

**SANFORD PLANNING BOARD MINUTES  
MEETING – May 3, 2017 – 6:30 P.M.  
City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Lenny Horr, Chair  
Edward Cormier, Secretary (arrived at 7:30PM)  
Dianne Connolly  
Sarah Littlefield  
Jennifer Georgius

**MEMBERS ABSENT:** John McAdam, Vice Chair (w/notice)  
Jace Clarke (w/notice)

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

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair Horr called the meeting to order at 6:45 PM. (The start time was taken off notes because the meeting began recording at 7:35PM)

**II. OPENING STATEMENT**

No opening statement was made.

**III. MINUTES**

There were no minutes ready for approval.

**IV. HEARINGS AND BUSINESS**

**A. NEW BUSINESS: File #09-17-S: R & L Realty, LLC, c/o Thomas W. Harmon, PE,**  
Civil Consultants, P.O. Box 100, South Berwick, Maine.

(Discussion and vote on this item were not recorded; information below is based on notes taken at the meeting and documentation in the project file.)

Thomas Harmon, Civil Consultants represented the applicant.

The applicant needs to go to Maine Department of Environmental Protection (DEP) to amend the site location permit.

The Board went over the Findings of Fact:

**Chapter 275-31 Pollution; 275-32 Sufficient water; 275-33 Impact on existing water supplies; 275-34 Soil erosion; 275-35 Traffic conditions; 275-36 Sewage disposal; 275-37 Solid waste; 275-38 Aesthetics, open spaces, historic areas, wildlife habitat, & shoreline access; 275-41 Impact on water quality or shoreline; 275-42 Impact on groundwater quality or quantity; 275-43 Floodplain management; 275-44 Identification of freshwater wetlands; 275-45 Stormwater management; 275-46 Recreation and open space areas; 275-47 Phosphorus impacts on great ponds; and 275-48 Spaghetti lots.**

Chair Horr made a motion to accept these standards because they are not applicable.

Board member Connolly seconded the motion.

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

**Chapter 275-39 Conformance with other regulations.**

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

Chair Horr seconded the motion.

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

**Chapter 275-40 Financial and technical capacity.**

Chair Horr 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 5-0.

Chair Horr made a motion that the Planning Board accept the information above (Planning Board Project Summary, May 3, 2017 and in the Findings of Fact and find that the application File #09-17-S has satisfied the requirements of Article VIII. Chapter 275: Subdivision and grant approval of the requested amendment subject to the following conditions:

1. That any and all review fees have been paid.
2. That the applicant shall provide five (5) copies of the approved plan to the Planning Department.
3. That the approved subdivision mylar is filed in the York County Registry of Deeds within 90 days and a verified copy, with book and page number where it is recorded at the Registry, be filed with the Planning Department.
4. That any construction shall be subject to review and approval by the Planning Board under Chapter 280: Zoning.
5. If the Maine Department of Environmental Protection requires amendment of the plan (Site Location of Development)/permits, the applicant will provide a copy to the Planning Department, which may require further review by the Planning Board.

Board member Georgius seconded the motion.

A vote was taken and the motion passed 4-0.

The Board took a short break to sign the mylar; they reconvened at 6:56PM.

**B. PUBLIC HEARING AND REVIEW CONTINUED: File #04-17-S: Adam Blaikie & Associates, LLC, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.**

(Discussion for this application was underway when recording started.)

The following took place before the recording started (it is noted when recording began):

Dana Libby, PLS, Corner Post Land Surveying, Inc., representing the applicant reviewed the revisions to the plan, addressed the Planning Director's comment #1 (Revise subdivision plan to include note regarding flood hazard areas, clearer delineation of sewer easement, revision of/addition to Note #37 about maintenance responsibilities for infiltration basins, clarify symbol/note for grassed surfaces.)

Chair Horr asked if anyone present would like to speak in the public hearing; there was no one.

Chair Horr closed the public hearing.

Planner Della Valle reviewed the Site Plan Review Committee's (SPRC) recommendation from their meeting held on May 2<sup>nd</sup>:

- Require language about Flood Hazard Areas in Purchase and Sales Agreements – *Applicant agreed*
- Discussion regarding the adequacy of notices to future owners about protecting drainage/floodplain
- Cost estimates for performance guarantees – *Applicant has no problem with including infiltration basins*
- Deed restrictions – These are ok with condition
- Question regarding one monument waiver
- Maintenance agreement for common sewer easement to assign responsibilities for who will pay for what – *Applicant said the homeowners will share cost*
- Hand auger holes – discussion about why this wasn't done; staff member Casserly said test pits suggest well-drained soils, hand auger holes were just a suggestion (Recording started during this topic)
- Discussed qualifications of Mark Hampton, Soils Scientist
- Inland Wildlife & Fisheries – cutting of trees during key seasons would affect bats – *Tree cutting not proposed*
- Require \$680 inspection escrow fee – *staff member Casserly explained why this was reduced to \$340*
- Discussion about traffic generation and traffic control
- Discussion regarding marking the building envelopes – *altering one of the ponds will affect neighbors and will come to City to ask for enforcement*

Board member Cormier noted he arrived late but he has reviewed all materials and is comfortable voting; Board members and the applicant were okay with Board member Cormier participating in the vote.

The Board went through the Findings of Fact:

**Chapters 265-8.A All such proposals are consistent with the need to minimize flood damage; and 275-43 Floodplain management.**

Board member Cormier 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 5-0.

**Chapter 265-8.B. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages.**

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

Board member Littlefield seconded the motion.

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

**Chapters 265-8.C Adequate drainage is provided so as to reduce exposure to flood hazards; 275-31 Pollution; 275-34 Soil Erosion; 275-36 Sewage disposal; 275-45 Stormwater management; 275-47 Phosphorus impacts on great ponds.**

Chair Horr recommended adding 'to the greatest extent possible' to the finding comment for Chapter 275-47.

Board member Cormier 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 5-0.

**Chapter 265-8.D All proposals include base flood elevations, flood boundaries, and in a riverine, floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Administration.**

Board member Georgius 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 5-0.

**Chapter 265-8.E Any proposed development plan must include a condition of plan approval requiring that structures...in accordance with §265-6 of this chapter. Such requirement will be included...but not limited to a time-share interest. The condition shall clearly articulate...document previously described. The construction requirement shall also be clearly...as part of the approval process.**

Board member Georgius 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 5-0.

**Chapter 275-32 Sufficient water; 275-33 Impact on existing water supplies; 275-42 Impact on groundwater quality or quantity.**

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

Chair Horr seconded the motion.

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

**Chapter 275-35 Traffic conditions.**

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 5-0.

**Chapter 275-37 Solid waste.**

Chair Horr made a motion to accept this standard because it has been met.

Board member Littlefield seconded the motion.

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

**Chapter 275-38 Impact on aesthetics, open spaces, historic areas, wildlife habitat and shoreline access; 275-41 Impact on water quality or shoreline; 275-46 Recreation and open space areas.**

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

Board member Cormier seconded the motion.

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

**Chapter 275-39 Conformance with other regulations.**

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

Board member Connolly seconded the motion.

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

**Chapter 275-40 Financial and technical capacity.**

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 5-0.

**Chapter 275-44 Identification of freshwater wetlands.**

Chair Horr made a motion to accept this standard because it has been met.

Board member Littlefield seconded the motion.

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

**Chapter 275-48 Spaghetti lots.**

Board member Georgius made a motion to accept this standard because it is not applicable.

Chair Horr seconded the motion.

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

Chair Horr called for a motion.

Board member Cormier read the following suggested motion "That the Planning Board accept the information in the Site Plan Review Committee and Planning Board Project Summary – Updated and in the Findings of Fact and find that the application file #04-17-S for a 3-lot subdivision on Jagger Mill Road in the Residential Development Zone satisfies the requirements of Chapters 268: Floodplain Management, 270: Shoreland Zoning, and 275: Subdivision, grant a waiver of §275-18.C.9 and §275-58.B, grant approval and authorize the issuance of a building permit subject to the following conditions:

1. That any and all review fees have been paid.
2. That language about Flood Hazard Areas is provided in Purchase and Sales Agreements.
3. That the draft deed restrictions are revised to remove or modify items 7 and 8 to reflect local and state restrictions on removing vegetation in the Shoreland Zone; to expand language in Item 11 to include drainage elements beyond riprap; to add language about maintenance responsibilities for infiltration basins, which mimics final language in Note #37; and that acknowledge that the City will not enforce items 1-6 or 9 unless activities violate City Codes.
4. That the draft drainage easement documents are provided to the Planning Department and are found to be acceptable by the Assistant City Engineer.
5. That the draft sewer easement documents are provided to the Planning Department and are found to be acceptable by the Superintendent of the Sanford Sewer District.
6. That the applicant allows the City access to inspect construction of infiltration ponds.
7. That the applicant establish a \$340 inspection escrow account with the Public Works Department.
8. That the applicant provide a cost estimate, which includes sewer, monuments, and infiltration basins, as the basis for and provide a performance guarantee.
9. That the applicant provide an autocad submittal which is acceptable to the Assistant City Engineer.
10. That the applicant provide five (5) copies of the final revised plans to the Planning Department.
11. That the signed subdivision mylars are filed in the York County Registry of Deeds within 90 days and two paper copies of the signed, recorded mylars with book and page numbers where they have been recorded are filed with the Planning Department.
12. That any construction is in compliance with any and all building codes.
13. Provide maintenance agreement for common sewer.

Chair Horr made a motion to accept the suggested motion as read by Board member Cormier.

Board member Cormier seconded the motion.

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

The Board took a short break to sign the mylar; they reconvened at 8:15PM.

## **V. OTHER BUSINESS**

### **1. PLANNING DIRECTOR'S REPORT**

Planner Della Valle discussed the following with the Board:

- Tree inventory starting in the city – setting up an advisory committee for this project; Board member Georgius volunteered to be on the committee
- Update on upcoming projects:
  - New Aroma Joe's on Jagger Mill Road, across from the new Marc Motors
  - Rock Bottom Gravel Pit
  - Flemish Master Weavers addition
  - Rymes Propane pre-application meeting held
  - Medical marijuana inquiries
  - FE Woods – a wood pellet manufacturing company
  - St. Ignatius Apartments – issue with some conditions of approval for retaining wall, trees, etc. and an abutter
- Southern Maine Planning and Development Commission annual meeting on June 14<sup>th</sup>
- Maine Municipal Association training
- First meeting in June – the Board will keep the meeting scheduled for June 7
- IT contact person
- Board member Connolly – asked about forestry work going on around town and if it is part of the forestry management plan
- Board member Connolly asked if the Board had approved leasing of the lot across from Wal-Mart (location of Winston's Lunch Truck)
- York County Soil and Water Conservation District gave an award to Sanford – Staff member Casserly explained the award

## **VI. COMMUNICATIONS**

There were no communication items.

## **VII. ADJOURN**

The meeting adjourned at 8:47 P.M.