

SANFORD PLANNING BOARD MINUTES
MEETING September 4, 2013 – 7:00 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Chair
John McAdam, Vice Chair
Matthew Treadwell (Arrived at 7:08 PM)
Lela Harrison
Joshua Howe
Richard Bergeron
Kelly Tarbox, Secretary

MEMBERS ABSENT: None

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Michael Casserly, P.E., Assistant Engineer
Chief Jeff Rowe, Sanford Fire Department
Ian Kelly, Planning Intern

STAFF ABSENT: Charles Andreson, P.E., AICP, City Engineer (w/notice)

I. CALL TO ORDER

Chair Hardison called the meeting to order at 7:03 P.M.

II. PUBLIC HEARINGS

There were no public hearing items.

III. NEW BUSINESS

1. **File #03-13-Z: Lionel Sevigny, Spring Water LLP, c/o Hazen Carpenter, 14 Hazen Drive, Springvale, Maine.**

Chair Hardison asked staff member Gulnac if he had any remarks.

Staff member Gulnac indicated that the ownership of the property was clarified and he explained which section of the ordinance the Board was reviewing for the project. Mr. Gulnac informed the applicant that the Board was only issuing the shoreland permit if the project was approved.

Hazen Carpenter, representing the applicant, briefly overviewed the project. Mr. Carpenter said that the applicant was looking to add to the trail system to make the island more accessible and showed where the two bridges and the trail would be located. Mr. Gulnac explained that the application had originally been submitted as a private way but was changed to reflect what the project really was requesting, which is a shoreland permit.

Chair Hardison asked if there were any questions from the Board.

Board member Tarbox asked if one of the two new bridges was going to replace a bridge that is already there; Mr. Carpenter said eventually this would be the case but right now the existing bridge would remain.

Chair Hardison asked if there were any further questions from the Board; there were not.

Chair Hardison asked Mike Casserly, Assistant City Engineer to review his comments for the Board.

Staff member Casserly said he met with both Mr. Sevigny and Mr. Carpenter onsite and explained the following information from his comments:

- the steel to be used for construction
- the areas where the crossings will be located
- stones are available to provide for placing and replacing bridges
- lengthen the bridges for more support

Mr. Casserly said that he is fine with the applicant's proposal and recommends approval. Chair Hardison asked Mr. Casserly if all his concerns in his August 29, 2013 memo have been satisfied; Mr. Casserly responded they were.

Discussion took place on the soil disturbance this activity will create.

Chair Hardison asked if there were any other questions or comments.

Mr. Carpenter said the applicant was requesting a waiver of the fees since this project would become part of the city's trail system. Mr. Gulnac stated this would become a condition of approval if the Board agrees.

Board member Tarbox asked if revised plans needed to be submitted showing the lengthened bridge span should be a condition of approval. Mr. Casserly stated he didn't think this would be necessary and explained why.

Chair Hardison asked if there were any final questions or discussion; there was not.

Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board confirm the Finding of Facts (see attached) and approve the request for a shoreland zoning permit for application file #03-13-Z and recommend the issuance of a shoreland permit subject to the following conditions:

1. Any and all outstanding review fees are paid or the Board has authorized that they be waived. **The Board has authorized that these fees be waived.**
2. The applicant complies with any and all local and state construction codes.

Vice Chair McAdam seconded the motion.

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

IV. OLD BUSINESS

1. **File #07-12-S: Robert Gendreau**, 19 Eon Way, North Waterboro, Maine.

Chair Hardison called for a representative to present the project.

Staff member Gulnac gave the background of why this application was before the Board:

- the original signed mylar was never filed, so re-approval needed to be granted
- Mr. Gendreau was able to get a new mylar from his engineering firm
- when the re-approval request was presented to the Board there were not enough original Board members present to constitute a forum

- Mr. Gendreau felt that he did not need to adhere to the sprinkler system requirement from a fire code standpoint
- discussions took place among the fire chief, planning director, CEO, and Mr. Gendreau regarding this requirement
- it was determined that since this requirement was placed on the project as a condition of approval, the Board would have to decide the next step in the process

Chair Hardison asked Chief Rowe to provide the Board with his professional opinion on the sprinkler debate.

Chief Rowe explained that local subdivision requirements and NFPA (National Fire Protection Association) Code regulate when fire protection is required and the three types of fire protection allowed if a public hydrant is not available within a half mile of each lot:

- fire ponds with approved dry hydrant
- underground storage reservoirs with approved dry hydrant
- approved residential sprinkler systems in each unit

When Chief Rowe explained this to Mr. Gendreau, Mr. Gendreau had decided to withdraw the subdivision re-approval request and put the land in tree growth. Chief Rowe also said that during his review of the previous approval, it is noted that Mr. Gendreau chose the sprinkler system option for his approval; if Mr. Gendreau wants to remove the sprinkler system option, he will have to choose either the fire pond or reservoir option.

Board member Tarbox confirmed with Chief Rowe that there was not a hydrant within the half mile radius.

Vice Chair McAdam asked Chief Rowe about the turning radius for fire prevention apparatus. Chief Rowe said there is a WB-50 turning radius requirement that was waived due to Mr. Gendreau's agreement to provide individual sprinkler systems. If the Board chooses to remove the sprinkler system condition and the applicant chooses one of the other options, there will need to be provisions added to the subdivision approval for the WB-50 requirement; discussion followed.

Chair Hardison asked if there were any further questions for the fire chief at this time. Staff member Gulnac said the applicant will have to present how he proposes fire protection for the new units if the sprinkler system condition is removed and the chief's input may be needed at that time.

Chair Hardison asked Mr. Gendreau if he understood the situation.

Robert Gendreau said the ordinance references the chief was referring to states "...all buildings constructed in the Town of Sanford." He said manufactured homes are generally built out of state or in another town within Maine. He went on to say these are HUD (Housing and Urban Development) homes, and the State of Maine Manufacturing Board states that sprinkler systems are not installed in manufactured homes because it voids the warranty of the home. He also rebutted the chief's comments about the cost and said that it is significantly more than what the chief quoted for a mobile home. He didn't see why he needed to have this condition when other parks near him don't have this requirement. Chair Hardison replied that sprinkler systems were not the issue; if he wanted the condition removed he would then need to provide another option of fire protection. Chair Hardison said that in regard to the other parks near him, the parks may predate the current ordinance but any new subdivision request will need to have a fire protection option as well.

Chair Hardison asked Mr. Gendreau which of the other two options he would like to choose in place of the sprinkler systems. Mr. Gendreau wanted to know how a mobile home park across

the street can lease lots without any type of fire protection. Chair Hardison explained that the park he was referring to predated the ordinance; discussion took place.

After the discussion, Mr. Gendreau decided to withdraw his re-approval request because he said all of the fire protection options were too costly and he didn't agree with having to put any type of system in. This withdrawal for re-approval means that Mr. Gendreau's original four (4) lot subdivision approval of last year is no longer valid due to not filing the original approval within the allotted time with the county's registry of deeds.

Vice Chair McAdam asked Chief Rowe if they built manufactured housing with sprinkler system units within them. Chief Rowe said both companies in Maine do not install them but they do have a subcontractor that will install the systems for them; Chief Rowe was unaware of any voidance of warranty to the mobile home by having a system installed. Discussion took place about the differences among the three choices of fire protection.

V. APPROVAL OF MINUTES – June 19, 2013; August 7, 2013; and August 21, 2013

Chair Hardison asked Board member Tarbox if the minutes were ready for approval. She said she was not at the August 7 meeting so she recommended that someone who attended the meeting make a motion for this particular meeting.

June 19, 2013 & August 21, 2013

Board member Tarbox made a motion to accept the minutes of June 19 and August 21 as written.

Vice Chair McAdam seconded the motion.

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

August 7, 2013

Board member Treadwell made a motion to accept the minutes as written.

Vice Chair McAdam seconded the motion.

A vote was taken, and the motion passed 6-0 (Board member Tarbox was not at this meeting).

VI. PLANNING DIRECTOR'S REPORT

There was no report for tonight.

Chair Hardison reminded the Board about the training seminar coming up on October 17.

VII. ADJOURN

The meeting adjourned at 7:56 PM to go into work session.

Attachment to September 4, 2013 Minutes

There are no Public Hearing Items

Finding of Facts for New Business Item #1

File #03-13-Z: Mousam Way Trail Bridges Shoreland Permit

- The application involves construction in the shoreland which requires Planning Board review and issuance of a shoreland permit.
- The Board needs to consider the applicant's request for the waiving of the fees.

- Section 270-14 provides that the applicant demonstrates there is no reasonable alternative and minimizes any adverse impacts to surrounding uses and resources, including visual impacts.
- Section 270-15C of the Shoreland Ordinance provides the guidelines for the review.
- It appears that all other conditions required for a shoreland permit have been presented and that the Planning Board could confirm that there is no reasonable alternative and the bridges provide public access via the Mousam Way Trail system.

*Finding of Facts for Old Business Item #1
File #07-12-S: Marsh Brook Estates Reapproval/Amendment Request*

The applicant withdrew his application so no action was taken on this item.