

**SANFORD PLANNING BOARD MINUTES
SPECIAL MEETING – April 6, 2016 – 7:00 P.M.
City Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Lenny Horr, Chair
John McAdam, Vice Chair
Kelly Tarbox, Secretary
Dana Peterson
Edward Cormier

MEMBERS ABSENT: Dianne Connolly (w/notice)

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 7:00 PM and explained the meeting process.

II. PUBLIC HEARING

1. **File #13-15-R: TMC CF New England, LLC, c/o Sandra L. Guay, Esq.,** P.O. Box 468, Biddeford, Maine.

Chair Horr called for a representative to present the project.

Sandra Guay, Esq. introduced the other representatives for the project. Ms. Guay then overviewed the project and discussed the following:

- Project location
- Building size
- MDOT permit
- Building design
- Landscaping/layout
- Design Review Committee recommendations letter
- Site plan

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 who opposes the application; there was no one.

Chair Horr asked if anyone present, neither for nor against the application, would like to speak; again there was no one.

Chair Horr closed the public hearing.

2. **File #10-15-RS: St. Ignatius LP, c/o David Twomey,** 510 Ocean Avenue, Portland, Maine.

Chair Horr called for a representative to present the project.

Steve Bushey, Stantec, representing the applicant explained why the request to amend the approved subdivision, which is to remove the rectory structure site from the recorded subdivision plan, was being made.

Chair Horr asked if anyone present wished to speak on behalf of the application; there was no one.

Chair Horr asked if anyone present wished to speak who were opposed to the application; there was no one.

Chair Horr asked if anyone present, neither for nor against the application, wished to speak; again there was no one.

Chair Horr closed the public hearing.

III. NEW BUSINESS

1. File #13-15-R: TCM CF of New England, LLC, c/o Sandra L. Guay, Esq., P.O. Box 468, Biddeford, Maine.

Planner Della Valle updated the Board on the review of the Site Plan Review Committee (SPRC) meeting which was held earlier in the day. The SPRC recommended approval with seven (7) conditions:

- Schedule a preconstruction meeting with the Assistant City Engineer, Police Chief, Superintendent of the Sanford Water District, Superintendent of the Sanford Sewer District, and Executive Director of the York County Community Action Program prior to initiating construction to provide a heads-up regarding paving schedules and to review the details regarding specifications for creation and discontinuation of connections to the public systems.
- Ensure that as final transportation design details are resolved with the Maine Department of Transportation that the Planning Department and Public Works Office are apprised.
- Provide a supplemental plan that describes the light preemption details.
- Respond to the details described in the attached Assistant City Engineer's March 29, 2016 email.
- Provide a revised site plan that includes additional lighting at the back/south side of the building.
- Provide an inspection escrow fee to cover work for two construction seasons.
- Draft and execute a 30-foot easement for future access to the back portion of the parcel which is satisfactory to the City Manager.

Planner Della Valle then recommended two (2) additional conditions based on discussion and went over her proposed Finding of Facts in her project summary report dated April 6, 2016:

- To finalize the design and size of signs with the Codes Enforcement Department when applying for a building permit for the signs.
- Provide a corrected traffic permit to correct typos that were referenced earlier.
- The applicant has established acceptable evidence of right, title, or interest.
- The application has been prepared in accordance with Chapter 272 Site Plan.
- The application has been reviewed by the SPRC which forwarded its comments to the Planning Board.
- The property is a permitted use in the Urban Zone, where it is located.

- The applicant has not requested any waivers in its application.
- The Sanford Water District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District.
- The Sanford Sewer District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District.
- The Planning Board has reviewed the issue of site safety and supports the recommendation of the SPRC and Fire Marshal.
- Any additional findings determined by the Planning Board.

Ms. Della Valle then added the standard conditions of approval:

- That any and all review fees have been paid.
- That the applicant will comply with conditions noted above.
- That the applicant will comply with conditions recommended by the Site Plan Review Committee.
- Any additional conditions imposed by the Planning Board.

Ms. Della Valle told the Board that all issues identified by staff will have been addressed by these conditions.

Topics of discussion among Board members, applicant and staff included:

- Easement information
- Site entry and traffic signaling
- Lack of a crosswalk on the south side of the intersection
- The buffer between this property in the Urban zone and the property located in the residential zone
- Bike rack location

After discussion, Planner Della Valle went over the Finding of Facts individually for the Board to vote on individually:

Ordinance Section 272-1-8. Approval criteria and standards

A. Utilization of the site.

The Board voted unanimously that the standard has been met because there are no environmentally sensitive areas on the portion of the site which is proposed to be redeveloped. The proposal reflects the natural capacity of the site, while recognizing that the portion of the site proposed to be redeveloped is already developed and the DEP has granted a variance to allow underground oil storage tanks that will serve the gas station.

B. Access to the site.

The Board voted unanimously that the standard has been met because Main and Emerson Streets have adequate capacity to accommodate traffic generated by the project and the applicant will pay for required offsite intersection improvements.

C. Access into the site.

The Board voted 4-1 in favor, with Board member Peterson voting against, that the standard has been met because proposed accesses into the site will be safe and convenient, provide minimum required sight distances, are coordinated with an improved signalized intersection to avoid hazardous conflicts with turning

movements and traffic flow, and meet maximum grade. The applicant has secured a MDOT Traffic Movement Permit.

D. Internal vehicular circulation.

The Board voted unanimously that the standard has been met because the proposal provides for safe movement of passenger, service, and emergency vehicles onsite with a clear route for delivery vehicles; safe and convenient circulation of vehicles throughout the lot; and vehicular and pedestrian safety, snow storage, and delivery and collection services. The building will be sprinklered, allowing for reduction of need to accommodate wider access lanes for emergency vehicles.

E. Pedestrian circulation.

The Board voted 4-1 in favor, with Board member Peterson voting against, that the standard has been met because the layout of the site provides for pedestrian circulation. A sidewalk fronts the Main Street property line and another is provided on the opposite side of Emerson Street.

F. Stormwater management.

The Board voted unanimously that the standard has been met because adequate provisions have been made for the disposal of stormwater without damage to streets, adjacent properties, or downstream properties. There are no natural drainageways on the portion of the site proposed to be redeveloped. Adequate provisions have been made to contain potential petroleum spills and DEP has granted a variance to allow subsurface oil storage for the gas station component of the redevelopment.

G. Erosion control.

The Board voted unanimously that the standard has been met because adequate provisions have been made for erosion control. Because the portion of the site which is proposed to be redeveloped is already developed, topography and natural vegetation have already been altered.

H. Water supply.

The Board voted unanimously that the standard has been met because the project proposes to use public water for drinking water and fire safety. The Sanford Water District has provided written confirmation of adequate capacity to serve the project and conformance with design and construction standards.

I. Sewage disposal.

The Board voted unanimously that the standard has been met because the project proposes to use public sewer to dispose of sanitary waste. The Sanford Sewerage District provided written confirmation that the project is within the sewer service area, can be adequately accommodated, and is designed in compliance with specification and construction practices.

J. Utilities.

The Board voted unanimously that the standard has been met because adequate provisions have been made to provide electrical and telephone service for the project.

K. Natural features.

The Board voted unanimously that the standard has been met because the project proposes to redevelop an already developed site. While most of the existing trees on the portion of the site where redevelopment is proposed will be removed, the applicant has provided a landscape plan that proposes new tree plantings. Extensive grading and filling is not proposed.

L. Groundwater protection.

The Board voted unanimously that the standard has been met because DEP has granted a variance to allow underground storage tanks because the aquifer underlying the site has elevated lead levels and the Sanford Water District indicates that it has no plans to use the aquifer for public water supply.

M. Exterior lighting.

The Board voted unanimously that the standard has been met because the proposal, with the addition of lighting on the south side of the building, provides for adequate exterior lighting during nighttime hours and is designed and shielded to avoid undue adverse impact on neighboring properties and the public right-of-way.

N. Waste disposal.

The Board voted unanimously that the standard has been met because the proposal provides for adequate disposal of solid and hazardous wastes. DEP has reviewed plans for onsite containment of potential gasoline spills and has granted a variance to allow for underground storage tanks for petroleum products.

O. Landscaping.

The Board voted 4-1 in favor, with Board member Peterson voting against, that the standard has been met because the redevelopment plan provides for landscaping to define street edges and soften the appearance of the development. In addition, fencing is proposed to screen abutting properties from adverse impacts of the redevelopment.

P. Shoreland relationship.

The Board voted unanimously that the standard is not applicable because the property is not in the Shoreland Zone.

Q. Technical and financial capacity.

The Board voted unanimously that the standard has been met because the applicant has demonstrated financial and technical capacity to carry out the project as approved.

R. Buffering.

The Board voted 4-1 in favor, with Board member Peterson voting against, that the standard has been met because the proposal provides for adequate buffering of adjacent uses and to screen service and storage areas.

S. Airport encroachment.

The Board voted unanimously that the standard is not applicable because the property is not in the Airport Encroachment Zone.

Chair Horr called for a motion.

Board member Tarbox made a motion that the Planning Board accept the Findings of Fact as determined and listed above and approve File #13-15-R (TCM CF of New England) requesting major site plan approval to construct a new retail motor fuel outlet facility. The approval is granted based upon the Finding Facts listed above (and attached), the recommendations from the Site Plan Review Committee – including the two additions: finalize the design and size of signs with the Codes Enforcement Officer when seeking a permit and corrected identified typos in the traffic permit before the building permit is issued – and the conditions listed below:

- That any and all review fees have been paid.
- That the applicant will comply with conditions noted above.
- That the applicant will comply with conditions recommended by the Site Plan Review Committee.
- The addition of a bike rack in a location that is acceptable to the Assistant City Engineer.

Board member Peterson seconded the motion.

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

2. File #04-16-M: David Joy, Joy & Hamilton Architects, 820 Main Street, Sanford, Maine.

Chair Horr called for a representative to present the project.

David Joy, representing the applicant explained that the applicant is requesting approval to rebuild a porch, which is an existing nonconforming structure, in the same location at 34 Charles Street.

Beth Della Valle, Planning Director, added that the city's zoning ordinance provides for this situation.

Chair Horr called for a vote.

Board member Tarbox made a motion that the Planning Board accept the information above (see attached) as the Findings of Fact and finds that the reconstructed porch is in compliance with the setback requirement to the greatest practical extent and does not increase its nonconformity.

Board member Peterson seconded the motion.

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

IV. OLD BUSINESS

1. File #10-15-RS: St. Ignatius LP, c/o David Twomey, 510 Ocean Avenue, Portland, Maine.

Chair Horr called for a representative to present the project.

Steve Bushey, Stantec Consulting Services representing the applicant explained that the applicant is requesting to amend their approved plan by removing the site of the former rectory building from the project due to the project receiving historic tax credits.

Planner Della Valle reminded the Board that she had discussed a staff level approval change to this project – which was to change the deadline to execute and record easements - prior to tonight and further explained the reason for this request along with timeframes, but since the applicant needed to go through this lot amendment to the subdivision, the item that was going to be reviewed at staff level is included with this amendment.

Board member Tarbox confirmed that the rectory site provided a couple of parking spaces for the approved project. Mr. Bushey explained the parking changes due to this change. Discussion took place on the parking requirements.

Chair Horr called for a motion.

Board member Tarbox made a motion that the Planning Board accept the information as findings of facts (see attached), specifically that removing a portion of the lot that hosts the former rectory building and changing the deadline to execute and record easements proposed as part of this subdivision are the only changes to the approved subdivision for the project and that all other original findings of fact remain valid and find that application File #10-15-RS to the St. Ignatius Redevelopment has satisfied the requirements of the subdivision ordinance, grant approval, and authorize the issuance of a building permit subject to the following conditions:

- That any and all review fees have been paid.
- That the applicant shall provide five (5) copies of the revised signed plan to the Planning Department.
- That the approved revised subdivision mylar is filed in the York County Registry of Deeds within 90 days and a verified copy be filed with the Planning Department.
- That any construction be in compliance with any and all building codes.
- That all other conditions that are part of the original approval remain, except that condition #6 is amended to allow the deadline to execute and record all easements that are part of the proposal be changed to no later than August 31, 2016.

Board member Cormier seconded the motion.

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

2. Approve Planning Board By-Laws

Planner Della Valle explained the changes she has made to the by-laws since their last review.

Vice Chair McAdam made a motion to approve the by-laws as revised.

Board member Tarbox seconded the motion.

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

V. APPROVAL OF MINUTES – August 19, 2015

The Board tabled the minutes until the next meeting.

VI. PLANNING DIRECTOR'S REPORT

Planner Della Valle updated the Board on the projects she has been working on:

- Gravel pits
- Brownfields
- Defining business-friendly
- Medical marijuana ordinance update
- Upcoming applications for review
- Mike Casserly updated the Board on the MDOT meeting held to discuss the traffic signal at the Marden's site

The meeting adjourned at 8:40 P.M.

Attachment to April 6, 2016 Minutes

*Finding of Facts for New Business Item #1.
File #13-15-R: Cumberland Farms*

- The applicant has established acceptable evidence of right, title, or interest.
- The application has been prepared in accordance with Chapter 272 Site Plan.
- The application has been reviewed by the SPRC which forwarded its comments to the Planning Board.
- The property is a permitted use in the Urban Zone, where it is located.
- The applicant has not requested any waivers in its application.
- The Sanford Water District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District.
- The Sanford Sewer District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District.
- The Planning Board has reviewed the issue of site safety and supports the recommendation of the SPRC and Fire Marshal.
- Any additional findings determined by the Planning Board.

*Finding of Facts for New Business Item #2.
File #04-16-M: 34 Charles Street Nonconforming Structure*

- The applicant was in the process of renovating the first and second floor of a two-family home when it uncovered rot at the corners of the second floor porch. As the porch is integral to supporting the roof, the entire porch needs to be replaced.
- The Code Enforcement Officer denied the request for a building permit because the porch does not meet the 20 foot front yard setback requirement in the Urban Zone. The proposed porch would replace the existing porch in the same location, which also does not meet the setback.
- Section 280-25.C.(1), which regulates reconstruction or replacement of nonconforming structures, allows reconstruction of a nonconforming structure which is located less than the required setback from the property line if the Planning Board finds that the reconstruction is

“in compliance with the setback requirement to the greatest practical extent” but in no case “to increase its nonconformity.”

- The building is comparable in architecture and placement to another two-family home immediately next door. Both buildings, with two-story front porches, add to the character of the community.

*Finding of Facts for Old Business Item #1.
File #10-15-RS: St. Ignatius Redevelopment Amendment*

- Removing the portion of the lot that hosts the former rectory building and changing the deadline to execute and record easements proposed as part of this subdivision are the only changes to the approved subdivision for the project.
- All original findings of facts remain valid.