

SANFORD PLANNING BOARD MINUTES
MEETING November 16, 2011 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Robert Hardison, Vice Chair
David Mongeau, Secretary
Joseph Herlihy
Lela Harrison

MEMBERS ABSENT: Stephen Catalano, Jr. (w/notice)
Matthew Perkins (w/out notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Charles Andreson, P.E., AICP, Town Engineer
Shirley Sheesley, CEO

STAFF ABSENT: Michael Casserly, P.E., Assistant 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. Chair Tarbox asked Board members if they were ok with moving File #07-11-P ahead in the agenda; they were.

II. PUBLIC HEARINGS

1. **File #17-11-RZ: Rip Patten, PE, Credere Associates, LLC, 776 Main Street, Westbrook, Maine.**

Silas Canavan, on behalf of the Town, said the parking lot is being designed not only to serve the proposed Sanford Mill redevelopment, but also to cover the contamination in the area that was discovered during the brownfields phase I and II investigations. Mr. Canavan went on to describe the landscape, curbing, and lighting features of the sixty-five (65) space parking lot.

Chair Tarbox asked Mr. Canavan if he would speak about the following public hearing item since the two projects are tied together. Mr. Canavan said he would let a representative of the Sanford Mill project present an overview.

2. **File #18-11-RS: Northland Enterprises, LLC, c/o Stephen Bushey, DeLuca-Hoffman Associates, 778 Main Street, South Portland, Maine.**

Rex Bell, Northland Enterprises, LLC, developer of the Sanford Mill project said this project would create thirty-six (36) market-rate apartments and 22,000 square feet of commercial space. The Aerofab parking lot would be utilized for this project. Mr. Bell gave a timeline of when the renovations would begin and when the project would be completed.

David Lloyd, Archetype Architects, explained that a lot of the renovations are in collaboration with the National Park Service and the Maine Historic Commission so the design is based on what the building originally looked like. Mr. Lloyd then described the site features and stated that the building will meet all current building codes as well. Mr. Lloyd then introduced Steve Bushey who will present the site work that will be done.

Steve Bushey, DeLuca-Hoffman Associates, Inc. went over some of the issues discussed at the Site Plan Review Committee meeting earlier in the day such as the location or placement of the utilities into the building, water main location, underground LP gas tank, and the transformer pad for the new electrical service. Mr. Bushey then explained the updates that will be done to the existing wall along Pioneer Ave and a new fence, fire department access, etc.

Chair Tarbox asked about signage, for example any signs on building. Mr. Lloyd asked if he could answer the question, and Chair Tarbox allowed him to. Mr. Lloyd said that because the project is being done with the National Park Service, the signs will have to be reviewed and approved by this group as well as working with the town's code department for approval.

Chair Tarbox asked Charles Andreson, Town Engineer, if there was anything that he needed addressed before moving on to the public hearing portion.

Mr. Andreson said that, although he has not seen the changes regarding the propane placement and electric line, the applicant has agreed to resolve the outstanding issues.

Chair Tarbox asked if anyone present would like to speak in favor of the projects; there was no one.

Chair Tarbox asked if anyone present would like to speak against the projects; again, there was no one.

Chair Tarbox closed the public hearing.

Chair Tarbox asked the Board members if there were any remaining questions or discussions for either project that needed to go into work session, or if they were ready to take action on the two items.

Staff member James Gulnac said that if the Board chose to vote on these projects right now, he would suggest a couple of modifications to the proposed motion:

- a) For the Sanford Mill, File #18-11-RS add approval for a final major site plan, subdivision, and shoreland permit and explained the reason for the change.
- b) For the Aerofab Parking Lot, File #17-11-RZ add approval for a shoreland permit.

Staff member Gulnac wanted to make note that both projects are actively part of the brownfields, and it is through the Brownfield project that the projects can go forward. Mr. Gulnac also wanted to thank the Environmental Protection Agency for their support in the Aerofab project.

Staff member Gulnac also wanted to update the Board on the bridge crossings near the Aerofab parking lot. Mr. Canavan pointed out which two bridges would be removed and said that as these are removed, the building where the bridges are attached would be restored, and explained that a third bridge is proposed to stay.

Staff member Gulnac asked Rex Bell to inform the Board what will be done with the bridges that are attached to his building. Mr. Bell said that the upper bridge would remain and be remodeled and that the lower bridge would be removed because it is a flood hazard.

Vice Chair Hardison asked Chair Tarbox if she wanted the issue of parking discussed in a work session or during the meeting portion.

Staff member Gulnac did say that there was a waiver from the parking requirements being requested and the Board could approve the waiver now. Mr. Gulnac said that there are public parking lots readily available and other projects regarding new downtown parking are in the works. Chair Tarbox voiced her concern as to the number of spaces requesting to be waived and

if it would hinder development if there is a lack of parking readily available. Board member Mongeau wanted to know what the proximity was of the closest available parking for the future commercial use; it was determined approximately 400 feet away. Board member Mongeau then asked about the parking along Pioneer Avenue. Mr. Andreson said that there would be no parking allowed from Washington Street up to 50 feet down Pioneer Avenue. Discussion took place.

Mr. Gulnac talked about the proposed motions for each application, said that the applicant is fully aware of the traffic impact fee and it will be resolved at the appropriate time, and said that the applicant will also comply with current ADA standards.

Mr. Gulnac asked staff member Andreson if he had any other conditions other than those already stated in the finding of facts listed in the planning director's project summary report. Mr. Andreson said that there were seven (7) items listed in his memo that needed to be resolved but thought a resolution had been made regarding those items.

Chair Tarbox called for a motion.

Vice Chair Hardison restated that he felt the parking issue should be addressed by the Planning Board tonight. He also said he thought one of the options that the Board had was a shared parking concept, similar to the Brady Sullivan project at the other end of the mill complex. Vice Chair Hardison also voiced his concern with using the Mid-town Mall parking lot. He feels that if only residential use was being discussed, parking would be covered; it was the commercial use being proposed that he felt parking needed to be made available for use before approval, not after the project is completed. Vice Chair Hardison agreed that the project needed to move forward in the process, but would like to see a condition on the approval regarding parking.

Mark Green, Town of Sanford Town Manager, provided more information to the parking situation. Mr. Green said that there are two parking lots specified in the agreement with Northland Enterprises LLC – Mid-town Mall and the Back Street Grill lot on School Street. He believes the additional thirty-five (35) reserved spots will be allocated in the School Street lot, with the fifty (50) unreserved spots along Pioneer Ave and in the Mid-town Mall lot. He also informed the Board that the Town Council will have a separate parking agreement with the applicant as well.

Vice Chair Hardison said that if the Board were to place a condition on the approval regarding parking, it would be that the Town and the developer reach a final agreement to meet the parking requirement.

Staff member Gulnac said item #4 in the resolution for file #18-11-RZ would be the granting of a waiver for the specific number of parking spaces based upon an agreement between the Town Council and Northland Enterprises.

Chair Tarbox called for a motion (File #17-11-RZ motion was made first, followed by the motion for File #18-11-RS).

Vice Chair Hardison made a motion that the Planning Board confirm the Finding of Facts (see attached) and find File #17-11-RZ, Aerofab Parking Lot, c/o Rip Patten, P.E., Credere Associates, LLC, a final site plan application to redevelop the former Aerofab mill into a parking lot has been prepared in conformance with the Town of Sanford land use code and grant final site plan approval with a shoreland permit subject to the following conditions:

- a) The applicant has agreed to any and all changes recommended by the Planning Board based on the Town Engineer and Site Plan Review Committee's review.
- b) The approval is subject to any conditions or requirements of the Sanford Land Use Code.

Board member Harrison seconded the motion.

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

A motion was then made for File #18-11-RS.

Board Member Mongeau made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that File #18-11-RZ, Sanford Mill Northland Enterprises, LLC, a final major site plan application to redevelop the mill located at the corner of Pioneer Ave and Washington Street into mixed use residential and commercial uses has been prepared in conformance with the Town of Sanford land use code and grant final major subdivision and site plan approval with a shoreland permit subject to the following conditions:

- a) The applicant has agreed to any and all changes recommended by the Planning Board as agreed to by the Town Engineer and the Site Plan Review Committee.
- b) The approval is subject to any conditions or requirements of the Sanford Land Use Code.
- c) The applicant pays any and all outstanding review fees.
- d) A waiver is granted from the requirement to provide the required number of parking spaces based upon the conditions included in the parking agreement between Northland Enterprises and the Town of Sanford.

Vice Chair Hardison seconded the motion.

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

III. NEW BUSINESS

Because a work session review of the public hearing items was not needed, the New Business items were voted on after discussion during the Public Hearing portion of the meeting.

IV. OLD BUSINESS

(The following item was moved to the beginning of the agenda. The discussion and motion for this item was not recorded. The information was copied off the Planning Director's Record of Action report.)

- 1. File #07-11-P: Wayne and David Dumas, c/o William F. Kinney, 92 Old Falls Road, Sanford, Maine.**

Chair Tarbox called for a motion.

Vice Chair Hardison made a motion that the Planning Board accept the Finding of Facts (see attached) and find that application File #07-11-P, Wayne and David Dumas, c/o William F. Kinney, 92 Old Falls Road, Sanford requesting approval to construct a private way, to be called Obed Lane, off Old Falls Road to provide frontage and access to tax map R20, lots 13 & 13A, has been prepared according to the guidelines in Section 280-85 of the Town of Sanford zoning ordinance and subject to the conditions listed below grant approval:

- a) The plan must be filed at the York County Registry of Deeds within thirty (30) days of the date the plan is signed.
- b) A waiver from Section 275-51-C. (2)(h)[2] under [a][b] Dead End streets greater than 1500' in length and serving more than 15 residential units.
- c) That the applicant has paid any and all review fees.
- d) No building permit for the construction of the private way may be issued until the applicant has provided a copy of the mylar with proof of filing at the registry of deeds plus six (6) paper copies of the plan.

- e) The applicant shall schedule a pre-construction meeting with the town engineer prior to the issuance of a building permit. At that time the town engineer shall determine if any performance guarantee is required and the amount of the review escrow.
- f) The applicant is required to provide the CEO with certification by a professional engineer that the road has been constructed in accordance with the approved plan.

Board member Mongeau seconded the motion.

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

V. APPROVAL OF MINUTES – October 19, 2011

The minutes were not ready for approval at tonight's meeting.

VI. PLANNING DIRECTOR'S REPORT

There was no Planning Director's report.

VII. ADJOURN

The meeting adjourned at 8:00 P.M.

Attachment to November 16, 2011 Minutes

*Finding of Facts for Public Hearing Item #1
File #17-11-RZ: Aerofab Parking Lot*

- The applicant has provided a letter of authorization from the town and has standing to submit the application.
- The property is located in the mill historic district, the Brownfields project area, and the shoreland zone.
- The former mill referred to as the Aerofab Mill was removed and the proposed parking lot is an accepted method of providing remediation for the hazardous conditions discovered on the site.
- The application was reviewed by staff at a meeting of the Site Plan Review Committee on November 16, 2011. The SPRC recommended approval and forwarded the application to the Planning Board
- A public meeting was held at the November 16, 2011 meeting of the Planning Board.
- MDEP or MDOT permits have been supplied or were not required.
- A permit by rule application was submitted to the DEP with no response from the DEP.
- The applicant has agreed to any recommendations of the town engineer.

*Finding of Facts for Public Hearing Item #2
File #18-11-RS: Sanford Mill*

- The applicant has provided a letter of authorization from the town and has standing to submit the application. In addition, the Town and the applicant have executed a Memo of Understanding (MOU) which outlines specific agreement conditions leading to the transfer of ownership of the property from the Town of Sanford to Northland Enterprises, LLC.
- The property is located in the mill historic district and Brownfields project area and the shoreland zone.
- The application is classified as a major subdivision because of the number of residential units; however the project is being reviewed as a major site plan.

- The application was reviewed by staff at a meeting of the Site Plan Review Committee on November 16, 2011. The SPRC recommended approval and forwarded the application to the Planning Board.
- A permit by rule application was submitted to the DEP with no response from the DEP.
- A public meeting was held at the November 16, 2011 meeting of the Planning Board. The Board held a brief discussion concerning a request by the applicant for a waiver on the required number of parking spaces. It was discovered that in addition to the MOU there would be a “parking” agreement concerning numbers of spaces reserved for the development and the ongoing maintenance of the adjacent parking lot (Aerofab Lot). Based upon this, the Board was comfortable in including a waiver for the required number of parking spaces.
- The applicant has agreed to any recommendations of the Town Engineer.

There are no New Business Items

*Finding of Facts for Old Business Item #1
File #07-11-P: Obed Lane Private Way*

- The applicant, William F. Kinney, is a designated agent for the property owner, Wayne Dumas, and has standing to submit the application.
- The application is for a private way to be called Obed Lane.
- The application has been reviewed and revised based upon both recommendations from the board and the town engineer.
- No one from the public rose to speak either for or against the application during the public meetings.
- The application will require a waiver from Section 275-51-C. (2)(h)[2] under [a][b] Dead End streets greater than 1500’ in length and serving more than 15 residential units.
- The applicant has removed any reference to future lots.
- The applicant has added a note restricting access to tax map R20, lot 10.
The town engineer has indicated that all requested changes to the plans have been made.