

**SANFORD PLANNING BOARD MINUTES
MEETING – January 4, 2017 – 6:30 P.M.
City Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Lenny Horr, Chair
John McAdam, Vice Chair
Edward Cormier, Secretary
Dianne Connolly
Sara Littlefield
Jennifer Georgius

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Della Valle, AICP, Director of Planning & Development
Michael Casserly, Asst. City Engineer

STAFF ABSENT: None

I. CALL TO ORDER

Chair Horr called the meeting to order at 6:30 PM. Chair Horr overviewed meeting procedures.

II. SWEARING IN OF NEW MEMBERS

Sue Cote, City Clerk swore in Board members Lenny Horr, John McAdam, and Sara Littlefield, each for three-year terms, before the meeting.

III. ELECTION OF OFFICERS

Board member McAdam nominated Lenny Horr to serve as Chair. Board member Connolly seconded the motion. It was moved to have Mr. Horr serve as Chair to the Board for 2017.

Chair Horr nominated Jack (John) McAdam to serve as Vice Chair. Board member Connolly seconded the motion. It was moved to have Mr. McAdam serve as Vice Chair to the Board for 2017.

Board member Littlefield made a motion to nominate Board member Cormier to serve as secretary. Board member Connolly seconded the motion. It was moved to have Board member Cormier serve as secretary to the Board for 2017.

IV. ADOPTION OF PLANNING BOARD BY-LAWS

Beth Della Valle, Planning Director sent a draft of proposed revisions to the by-laws to the Board, but the by-laws are not complete.

Planner Della Valle overviewed the proposed revisions.

The Board decided to table the item at this time.

V. ADOPT 2017 MEETING CALENDAR

Vice Chair McAdam asked about the July 5, 2017 Planning Board meeting.

Planner Della Valle explained how the meeting schedule works for both the Site Plan Review Committee (SPRC) and Planning Board; she then presented optional dates the Board could choose due to the July 4th holiday on a SPRC meeting day.

The Board decided on July 11/12 as the meeting dates for the SPRC and Planning Board.

Chair Horr made a motion to accept the changes to the meeting calendar.

Board member Littlefield seconded the motion.

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

VI. PUBLIC HEARING

1. **File #20-16-RS: 7e Properties LLP, c/o Joe Stanley, PLS**, Line Pro Land Surveying, LLC, P.O. Box 60, Shapleigh, Maine.

Chair Horr called for a representative to present the application.

Sam Sevigny and Joe Sevigny, representing 7e Properties gave a background of their business and some of their previous projects. Mr. Sevigny (Sam) briefly overviewed their proposed project:

- 16-unit apartment building, market rate housing
- Located on Main Street across from Springvale Public Library
- Using existing parking lots, grading, and drainage.

Joe Sevigny further described the proposed project:

- Explained the existing lot layout
- Requesting two waivers – 1 for stormwater and 1 for proposed grading
- Described drainage
- Building views
- Site plan
- Fully sprinkled
- Utilities
- Exterior lighting
- Landscaping
- Fencing
- Wasted disposal
- Using existing foundation and slab as patio
- Snow removal
- Parking plan
- Demolition timeline
- Building timeline

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

Chair Horr asked if anyone present would like to speak in opposition of the application; there was no one.

Chair Horr asked if anyone present would like to speak neither for nor against.

Planner Della Valle informed the Board that she received communication from a neighbor, Karen and Tony Matoin, whose major concern was the dumpster location.

Mr. Sevigny said he spoke to the Matoin's earlier today about the dumpster concern.

Chair Horr closed the public hearing.

2. File #22-16-T: Patco Construction, c/o Mark Patterson, 1293 Main Street, Sanford, Maine.

Chair Horr called for a representative to present the application.

Mark Patterson, Patco Construction, representing the Kiwanis Club and the Maine Homebuilders Remodelers Association briefly explained the concept of the development, which is to work with the Sanford School Department vocational center and patient-developer landowners. He further explained his request for the zone change from Residential Development (RD) to Single Family Residential (SFR) zone:

- 5.2 acre lot
- Located on Hanson's Ridge Road
- Building starter homes, offered to teachers and Sanford municipal employees first, then to general public if needed
- Houses built on the school property, transported to lot once complete
- Mandatory hook-up to sewer and water in current zone

Chair Horr asked if anyone present would like to speak in favor of the application.

Hazen Carpenter, Kiwanis Club, presented a history of the land in the area that they own, including this property. The money raised from this project if the zone change is approved will be put back into the community.

Joe Doiron, a Sanford resident and the projects manager at the Sanford Regional Technical Center (SRTC), described his goal for home building projects at SRTC and how the program will work. He also explained how this program will use other SRTC courses as well.

Chair Horr asked if anyone else present would like to speak in favor of the application; there was no one.

Chair Horr asked if anyone present would like to speak in opposition of the application; there was no one.

Chair Horr asked if anyone present would like to make general comments on the application.

David Gillies, 14 Pine Street, was concerned about stormwater. He asked if the applicant could have a stormwater engineer look at the potential project.

Chair Horr asked if anyone else would like to speak on this project; there was no one.

Chair Horr closed the public hearing.

3. File #999-16-T(3): The Planning Board will consider amending Chapter 180: Zoning, Solar Energy Systems.

Chair Horr called for a representative to present the proposal.

Planner Della Valle said the city has been working with Ranger Solar to design a solar installation at the airport. Per our ordinance, a solar-energy generating facility was not allowed, nor did the ordinance provide regulations for solar energy on a smaller scale. This is the basis for this ordinance amendment request. The amendment would allow three types of systems:

- Residential
- Commercial
- Industrial

Planner Della Valle explained each type of system and the sections of the ordinance affected by this proposal.

Planner Della Valle informed the Board of the different action options they can take tonight.

Chair Horr asked if anyone present would like to speak in favor of this proposal.

Hazen Carpenter, speaking for the trails system, hopes the city will control the ATV use on the trail system to prevent damaging the trails around the airport and will continue to allow the trails to be used for recreational purposes such as snowmobiling, walking, horseback riding, etc.

Chair Horr asked if anyone else present would like to speak in favor of this proposal; there was no one.

Chair Horr asked if anyone present would like to speak against this proposal; there was no one.

Chair Horr asked if anyone present wanted to make general comments on this proposal; again, there was no one.

Planner Della Valle read the following comments into to the record:

- Allison Rogers, Airport Manager – suggested the language regarding the height of fence be adjusted and the type of fencing used; suggested all system types be classified as major uses; asked if the 1-mile distance on abutting property was standard for requesting historic wetland information.
- Aaron Svedlow, representing NextEra Energy agreed with Ms. Rogers' comments and also suggested changing the term 'industrial system' to 'utility-scale system'

Chair Horr closed the public hearing.

VII. NEW BUSINESS

- 1. File #20-16-RS: 7e Properties LLP, c/o Joe Stanley, PLS, Line Pro Land Surveying, LLC, P.O. Box 60, Shapleigh, Maine.**

Chair Horr opened the request for discussion.

Chair Horr asked the applicant if there was additional information they wanted to provide.

Chair Horr asked if windows facing an abutter were going to remain. Mr. Sevigny responded the Design Review Committee (DRC) wanted the windows to remain but it was going to be the preference of the abutter on whether these windows will be functional or not.

Planner Della Valle updated the Board on the parking lot design discussion that took place at the Site Plan Review Committee (SPRC). The SPRC made the following recommendations for conditions of approval:

- Revise site plan to add a note about impervious cover limits
- Provide locations of Knox box and fire alarm strobe
- Revise site plan to satisfaction of the assistant city engineer regarding construction limits, sidewalks, retaining wall, concrete in right-of-way, curbing, pipe trenches, and grading
- Provide performance guarantee
- Provide CAD file
- 5 copies of approved plans to Planning Department
- Return signed, filed mylar to the Planning Department
- Pay all outstanding review fees
- Any construction is in compliance with building codes

Chair Horr asked Mike Casserly, Assist. City Engineer what his remaining concerns are.

Staff member Casserly told the Board what the applicant has taken care of since the SPRC reviewed the application and what items are remaining to be completed.

Staff member Casserly voiced his concerns on the parking lot designs to the Board; discussion followed.

Board member Connolly was concerned about WB-50 size vehicles accessing the parking lot and the dumpster location as it relates to collection times and noise.

Board member Cormier asked about locating the building closer to Main Street and locating all parking behind the building.

Board member Connolly would like to see the building closer to Main Street as well and keep parking lot circulation, entrances, and exits all on Mill Street to provide for better aesthetics along Main Street.

Chair Horr asked about the process to remove parking on either side of the street to provide better sight distance. Discussion also took place on parking availability in this area.

The Board went through the Findings of Fact:

Chapters 270-15.D(f) Will protect archaeological and historic resources as designated in the Comprehensive Plan; 275-15.D(g) Will not adversely affect existing commercial fishing activity; 280-16-7.19 Airport encroachment, 275-43 Floodplain management, 275-44 Identification of freshwater wetlands, 275-46 Recreation and open space areas, 275-47 Phosphorus impacts on great ponds, and 275-48 Spaghetti lots.

Board member Littlefield made a motion to accept these standards because they are not applicable.

Chair Horr seconded the motion.

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

Chapters 270-15.D(a) Will maintain safe and healthful conditions; 270-15.D(h) Will avoid problems associated with floodplain development and use; 280-16-7.1 Utilization of the site; 280-16-7.11 Natural features, and 275-38 Impact on aesthetics, open spaces, historic areas, wildlife habitat and shoreline access.

Chair Horr made a motion to accept these standards because they have been met.

Board member Georgius seconded the motion.

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

Chapters 270-15.D(b) Will not result in water pollution, erosion, or sedimentation to surface waters; 280-16-7.6 Stormwater management; 280-16-7.7 Erosion control; 275-31 Pollution; 275-34 Soil erosion; and 275-45 Stormwater management.

Board member Littlefield asked if the approval was to group them or approve them.

Board member Littlefield made a motion to accept these standards because they have been met.

Chair Horr seconded the motion.

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

Chapters 270-15.D(c) Will adequately provide for the disposal of all wastewater; 280-16-7.9 Sewage disposal; and 275-36 Sewage disposal.

Chair Horr made a motion to accept these standards because they have been met.

Board member Connolly seconded the motion.

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

Chapters 270-15.D(e) Will conserve shore cover...and coastal waters; 280-16-7.16 Shoreland relationship; and 275-41 Impact on water quality or shoreline.

After Planner Della Valle read the standards, Board member Cormier pointed out that standard 270-15.D(i) has not been voted on yet.

It was decided to vote on this standard before the grouping above.

After voting on 270-15.D(i), the Board voted on the above grouping.

Board member Littlefield made a motion to accept these standards because they have been met.

Chair Horr seconded the motion.

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

Chapter 270-15.D(i) Will protect archaeological and historic resources as designated in the Comprehensive Plan.

Board member Littlefield made a motion to accept this standard because it has been met.

Board member Cormier seconded the motion.

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

Chapters 280-16-7.2 Access to the site; 280-16-7.3 Access into the site; 280-16-7.4 Internal vehicular circulation; 280-16-7.5 Pedestrian circulation; and 275-35 Traffic conditions.

Chair Horr asked if the Board could require signage.

Chair Horr made a motion to accept these standards because they have been met.

Board member Littlefield seconded the motion.

A vote was taken and the motion passed 5-1 (Board member Connolly voted against because she does not agree with 280-16-7.4 being met).

Chapters 280-16-7.8 Water supply; 275-32 Sufficient water; and 275-33 Impact on existing water supplies.

Board member Connolly made a motion to accept these standards because they have been met.

Chair Horr seconded the motion.

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

Chapters 280-16-7.12 Groundwater protection; and 275-42 Impact on groundwater quality or quantity.

Chair Horr made a motion to accept these standards because they have been met.

Board member Connolly seconded the motion.

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

Chapter 280-16-7.14 Waste disposal; and 275-37 Solid waste.

Board member Littlefield made a motion to accept these standards because they have been met.

Chair Horr seconded the motion.

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

Chapters 280-16-7.15 Landscaping; and 280-16-7.18 Buffering.

Chair Horr made a motion to accept these standards because they have been met.

Board member Littlefield seconded the motion.

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

Chapters 280-16-7.17 Technical and financial capacity; and 272-40 Financial and technical capacity.

Chair Horr made a motion to accept these standards because they have been met.

Board member Connolly seconded the motion.

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

Chapter 280-16-7.10 Utilities.

Board member Littlefield made a motion to accept this standard because it has been met.

Board member Connolly seconded the motion.

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

Chapter 280-16-7.13 Exterior lighting.

Board member Littlefield made a motion to accept this standard because it has been met.

Vice Chair McAdam seconded the motion.

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

Chapter 275-39 Conformance with other regulations.

Board member Littlefield made a motion to accept this standard because it has been met.

Board member Georgius seconded the motion.

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

Planner Della Valle briefed the Board of their options on taking action on the application tonight.

Staff member Casserly asked the Board to consider two of his recommendations as conditions of approval.

Board member Connolly confirmed there would be no construction work on Sundays.

Board member Cormier made a motion that the Planning Board accept the information in the December 27, 2016 summary report and in the Findings for Fact, grant the two requested waivers (§280-16-6.7.2.4.3.5 and §280-16-6.7.2.4.3.6.1 through 280-16-6.7.2.4.3.6.5) and find that application file #20-16-RS satisfies the requirements of a major site plan and subdivision, grant approval and authorize the issuance of a building permit subject to the following conditions:

1. Revise the site plan to return to the original parking lot designs with a widened entrance from Mill Street to the upper parking lot to accommodate fire vehicles.
2. Revise the site plan to add a note which confirms that impervious cover limits are not exceeded.
3. Revise the site plan to provide the locations of a knox box and fire alarm strobe.
4. Revise the site plan, to the satisfaction of the Assistant City Engineer, to provide limits of construction in sidewalks and tipdowns; design information on the retaining wall; concrete in the right of way; curb; pipe trenches; grading, particularly at the entrance and side slopes for the lower level parking lot.
5. Provide a performance guarantee in the amount of \$8,900.
6. Provide an autocad submission, tied to the Maine State Coordinates System.
7. That the applicant provide five (5) copies to the Planning Department.
8. The approved signed subdivision mylar is filed with the York County Registry of Deeds within 90 days and a verified copy be filed with the Planning Department.
9. That any and all review fees have been paid.
10. That construction will be in compliance with any and all building codes.
11. Trash pickup will be undertaken between 8AM and 6PM.
12. An inspection escrow fee of \$680.
13. Preconstruction conference with the Assistant City Engineer and Code Enforcement Officer.

Vice Chair McAdam seconded the motion.

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

2. **File #22-16-T: Patco Construction, c/o Mark Patterson**, 1293 Main Street, Sanford, Maine.

Chair Horr called for a representative to present the application.

Planner Della Valle discussed the following with the Planning Board:

- Planning Board needs to have a public hearing and make a recommendation before a zone change can be acted on by the City Council
- A zone change request has to be consistent with the comprehensive plan
- This property is zoned correctly according to the comprehensive plan
- Sewer and water would be difficult to extend
- Intent of Residential Development zone
- Housing market for Sanford
- Kiwanis/Sanford Regional Technical Center partnership is a great idea, just not at this location

Planner Della Valle explained why she recommends the Planning Board does not recommend the proposal for approval by the City Council.

Chair Horr opened Board discussion.

Board member Connolly commented to the applicants that their proposal was a great idea, just not in this location.

Hazen Carpenter, Kiwanis Club, spoke on behalf of the project. He feels comprehensive plan needs to be looked into again because it is outdated. Mr. Carpenter said that this project is not high-density but is affordable housing and will add to the tax base.

Mark Patterson, Sanford Kiwanis Charity Fund, spoke about the following:

- Kiwanis does not own lots of land to buy and sell throughout town
- Single-family homes on the property is harmonious with the neighborhood
- Comprehensive plan states, in part, 'it is a guide in directing for growth' (Chapter 6)
- Referenced the comprehensive plan in regards to extending water and sewer lines
- Spoke to Planner Della Valle's comments on density

Other discussion took place on whether this project would affect the headwaters.

Vice Chair McAdam confirmed the length and cost of adding water and sewer lines.

Discussion took place on:

- Whether or not the comprehensive plan is a guide
- Planning Board cannot change the zoning ordinance or the comprehensive plan, only make a recommendation to the City Council

Planner Della Valle said, professionally, she cannot recommend this proposal because it does not comply with state law and explained why.

Mr. Patterson confirmed which city board has approval authority for a zone change; discussion followed on which authority would be challenged legally.

Board member Cormier asked Planner Della Valle if it would set precedence if the Board made a recommendation for this proposal.

Board member Connolly asked staff member Casserly about stormwater runoff based on an abutter's comments during the public hearing.

Board member Georgius asked if there was a reason why private wells were not being used.

Chair Horr said his concern is the comprehensive plan.

Vice Chair McAdam asked if the houses would have sprinklers.

Board member Cormier asked Planner Della Valle about her comment about other city properties that may be available for this type of project.

Discussion took place on the Planning Board function for this type of proposal.

Vice Chair McAdam made a motion that the project Kiwanis and the technical high school are proposing is a worthy initiative with multiple benefits for the community but in a different location. The Findings of Fact - that a public hearing was advertised and held on the proposed zone change; the attached pages of the Comprehensive Plan, particularly the Future Land Use Plan, do not support the requested zone change; and modification of the Future Land Use Plan should not be undertaken without a full update of the City's Comprehensive Plan, as the Future Land Use Plan is intended by statute and practice to balance competing goals and guide zoning designations for the City – recommend the Planning Board recommend against the requested zone change because it is not consistent with multiple elements of the Comprehensive Plan. The Planning Board accepts the information above as the Findings of Fact for File #22-16-T and recommends the City Council not adopt the requested zone change because

the proposed rezoning is not consistent with the City's Comprehensive Plan and raises concerns about traffic safety and degraded water quality.

Chair Horr seconded the motion.

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

3. File #999-16-T(3): The Planning Board will consider amending Chapter 180: Zoning, Solar Energy Systems.

The Chair announced it was past 9:00PM and asked the Board if they wanted to consider this application on the agenda or wanted to table the item.

Board Cormier asked if this was an urgent item.

Board member Cormier made a motion to table the proposal to the next Planning Board meeting in two weeks.

Board member Connolly seconded the motion (after discussing Planning Director's Report).

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

VIII. OLD BUSINESS

There were no old business items.

IX. PLANNING DIRECTOR'S REPORT

Planner Della Valle updated the Board on the following:

- Joe and Sam Sevigny would like to have an informal discussion with the Board regarding The Ridge property
- By-laws update
- Solar ordinance amendment
- Potential projects
- Existing solar installations
- Recreational marijuana
- Brownfields application
- Downtown Redevelopment Strategy
- Beautification in center for round-about
- Filling in last Planning Board vacancy
- Planning Board iPads

X. ADJOURN

The meeting adjourned at 9:46 P.M.