

**SANFORD PLANNING BOARD MINUTES  
MEETING – June 6, 2018 – 6:30 P.M.  
City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Lenny Horr, Chair  
John McAdam, Vice Chair  
Edward Cormier, Secretary  
Jennifer Georgius  
Sarah Littlefield  
Jace Clarke

**MEMBERS ABSENT:** Dianne Connolly (w/notice)

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

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair Horr called the meeting to order at 6:31 PM. He then called for a moment of silence to honor the loss of life during the incident at Goodall Park a couple of days ago.

**II. OPENING STATEMENT**

Chair Horr overviewed meeting procedures.

**III. MINUTES – April 4, 2018 and June 7, 2017**

April 4, 2018

Board member Cormier made a motion to approve the minutes as written.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed 5-0-1 (Board member Clarke abstained from the vote because he was not at the meeting).

June 7, 2017

This set of minutes was not available for tonight's meeting.

**IV. HEARINGS and BUSINESS**

- 1. Public Hearing and New Business: File #16-18-R: Sanford Airport Solar, LLC, c/o David Brenneman/Richard Jordan, TRC, 6 Ashley Drive, First Floor, Scarborough, Maine.**

Chair Horr called for a representative to speak on the application.

Planner Della Valle informed all present that the council approved the zone change request as well as the ordinance amendment to allow this project to continue. She then gave an update on the recommendation given by the Site Plan Review Committee (SPRC) at their meeting on June 5.

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

Liz Peyton, project manager at NextEra Energy Resources, as well as the managing developer for the Sanford airport solar project, presented a brief overview of the changes made based on the SPRC comments.

Chair Horr asked if anyone present would like to speak against or make general comments on the application; there was no one.

Chair Horr closed the public hearing.

Chair Horr asked if there were any comments from the Planning Board; there were none.

The Planning Board went over the Findings of Fact.

**Chapter 280-16-7.5 Pedestrian circulation; 280-16-7.9 Sewage disposal.**

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

Vice Chair McAdam seconded the motion.

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

**Chapter 280-16-7.2 Access to the site; 280-17-7.3 Access into the site; Chapter 280-16-7.4 Internal vehicular circulation.**

Vice Chair McAdam 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.

**Chapter 280-16-7.1 Utilization of the site; 280-16-7.6 Stormwater management; 280-16-7.7 Erosion control; 280-16-7.11 Natural features; 280-16-7.12 Groundwater protection; 280-16-7.16 Shoreland relationship.**

Vice Chair McAdam 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.

**Chapter 280-16-7.15 Landscaping; 280-16-7.18 Buffering.**

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

Board member Clarke seconded the motion.

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

**Chapter 280-16-7.8 Water supply.**

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.

**Chapter 280-16-7.10 Utilities.**

Vice Chair McAdam 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.

**Chapter 280-16-7.13 Exterior lighting.**

Board member Littlefield 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 6-0.

**Chapter 280-16-7.14 Solid waste disposal.**

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

Board member Georgius seconded the motion.

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

**Chapter 280-16-7.17 Technical and financial capacity.**

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

Board member Littlefield seconded the motion.

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

**Chapter 280-16-7.19 Airport encroachment.**

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

Board member Clarke seconded the motion.

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

Chair Horr called for a motion on the application.

Board member Cormier made a motion that the Planning Board accept the information in the Project Summary reports dated May 16, 2018 and June 6, 2018 and in the attached Findings of Fact (above) for File 16-18-R, grant the requested waivers, and approve the major site plan to construct a 50 megawatt utility solar project with the following conditions:

1. That the Airport Manager provide Standard Operating Guidelines to allow emergency vehicles on airport grounds.
2. That within 30 days of going online, the operator of the solar farm provide 5 training sessions for the police and fire departments, which may include mutual aid departments (4 during the day, 1 at 6:30 pm). The training will go over how the system works, safety around the systems, how to shut down the system, along with how to put out a panel on fire.
3. That the applicant provide an autocad submission, tied to the Maine State Coordinate System, which is acceptable to the Assistant City Engineer.
4. That the applicant will pay any and all review fees.
5. That the applicant establish an inspection escrow fee with the Public Works Department in an amount acceptable to the Assistant City Engineer.
6. That the applicant set up a preconstruction conference with the Code Enforcement Director and the Assistant City Engineer.
7. That the applicant provide a copy of the approved Site Law and Natural Resource Protection Act permits to the Planning Department to evaluate whether an amendment of the approval is required. The applicant shall be aware that noncompliance with this condition may require modification of construction elements that are not consistent with the approval, may delay release of all or portions of a performance guarantee, and may result in delay in receipt of an occupancy permit.
8. That the applicant provide a performance guarantee to the City prior to start of construction of the project, to remain in place until decommissioning every 5 years, and update the performance guarantee based on the most recent estimate. The applicant shall submit the 5-year cost updates to the Planning Department for review and approval.

Board member Littlefield seconded the motion.

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

**2. Public Hearing and New Business: File #07-18-R: R. Pepin and Sons, Inc., c/o Matthew Pepin, R. Pepin and Sons, Inc., P.O. Box 729, Sanford, Maine.**

Chair Horr called for a representative to present the project.

Matt Pepin, R. Pepin and Sons, Inc. said the company is looking to modify the approval for their Bernier Road gravel pit that was granted about a year ago. The modifications include:

- Using a different access point to come into the gravel pit
- Increase the number of trucks allowed at one time if the access point is approved

Chair Horr asked if there were any comments in support of the application.

David Houle, owner of Apache Campground said he was in favor of this request. He said that he opposed the request during the prior approval process but both Matt Pepin and Gorham Sand & Gravel have worked hard to accommodate his requests at the previous meetings.

Charles Kasinowicz, 298 Bernier Road was present during the prior review process when the Board approved Mr. Pepin's site plan with 21 conditions and pointed out the conditions Mr. Pepin is now looking to amend. He is against this request because he feels that the applicant should not be able to amend the approval for 5 years.

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

Chair Horr asked if there was anybody opposed or wanted to make general comments; there was no one.

Chair Horr closed the public hearing.

Planner Della Valle explained the chart that she prepared for the Board that showed the original proposal; the amendment being proposed tonight based on using the haul road only; and the amendment using a backup plan, which the applicant is also requesting approval of tonight, in case the haul road is no longer available to them.

She also updated the Board on the discussion and recommendation of the SPRC at their meeting on June 5<sup>th</sup> and the waivers the applicant is requesting.

**Based on Planner Della Valle's recommendation, the Board stopped discussion on this application to conduct the public hearing on File #18-18-R.**

**Discussion resumed after the public hearing for File #18-18-R.**

Board member Clarke stated that if Mr. Pepin could use the haul road, none of the conditions apply except for one, which refers to the screening/crushing operation.

Chair Horr asked Mr. Houle, owner of the nearby campground, if he had any concerns if screening or crushing would take place at this location. Mr. Houle replied he does not see an issue since this process would be closer to the Gorham Sand & Gravel operation.

David Parent, Superintendent, Sanford Water District said his concerns were worked out during the SPRC meeting and he has no concerns at this time, especially if the Pepin's can use the haul road instead of Bernier Road.

Chair Horr asked about the removal of a refueling pad.

Board member Cormier asked if the Pepin's are doing more than what is being done at the Gorham Sand & Gravel pit, if the hours of operation were different for each operation that would affect the other, and about the structure of the lease.

Vice Chair McAdam was concerned about the backup plan presented by Mr. Pepin at the SPRC meeting and would like to hear more about it.

Planner Della Valle said the applicant is interested in receiving approval for the backup plan but has also expressed interest in coming back to the Board before reverting to the backup plan to discuss adjusting the financial contribution for the maintenance of Bernier Road and to have a bussing arrangement.

Chair Horr also had a concern about approving a backup plan as well. He feels that if a backup plan needs to happen, the applicant should come back for review.

Board member Cormier agreed with Chair Horr.

Chair Horr asked if Mike's (Casserly, Assistant City Engineer) concerns were addressed. Planner Della Valle responded that the conditions of approval addressed them but said the Board may want to revisit the condition regarding reclamation.

Vice Chair McAdam asked if tonight was for a 5-year approval; Planner Della Valle responded that was up to the Board to decide.

Board member Cormier said he believed this was an amendment to what was already approved so the applicant would have to come back in 3 years.

Discussion took place on a groundwater monitoring plan versus a hydrogeological study, buffers, if there are any issues with the pit encroaching closer to the city's well, entrance relocation.

Board members were still concerned about approving a backup plan and asked if the applicants could explain more about the lease.

Mr. Curtis, Gorham Sand & Gravel said they requested the Pepin's have a backup plan in case an issue arose that would cause the lease to terminate.

Board member Cormier said he does not want to set a precedent by approving backup plans; he feels that if the lease is terminated, the applicant should have to come back to the Board for approval.

Vice Chair McAdam agreed and added that he felt it should be a condition to come back before the Board if something should happen with the lease.

Chair Horr was in agreement with Board members Cormier and McAdam, too.

Mr. Pepin said he knows he will have to come before the Board to address specific issues if the lease should terminate, but said it would be detrimental to his business if he had to go through a full approval process before he could continue to operate.

Discussion on the backup plan versus original plan took place on the following:

- Increased truck traffic on Bernier Road
- Buffer reduction
- Onsite screening and crushing
- Hours of operation

The majority of the Board felt that if something should happen to the lease, Mr. Pepin would revert to the original approval.

Planner Della Valle did not find a hydrogeologic analysis in the file.

Board member Cormier asked if open acreage was a concern in this pit.

The Board was in agreement this request was an amendment to an approved plan, not a new submittal.

The Board discussed the back-up plan. The applicant and Board agreed to revert to the original plan in case the lease was terminated instead of approving the back-up plan as presented tonight.

Michael Casserly, Assistant City Engineer advised the Board to keep the slope at 2 ½:1 or 2:1 and the types of material to reclaim the pit with.

Mr. Pepin requested an ordinance be written to provide clarity on reclamation materials to be used for mineral extractions.

Staff member Casserly highlighted a few points in his memo. The Board confirmed with Mr. Pepin on the slope.

The Planning Board went over the Findings of Fact.

**Chapter 280-16-7.5 Pedestrian circulation; 280-16-7.8 Water supply; 280-16-7.9 Sewage disposal; 280-16-7.10 Utilities; 280-16-7.13 Exterior lighting; 280-16-7.14 Solid waste disposal; 280-16-7.19 Airport encroachment.**

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

Board member Littlefield seconded the motion.

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

**Chapter 280-16-7.1 Utilization of the site; 280-16-7.11 Natural features.**

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

Board member Georgius seconded the motion.

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

**Chapter 280-16-7.2 Access to the site; 280-16-7.3 Access into the site; 280-16-7.4 Internal vehicular circulation.**

Vice Chair McAdam 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.

**Chapter 280-16-7.6 Stormwater management; 280-16-7.7 Erosion control.**

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

Board member Georgius seconded the motion.

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

**Chapter 280-16-7.12 Groundwater protection; 280-16-7.16 Shoreland relationship.**

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.

**Chapter 280-16-17 Technical and financial capacity.**

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 6-0.

**Chapter 280-16-7.15 Landscaping.**

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.

**Chapter 280-16-7.18 Buffering.**

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 6-0.

Board member Cormier made a motion that the Planning Board accept the information in the Project Summary Report dated June 1, 2018; in the Site Plan Review Committee's report to the Planning Board dated June 5, 2018; and in the attached Findings of Fact (above) for File 07-18-R, grant all of the requested waivers, except the last two because they are standards of approval and cannot be waived by the Planning Board, and approve the amended major site plan with the following conditions:

- 1) The applicant will provide five (5) hard copies of the revised site plan, Operations Manual, Groundwater Monitoring Plan, and SPCC by June 27, 2018 that addresses:
  - a. Items 1-7 in the Assistant City Engineer's June 1, 2018 memo and
  - b. Items in the Superintendent of the Water District's May 22, 2018 memo.
- 2) The approval does not include overexcavation of slopes, importing materials for fill, burying stumps, importing clays, but does not prevent importing loam for reclamation. (The Groundwater Monitoring Plan will be revised to reflect these prohibitions.)
- 3) That the applicant has paid all outstanding review fees.
- 4) That the applicant meets with the assistant city engineer and pay any required performance guarantee.
- 5) In the event that the lease for the haul road is terminated, approval shall revert to the plan approved on April 20, 2016.
- 6) The applicant will return to the Planning Board to review cost estimates for damage to Bernier Road and to resolve school bus contract issues in the event the lease to use the haul road on Gorham Sand & Gravel's property lapses.
- 7) That the amended approval applies to the remainder of the five-year permit.

Board member Littlefield seconded the motion.

Staff member Casserly stated he has a total he will accept for a performance guarantee in the amount of \$45,720.

Board member Cormier amended condition 4 in the original motion to read "That the applicant pay a required performance guarantee of \$45,720."

Board member Littlefield seconded the amended condition of approval.

A vote was taken and the motion with amended condition 4 passed 6-0.

- 3. Public Hearing and New Business: File #18-18-R: Tom Shaw, President, Gorham Sand & Gravel, Inc., c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.**

**The Board opened the public hearing on this item before continuing discussion on File #07-18-R.**

Chair Horr opened the public hearing.

Chair Horr called for a representative to present the application.

Mark Curtis, General Manager, Gorham Sand & Gravel said their application is related to the Pepin operation and they have reached an agreement with Pepin and the property owner for the Pepin operation on the use of their haul road. He also explained their request, which was to excavate in the buffer between the two gravel pits. He said the applications are intertwined because if the Pepin project is approved and the GSG's application is not, Pepin will not be using the haul road, etc.

Chair Horr asked if anyone would like to speak on behalf of Gorham Sand & Gravel.

David Houle commended Mark Curtis for allowing this to happen because it is a great asset to the neighborhood.

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

Chair Horr asked if there was anyone opposed or would like to make general comments; there was no one.

Chair Horr closed the public hearing.

Planner Della Valle updated the Board on the SPRC's recommendation for this application.

**Discussion went back to File #07-18-R.**

**Discussion resumed after discussion and the vote for File #07-18-R.**

The Board did not have any other comments or discussion for the applicant.

The Board went over the Findings of Fact.

**Chapter 280-16-7.8 Water supply; 280-16-7.9 Sewage disposal; 280-16-7.10 Utilities; 280-16-7.13 Exterior lighting; 280-16-7.14 Solid waste disposal; 280-16-7.19 Airport encroachment; 280-16-7.5 Pedestrian circulation.**

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

Vice Chair McAdam seconded the motion.

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

**Chapter 280-16-7.1 Utilization of the site; 280-16-7.2 Access to the site; 280-16-7.3 Access into the site; 280-16-7.4 Internal vehicular circulation; 280-16-7.6 Stormwater management; 280-16-7.11 Natural features; 280-16-7.12 Groundwater protection.**

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.

**Chapter 280-16-7.7 Erosion control.**

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.

**Chapter 280-16-7.15 Landscaping.**

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.

**Chapter 280-16-7.16 Shoreland relationship.**

Vice Chair McAdam 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 6-0.

**Chapter 280-16-7.17 Technical and financial capacity.**

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 280-16-7.18 Buffering.**

Vice Chair McAdam 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 6-0.

Chair Horr called for a motion.

Board member Cormier made a motion that the Planning Board accept the information in the Project Summary Report dated June 1, 2018, and the Site Plan Review Committee recommendation dated June 5, 2018, and in the attached Findings of Fact (above) for File #18-18-R and approve the amended major site plan with the following conditions:

- 1) That the applicant will provide 5 hard copies of revised plans by June 28, 2018 that address:
  - a. Items 3 and 4 in the Assistant City Engineer's May 30, 2018 memo and
  - b. Removal of spot grades that are no longer correct.
- 2) That the applicant has paid all outstanding review fees.

Board member Littlefield seconded the motion.

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

**The Board went into recess at 8:43 P.M.**

4. **Old Business: File #999-18-T(3):** The Planning Director is recommending the following revisions to Chapter 280: Zoning Ordinance regarding child care and adult day care services.

**The meeting was back in session at 8:49 P.M.**

Chair Horr called for a representative to present the project.

Planner Della Valle updated the Board on the following:

- Fire and police departments only think about a use as code compliant, not as a cost to provide services
- Revision to arterials map
- Proposed revision of child care provider
- Worked on child care center classification issue in site plan section of ordinance
- Offered a suggestion on process for daycare increases for up to 13 children

Planner Della Valle recommended the Board separate the voting for this item into two portions so the segment of the changes the Board agrees on can move forward and the segment the Board has concerns with can be discussed further.

Board member Littlefield reminded everyone that she does work for the YMCA and they are not currently in the RR Zone so this topic does not affect the YMCA program at this time.

Other Board members did not have an issue with Board member Littlefield continuing in the discussion.

Planner Della Valle presented the Board with a motion to recommend the City Council adopt the changes in the proposed amendment dated June 5, 2018 to include everything except Sections 280-11-2 and 280-11-3 with the expectation the Planning Board will continue discussion on the remainder at the next meeting.

Board member Georgius made a motion to forward the recommended motion as stated by Planner Della Valle.

Vice Chair McAdam seconded the motion.

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

Planner Della Valle requested the Board review all previous material regarding the remaining portion of the ordinance change and to be prepared to state why each member is voting the way they are at the next meeting.

Chair Horr called for a motion to table the item.

Board member Cormier made a motion to table the item currently in front of the Board.

Chair Horr seconded the motion.

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

Neal Meltzer thanked the Board for their efforts. He also said he could provide the number of emergency calls from Waban if it would help the Board during their deliberations.

## **V. OTHER BUSINESS**

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

Planner Della Valle discussed:

- The city is the recipient of a \$300,000.00 brownfields assessment grant
- Stenton Mill Revitalization Workshop City Council presentation
- New owners in the Mid-Town Mall area appear to be energized to revitalize the area
- Initiative in the Lafayette School area
- Housing forum she recently attended
- Jagger Mill building on Jagger Mill Road potential zone change
- Reminded the Board of the Design Review Committee meeting and the SMPDC annual dinner next Wednesday
- Any iPad issues, let the Planning Department know
- Potential zone change at the car wash location on Lebanon Street
- Potential clean-up money going to 93 Lebanon Street

## **VI. COMMUNICATIONS**

Board member Cormier informed the Board he will not be at the June 18, 2018 meeting.

## **VII. ADJOURN**

The meeting adjourned at 9:26 P.M.