the Final Plan submission.**
- n. **All Roof Drains will be separated from sanitary sewer lines. The Applicant and the Sewer District will continue to confirm that this is accomplished.**
- o. **The Applicant will submit WB 50 Truck Turning radii for all entrance ways into the site.**

- p. The Applicant proposes to use ADA guidelines for provision of handicap parking spaces. The Town code requires a higher number. This will be incorporated into the Contract Zone agreement.**

The Applicant has been diligent to present this information on a timely and continuing basis to try to move the project along. The Town's interest in the mill renovation has caused staff to work aggressively with the Applicant to bring the project to the Planning Board and Town Council as quickly as possible. Hence, I am recommending that the Planning Board consider Preliminary Site Plan approval subject to complete satisfaction of all of these issues prior to action on the Final Plan. I am encouraged by the thorough approach used by the Applicant in bringing this project along, and the technical consultants are extremely competent, giving me hope that this outstanding level of cooperation will continue to lead us to a quality final plan.