

**SANFORD PLANNING BOARD MINUTES  
MEETING – May 17, 2017 – 6:30 P.M.  
City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Lenny Horr, Chair  
John McAdam, Vice Chair  
Edward Cormier, Secretary (arrived at 7:18PM)  
Dianne Connolly  
Sarah Littlefield (left at 7:30PM)

**MEMBERS ABSENT:** Jennifer Georgius (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 6:30 PM.

**II. OPENING STATEMENT**

Chair Horr explained the meeting process for discussion of an application and code of conduct during meetings.

Chair Horr informed the applicants that at this time there were only four (4) Board members present. According to the by-laws, the Chair needs to inform the applicant of this and explained the process in this situation.

**III. MINUTES**

There were no minutes for approval.

**IV. HEARINGS and BUSINESS**

**A. NEW BUSINESS**

- i. **File #11-17-M: James R. Owen**, 5 Allenson Street, Springvale, Maine.

Chair Horr called for a representative to present the project.

James Owen, applicant explained that his current garage is dilapidated and would like to put in a new garage in the same location, which is seven (7) feet away from the property line instead of the required ten (10) feet per zoning requirements.

Board member Connolly confirmed with the applicant that the garage is not currently attached to the house.

Chair Horr asked about the crack in the floor of the current structure.

Chair Horr asked if there were any issues for staff members; there were none.

Chair Horr called for a motion.

Vice Chair McAdam made a motion that the Planning Board approve finding that replacement of the existing nonconforming structure with a new 24' x 24' garage and foundation/concrete pad on Map J16 Lot 44 (5 Allenson Street) in the same location as the existing garage is no more nonconforming than what currently exists and meets the setback requirement in the Single Family Residential zone to the greatest practical extent. The Planning Board accepts the information above (see attached) as the Finding of Fact and finds that the new 24' x 24' garage and foundation/concrete pad is in compliance with the setback requirement to the greatest practical extent and does not increase its nonconformity.

Board member Connolly seconded the motion.

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

ii. **File #13-17-M: Leopold L. Williams III**, 28 Charles Street, Sanford, Maine.

Chair Horr called for a representative to present the project.

Mr. Williams was not at the meeting; the Board chose to go on and Beth Della Valle, Planning Director presented the application to the Board.

Planner Della Valle stated the applicant was requesting to be able to replace an existing nonconforming porch on property located at 28 Charles Street with a new porch that matches the existing porches in the area in the same location as the existing porch meets the setback requirement to the greatest practical extent.

Mr. Williams arrived after Planner Della Valle presented the project and briefly described what he wanted to do.

Chair Horr asked if anyone had any questions; they did not.

Chair Horr called for a motion.

Vice Chair McAdam made a motion that the Planning Board make a finding that replacement of the existing nonconforming structure with a porch on Map L27 Lot 36 (28 Charles Street) in the same location as the existing porch is no more nonconforming than what currently exists and meets the setback requirements in the Urban Zone to the greatest practical extent.

Board member Connolly seconded the motion.

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

**B. PUBLIC HEARING: File #07-17-R: Aroma Joe's Real Estate, LLC, c/o Dana Libby**, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

Chair Horr called for a representative to present the project.

Dana Libby, Corner Post Land Surveying, Inc. presented a brief overview of the project to the Board, which is to construct a 655 s.f. drive-through coffee shop. He described the following:

- The three (3) different zones the project is located in
- The airport manager's concerns
- The public utilities being used

- Drainage structure – will use existing
- Landscape plan
- Business signs
- Driveway entrance, stop signs
- Onsite traffic flow

Dana introduced Loren, owner of Aroma Joe's and Haley, a representative from Aroma Joe's.

Chair Horr asked if anyone present would like to speak on behalf of this application; there was no one.

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

Chair Horr asked if there were any general comments, neither for nor against. Again, there were none.

Chair Horr closed the public hearing.

Chair Horr asked if there were any comments or discussion from the Planning Board.

Board member Connolly asked if a crosswalk across Jagger Mill was warranted in anticipation of foot traffic from the future Marc Motors location, and if DOT was planning on adding a street light in this area.

Mike Casserly, Asst. City Engineer discussed the traffic movement permit and stated there was no crosswalk proposed but added the Board would need to decide the need for this.

Board member Connolly asked the applicant if the dumpster was going to be fenced – this is not required in this zone; asked about the type of sign the applicant was going to put up, and asked about landscaping around the signs.

Chair Horr asked Mr. Casserly if there was concern about traffic going across the parking lot from Main Street. Mr. Casserly said there isn't much engineering concern on this and the applicant has added landscaping along Main Street that would help deter this from happening.

Discussion took place on traffic flow, culvert placement, and water service/building sprinkler systems.

Chair Horr asked if there were any other questions or comments; there were none.

Chair Horr called for a motion.

Planner Della Valle read the Findings of Fact:

**Aroma Joe's Drive-Through Major Site Plan – May 17, 2017  
 Planning Board Findings of Fact**

	Standard is				Explanation
	Met	Met w/ cond	Not Met	NA	
<b>Chapter 280, Article XVI: Site Plan Review</b>					
<b>§ 280-16-7. Site Plan Approval criteria and standards.</b>					
<b>280-16-7.1 Utilization of the site.</b>					
	X				The site plan proposes a 924 sf Aroma Joe's Coffee Shop and drive-through on property that already hosts one building. No new impervious area will be added to the site.
<b>Motion: Littlefield/Connolly (second) 4:0</b>					
<b>280-16-7.2 Access to the site.</b>					
	X				Main Street and Jagger Mill Road have adequate capacity to accommodate traffic generated and development shall not create hazards to vehicular or pedestrian traffic.
<b>Motion: McAdam/Horr (second) 4:0</b>					
<b>280-16-7.3 Access into the site.</b>					
	X				With the proposed, relocated curb cut, access into the site shall be safe and convenient.
<b>Motion: McAdam/Connolly (second) 4:0</b>					
<b>280-16-7.4 Internal vehicular circulation.</b>					
	X				With the proposed reorientation of the facility and circulation pattern to allow orders on one side of the building and pick up on the other side, the site plan shall provide for safe movement of customers, pedestrians, and emergency vehicles through the site.
<b>Motion: McAdam/Littlefield (second) 4:0</b>					
<b>280-16-7.5 Pedestrian circulation.</b>					
	X				Limited pedestrian movements are anticipated on the site and pedestrian circulation within the site will be accommodated with a cross walk from the parking area to the building.
<b>Motion: McAdam/Connolly (second) 4:0</b>					
<b>280-16-7.6 Stormwater management.</b>					
	X				No new impervious area will be added to the site. The existing detention basin and new 15" culvert under the relocated curb cut will provide adequate drainage provisions for the site plan.
<b>Motion: McAdam/Connolly (second) 4:0</b>					

	Standard is				Explanation
	Met	Met w/ cond	Not Met	NA	
280-16-7.7 Erosion control.	X				With addition of note #11 on the plan regarding erosion control devices, erosion control shall be adequate.
Motion: Littlefield/McAdam (second) 4:0					
280-16-7.8 Water supply.	X				Water supply shall be provided through the public system, which has adequate capacity to serve the proposed use.
Motion: Connolly/McAdam (second) 4:0					
280-16-7.9 Sewage disposal.	X				Sanitary waste disposal shall be provided through the public system, which has adequate capacity to serve the proposed use.
Motion: Littlefield/McAdam (second) 4:0					
280-16-7.10 Utilities.	X				Proposed use will be served by existing, adequate utilities.
Motion: Connolly/Littlefield (second) 4:0					
280-16-7.11 Natural features.	X				The site is largely developed and proposed improvement will adequately protect the remaining natural features of the site
Motion: Littlefield/McAdam (second) 4:0					
280-16-7.12 Groundwater protection.	X				Shall not adversely impact either the quality or quantity of groundwater available to abutting properties or the public water supply system.
Motion: McAdam/Connolly (second) 4:0					
280-16-7.13 Exterior lighting.	X				Adequate site lighting is provided and lights will be shielded, directed downward, and retained on the site.
Motion: McAdam/Connolly (second) 4:0					
280-16-7.14 Waste disposal.	X				Shall provide for adequate private disposal of solid waste.
Motion: McAdam/Horr (second) 4:0					
280-16-7.15 Landscaping.	X				With revision of the site plan that clarifies the type of shrubs that will be planted around the two, free standing signs and addition of crab apple trees along Main Street (a total of 5), adequate landscaping shall be provided for the site.
Motion: McAdam/Littlefield (second) 4:0					

	Standard is				Explanation
	Met	Met w/ cond	Not Met	NA	
280-16-7.16 Shoreland relationship.				X	
Motion: Littlefield/McAdam (second) 4:0					
280-16-7.17 Technical and financial capacity.	X				The applicant has demonstrated financial and technical capacity to carry out the project in accordance with the City's code and the plan.
Motion: Connolly/Littlefield (second) 4:0					
280-16-7.18 Buffering.	X				With the addition of 3 more crab apple trees along Maine Street, the site plan will provide adequate buffering of adjacent uses.
Motion: McAdam/Connolly (second) 4:0					
280-16-7.19 Airport encroachment.		X			Applicant has notified the FAA and is awaiting a response. With the condition that the applicant provides revised plans that address conditions the FAA may impose, if any, and the recognition that this may require the applicant to return to the Planning Board for amended approval, this standard is met.
Motion: Connolly/McAdam (second) 4:0					

Chair Horr called for a motion.

Vice Chair McAdam made a motion that the Planning Board accepts the information above and attached as the Finding of Facts and finds that the application File #07-17-R Tax Map R18, Lot 15A to construct a 924 sf Aroma Joe's Coffee Shop and drive-through on property owned by 42 Jagger Mill Road, LLC has satisfied the requirements of Section 280-16-7, grants the waiver §280-16.7.2.4.3.5, §280-16.7.2.4.3.6, and §280-16.7.2.4.3.6.4, grants approval of the major site plan, and authorizes the issuance of a building permit subject to the following conditions:

1. That any and all review fees have been paid.
2. That the applicant provide five (5) copies of the final approved plan with all required revisions to the Planning Department.
3. That if the FAA requires changes to the approved site plan, the applicant will provide revised plans with the required changes (which may require a formal amendment of the plan).
4. That if the Maine DOT requires changes to the approved site plan, the applicant will provide revised plans with the required changes (which may require a formal amendment of the plan).
5. That the applicant will maintain 10 feet of separation between the installed water and sewer lines.
6. That the applicant will provide a signed copy of the lease clarifying that the applicant has right, title, or interest in the property.
7. That the applicant will establish a \$272 inspection escrow account with the Public Works Department.
8. That the applicant will organize and participate in a preconstruction conference with the Code Enforcement Office and City Engineer.
9. That any construction be in compliance with any and all building codes.

Chair Horr seconded the motion.

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

## **V. OTHER BUSINESS**

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

Planner Della Valle updated the Board on the following:

- Her return from vacation office schedule
- Potential zone change for an expired approved contract zone property located at M28, lot 6
- Flemish Master Weaver amendment will be coming in for review
- Fredericks medical marijuana facility should be finishing construction shortly
- Beaver Hill Estates will be coming back in for review
- Public Works doing an RFP for So. Sanford traffic studies
- First workforce housing charrette meeting held yesterday, next meeting June 13 at 4PM
- SMPDC annual meeting and the MMA meeting

## **VI. COMMUNICATIONS**

Chair Horr welcomed Jace Clarke to the Planning Board.

## **VII. ADJOURN**

The meeting adjourned at 7:35 P.M. and went into work session.

### **Attachment to May 17, 2017 Minutes**

*Finding of Facts for New Business Item #Ai.*

*File #11-17-M: 5 Allenson Street Nonconforming Structure Rebuild*

- The existing structure does not meet the 10 foot side yard setback requirement in the Single Family Residential Zone. The new garage and concrete will be constructed in the same location on the same foundation, 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.”
- Recommendation: Approve a finding that replacement of the existing nonconforming structure with a new 24' x 24' garage and foundation/concrete pad on Map J16 Lot 44 (5 Allenson Street) in the same location as the existing garage is no more nonconforming than what currently exists and meets the setback requirement in the Single Family Residential Zone to the greatest practical extent.

*Finding of Facts for New Business Item #Aii.*  
*File #13-17-M: 28 Charles Street Nonconforming Structure Rebuild*

- The existing porch does not meet the 20 foot front yard setback requirement in the Urban Zone. The new porch will be constructed in the same location as the existing porch, 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.”

*Finding of Facts for Public Hearing Item #B.*  
*File #07-17-R: Aroma Joe's*

- Public hearing was advertised and held on May 17, 2017
- The Site Plan Review Committee reviewed revised plans for this project on May 16, 2017 and unanimously recommended that the Planning Board approve the proposed site plan subject to addressing the items raised in the discussion. Plans were further revised, based on the Site Plan Review Committee's discussion with the applicant.