

**SANFORD PLANNING BOARD MINUTES
MEETING – July 18, 2018 – 6:30 P.M.
City Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Lenny Horr, Chair
Dianne Connolly
Jennifer Georgius (arrived at 6:59 PM)
Sarah Littlefield
Jace Clarke

MEMBERS ABSENT: John McAdam, Vice Chair (w/notice)
Edward Cormier, Secretary (w/out 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

I. CALL TO ORDER

Chair Horr called the meeting to order at 6:31 PM.

II. OPENING STATEMENT

Chair Horr went over meeting conduct.

III. MINUTES – June 20, 2018 and June 7, 2018

June 20, 2018

Board member Connolly made a motion to accept the minutes as written.

Chair Horr seconded the motion.

A vote was taken and the motion passed 3-0-1 (Board member Littlefield abstained from the vote because she was not at the meeting).

Planner Della Valle corrected the date of the minutes. The agenda had the incorrect date for the June minutes; the actual minutes had the correct date.

IV. HEARINGS and BUSINESS

- 1. Public Hearing and Old Business: File #18-10-W: Blaine Boudreau, President, c/o James J. Shirley, Esq., Roberts and Shirley Law Offices, P.O. Box 307, Springvale, Maine.**

Chair Horr called for a representative to present the project.

Blaine Boudreau, President and CEO of SIS Bank (which owns the property) gave a brief overview of the zone change request.

Beth Della Valle, City Planning Director, explained that this particular property was part of an approved contract zone. At the time the contract zone was approved, the zoning in the area was Commercial Center. Since then, the zoning in the area was changed to Urban. The applicant is requesting to remove this parcel from the contract zone and

rezone it to Urban. She also informed the Board that a local contractor, TPD Construction, is interested in purchasing the property and provided a conceptual plan for the property.

Board member Connolly asked if there was a retention pond in this area. Mr. Boudreau stated there is one and he believes this is for the entire site.

Planner Della Valle described the concept plan.

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

Tim Dumont, TPD Construction stated that everything explained about the concept plan is based on speculation. He also said changing the zone to Urban Zone would allow more flexibility for developing the property.

John Caramihalis, local realtor, thinks the zone change would be a great change for the property.

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

Chair Horr closed the public hearing.

Chair Horr informed everyone present that there were only four Board members present and gave the applicant the option of waiting.

Chair Horr made a motion that the Planning Board accept the information in the July 9, 2018 Planning Board Project Summary as Finding of Facts for File #18-10-W and recommend that the City Council terminate the Contract Zone and rezone the property to Urban (U).

Board member Littlefield seconded the motion.

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

- 2. Public Hearing and New Business: File #999-18-T(4): The Planning Director is requesting a zone change from Industrial Business (IB) to Urban (U) Zone.**

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

Planner Della Valle gave background information for this request; she informed the Board a letter was sent to owners of affected properties. She received two calls questioning what the change meant for them. She described the difference between the two zones and told the Board that abutters within 500 feet of the affected properties were noticed and the meeting was advertised in the paper.

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

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

Chair Horr asked if anyone present would like to make general comments. Again, there was no one.

Chair Horr closed the public hearing.

All reports referenced in the minutes can be found in the project files in the Planning Department.

Board member Connolly confirmed the correct zone of the property. Planner Della Valle explained the map shows nineteen properties zoned as Urban when they are actually zoned Industrial Business (IB). This amendment is requesting these properties be rezoned to Urban from IB.

Chair Horr asked if there were comments from Board. There were none.

Chair Horr called for a motion.

Board member Littlefield made a motion that the Planning Board accept the information in the July 9, 2018 Planning Board Project Summary for File #999-19-T(4) and recommend that the City Council rezone these properties to Urban.

Board member Connolly seconded the motion.

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

3. Public Hearing and New Business: File #22-18-T: Jagger Mill, LLC, c/o Brenda Scally, 17 Elm Street, Saco, Maine.

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

Chair Horr asked if there was any background information regarding this request.

Planner Della Valle stated she provided a report for the Board and the applicant provided a cover letter for their review. She then gave a brief explanation of the request.

Chair Horr opened the public hearing.

Brenda Scally, property owner, is interested in developing the property. Ms. Scally said if the zone change doesn't happen, the building will be a financial loss. She is interested in community input on what the community would like to see in this building as well as taking advantage of the pass-through traffic along Jagger Mill Road.

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

Chair Horr asked if there was anyone present that was opposed to this proposal.

Planner Della Valle read an email she received on July 17, 2018 from Ruth M. LeHoux, 183 Jagger Mill Road, into the record.

Paul LeHoux, son of Ruth LeHoux stated he is also concerned about the right of way easement along the waterway. He also stated the back of building is falling in and he had filed a complaint with Department of Environmental Protection today. Mr. LeHoux added that the property looked at like a dumping ground.

Chair Horr asked if there were additional comments.

John Caramihalis, a local realtor asked for clarification on the zone change request.

Chair Horr asked if there were any additional comments.

Ms. Scally told the Board the size of the building is inappropriate for a residential zone and she is trying to address dumping issue, etc. but if the building remains unused, the dumping problem will continue.

Chair Horr asked if there were additional comments; there were none.

Chair Horr closed the public hearing.

Board member Connolly asked Mr. LeHoux to explain why he said the building was condemned. Mr. LeHoux said that is what they were told in the late 60's when they bought the abutting property.

Board member Connolly asked if there was any paper trail on the building being condemned. Discussion took place on the history of mills in the city; brownfields assessment process, which this property may be qualified to receive funds; and the potential hazards of this property.

Chair Horr asked if the Board had any questions for Mr. LeHoux; there were none.

Board member Connolly had questions for Ms. Scally.

Board member Clarke asked Planner Della Valle if she knew why this building was included in the residential zone instead of an industrial zone. He then asked what other options there would be for this property if the city's zone change does not go through. Discussion took place.

Chair Horr called for a motion.

Board member Littlefield made a motion that the Planning Board accept the information in the July 9, 2018 Planning Board Project Summary and in the attached packet as the Findings of Fact for File #22-18-T and recommend that the City Council rezone the property to Urban.

Board member Connolly seconded the motion.

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

Planner Della Valle addressed the abutters who expressed concern tonight. The right of way topic was discussed.

4. Public Hearing and New Business: File #25-18-RU: Jamie Crumb, d/b/a Level Seven, LLC, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

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

Dana Libby, PLS, Corner Post Land Surveying, Inc. representing the applicant gave a brief history of the building's prior uses and the applicant's proposal.

Jamie Crumb, the applicant overviewed his business operation.

Chair Horr asked if anyone would like to speak in favor of this application. There was no one.

Chair Horr asked if there was anyone opposed. There was no one.

Chair Horr asked if there were any general comments. Again, there were none.

Chair Horr closed the public hearing.

Planner Della Valle updated the Board of the Site Plan Review Committee (SPRC) conditions placed on the application at their meeting on July 17, discussed the waivers being requested, and the SPRC recommendations.

Mike Casserly, Assistant City Engineer reviewed the revised plan to see if conditions placed by the SPRC have been met.

Board member Connolly asked how far back from the guardrail the trees in front would be. She asked if a condition that the trees be maintained and replaced as needed could be added to the motion.

Chair Horr asked if there were any other questions from the Board; there were none.

The Board went over the Findings of Fact:

Chapter 280-13-5.1.1 ...will not place a burden on municipal services; 280-16-7.14 Solid waste disposal.

Board member Littlefield 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 5-0.

Chapter 280-13-5.1.2 ...will not create hazards to vehicular or pedestrian traffic; 280-16-7.2 Access to the site; 280-16-7.3 Access into the site.

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 5-0.

Chapter 280-13-5.1.5 ...will not create nuisances to neighboring properties; 280-1.15 Landscaping; 280-16-7.18 Buffering.

Board member Connolly 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 5-0.

Chapter 280-16-7.4 Internal vehicular circulation; 280-16-7.5 Pedestrian circulation.

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 5-0.

Chapter 280-16-7.8 Water supply; 280-16-7.9 Sewage disposal.

Board member Littlefield 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 5-0.

Chapter 280-13-5.1.3 ...will not cause water pollution, sedimentation, or erosion, contaminate any water supply...; 280-13-5.1.8 If located in the Shoreland Overlay Zone...will not result in damage to spawning grounds, fish, aquatic life, ...; 280-16-7.1 Utilization of the site; 280-16-7.11 Natural features; 280-16-7.12 Groundwater protection; 280-16-7.13 Exterior lighting; 280-16-7.16 Shoreland relationship; 280-16-7.19 Airport encroachment.

Board member Georgius made a motion to accept these standards because they are not applicable to this application.

Chair Horr seconded the motion.

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

Chapter 280-13-5.1.4 ... will not create unhealthy 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 280-13-5.1.6 ...location...has no peculiar physical characteristics...

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.

Chapter 280-13-8.1.7 ...has no characteristics that are atypical of the general category of use.

Board member Connolly 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 280-16-7.6 Stormwater management.

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 5-0.

Chapter 280-16-7.7 Erosion control.

Board member Connolly 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 280-16-7.10 Utilities.

Board member Georgius 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 5-0.

Chapter 280-16-7.17 Technical and financial capacity.

Board member Clarke 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 called for a motion.

Planner Della Valle read the following motion: The Planning Board accept the information in the July 12, 2018 summary report and in the July 17, 2018 Site Plan Review Committee recommendation, and in the Findings of Fact above and approve the major site plan and conditional use application file #25-18-RU for a medical marijuana production facility at 9 Renaissance Way, approve the requested waivers as clarified by the applicant and authorize the issuance of a building permit subject to the following conditions:

1. No retail sales of marijuana, whether medical marijuana or adult use marijuana, is allowed at this site or anywhere else in Sanford (280-15-19.2.6 and 280-15-10.3.8). All submission materials that refer to a "caregivers storefront" shall be removed from final application.
2. Four (4) caregivers are proposed for this facility and documentation that this is allowed under state regulations shall be provided.
3. That no later than August 1, 2018, the applicant shall provide 5 copies of revised plans and documents to the Planning Department, including:
 - a. Identify how the office and sale of paraphernalia will be segregated from the rest of the facility, and provide right, title or interest for the operator of the sales facility, which is required to be a separate legal entity.
 - b. Add the 35% impervious limit to Note 16 on the site plan.
 - c. Clarify/correct aisle widths on the site plan.

All reports referenced in the minutes can be found in the project files in the Planning Department.

- d. Provide pages 4, 6, 7 and 100-102 of the APERKS Peer Review.
4. The applicant, its successors, or assigns shall be fully responsible for any repairs and earthwork related to the existing force main in the Route 109 right of way as outlined in the letter from the Maine Department of Transportation to M & A Partners, Inc. dated April 29, 1999. In addition, a Highway Excavation Permit shall be required for work in the Route 109 right of way.
5. The applicant will maintain and replace the 5 proposed maple trees along Main Street, Renaissance Way, and the intersection of the two as necessary.
6. That all review fees have been paid.
7. The applicant will set up a preconstruction conference with Code Enforcement, Fire Marshal, and Public Works.

The Planning Board took a short break to allow time for Planner Della Valle and Mr. Libby to review the correct waiver citations. Chair Horr called the meeting back to order at 8:21 PM.

Planner Della Valle read the corrected waiver ordinance citations – 280-16-6.7.2.4.3.5; 280-16-6.7.2.4.3.6; 280-16-6.7.2.4.3.6.1. She then recommended to make an additional condition on the plan, 3e Citations for the waivers shall be corrected on the plan.

Chair Horr made a motion to approve the recommended motion as read by Planner Della Valle, including the additional condition correcting the waiver citations.

Board member Clarke seconded the motion.

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

5. Public Hearing and New Business: File #26-18-R: Tina Hobbs, d/b/a Little World Daycare, 11 Shawmut Avenue, Sanford, Maine.

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

Tina Hobbs, daycare owner, stated she is requesting to open a daycare center for up to forty-nine (49) children and described the floorplan, parking, and signage.

Planner Della Valle informed the Board this application was reviewed at the SPRC meeting on July 17 and the Committee recommended approval with conditions. She said the applicant has submitted a revised site plan and asked staff member Casserly to explain plan changes.

Staff member Casserly described the updated changes to the plan based on SPRC and Design Review Committee meetings. Discussion took place on the crosswalk relocation, relocated boulder location identified on the plan, and has the old dumpster location been eliminated on the revised plan.

John Caramihalis, who has been working with the applicant to purchase the property and to go through the site plan approval process, gave the history of the past approval of the property in 2011. He also stated Ms. Hobbs is not altering the plan, she is actually designing the plan as per the approval in 2011.

Chair Horr asked Mr. Caramihalis if Mr. Lucier was selling the property. Mr. Caramihalis stated the applicant is in the process of purchasing the property.

Chair Horr opened the public hearing.

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

Chair Horr asked if anyone present would like to speak against the application.

Scott Severs, abutter to the property discussed the following:

- history of the property - originally Single Family Residential zone, city changed zone to Urban
- concerns about original dumpster location (which has been moved) and hours of dumpster pick-up
- tree plan between the two properties (any dead trees/bushes will be removed)
- he would like to not have tall trees planted between the two properties
- other concern is 49 children – would like to see bus stop put on Main Street as opposed to West Elm/Shawmut area
- parents honking their horn as they leave their child at the daycare
- snow removal at 2:30AM.

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

Chair Horr closed the public hearing.

Chair Horr asked the Board if they had any comments.

Board member Connolly asked about #8 under demolition notes on plan; Planner Della Valle recommends removing all demolition notes from site plan. Board member Connolly asked staff member Casserly about dry wells #1 & 2– discussion took place on whether or not these wells would affect Goodall Brook.

Chair Horr asked if there were any additional comments or questions.

Board member Connolly asked if the applicant could work with the dumpster service to prevent early-hour removal. Ms. Hobbs stated she would try.

Chair Horr asked if the Design Review Committee made any comments. Planner Della Valle responded they did and she went over the Committee's recommendations which are:

- the applicant will remove dead landscape material in both the front of the property and adjacent to the residential property and replace them with similar types of vegetation; the dead spruce tree be replaced with another species of shade tree that has a higher likelihood of survival; if the rock in the front of the property is not relocated to provide an area for snow storage, the applicant is encouraged to use the rock as a focal point for a landscaped bed;
- the applicant is encouraged to replace the proposed crosswalk in the parking lot with guidance signs that suggest drivers should drive slowly and notify them that children are crossing;
- exterior lighting on the second floor for the new fire escape will use similar carriage lamps like what is used elsewhere on the building; to provide a light near the sign near the entrance to the daycare and to consider solar caps on the deck;
- the applicant retain the lightning rods on the roof when the shingles are replaced.

The Board went over the abutter's concerns.

The Board went over the Findings of Fact.

All reports referenced in the minutes can be found in the project files in the Planning Department.

Chapter 280-13-5.1.1 ...will not place a burden on municipal services; 280-16-7.14 Solid waste disposal.

Board member Littlefield 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 5-0.

Chapter 280-13.5.1.2 ...will not create hazards to vehicular or pedestrian traffic; 280-16.7.2 Access to the site; 280-16-7.3 Access into the site.

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

Board member Georgius seconded the motion.

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

Chapter 280-13-5.1.4 ...will not create unhealthful conditions; 280-16.7.9 Sewerage disposal.

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

Board member Littlefield seconded the motion.

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

Chapter 280-13-5.1.5 ...will not create nuisances to neighboring properties; 280-16-7.15 Landscaping; 280-16-7.18 Buffering.

Board member Georgius made a motion to accept these standards because they have been met with conditions.

Board member Littlefield seconded the motion.

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

Chapter 280-16-7.4 Internal vehicular circulation; 280-16-7.5 Pedestrian circulation.

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

Board member Clarke seconded the motion.

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

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

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 5-0.

All reports referenced in the minutes can be found in the project files in the Planning Department.

Chapter 280-16-7.8 Water supply; 280-16-7.10 Utilities.

Board member Connolly 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 5-0.

Chapter 280-13-5.1.3 ...will not cause water pollution, sedimentation...; 280-13-5.1.8 If located in the Shoreland Overlay Zone...; 280-16-7.11 Natural features; 280-16-7.12 Groundwater protection; 280-16-7.16 Shoreland relationship; 280-16-7.19 Airport encroachment.

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 280-13-5.1.6 ...location...has no peculiar characteristics...

Board member Clarke made a motion to approve this condition because it has been met.

Board member Littlefield seconded the motion.

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

Chapter 280-13-5.1.7 ...has no characteristics that are atypical of the general category of use.

Board member Littlefield made a motion to approve this condition because it has been met.

Board member Connolly seconded the motion.

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

Chapter 280-16-7.1 Utilization of the site.

Board member Connolly made a motion to accept this standard because it has been met with conditions.

Board member Littlefield seconded the motion.

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

Chapter 280-16-7.13 Exterior lighting.

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

Board member Georgius seconded the motion.

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

Chapter 280-16-7.17 Technical and financial capacity.

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

Board member Georgius seconded the motion.

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

Chair Horr called for a motion.

Planner Della Valle read the following motion: The Planning Board accepts the information in the July 13, 2018 summary report, the July 17, 2018 Site Plan Review Committee recommendation, and in the Findings of Fact above and recommends the Planning Board approve application File #26-18-R to convert space to a childcare center at 15 West Elm Street satisfies the requirements of 280-16-6.7 grants approval of the requested waivers and authorizes the issuance of a building permit subject to the following conditions:

1. That no later than August 1, 2018 the applicant shall provide five (5) copies of revised plans and documents to the Planning Department including;
 - a. Revise language intended to be included in a parent/center agreement that makes it clear that traffic congestion and backed-up traffic on West Elm Street is not acceptable, identifies alternative locations for drop-off/pick-up, and specifies consequences for ongoing noncompliance; also includes language making parents aware that business is near a residential area and to obey speed and noise ordinances;
 - b. Revise the site plan to identify the location for the relocated boulder;
 - c. To provide documentation of adjacent property owner's permission to place traffic signs on his property;
 - d. Revise the site plan to respond to recommendations of the Design Review Committee including what was read earlier;
 - e. Remove demolition notes from the site plan.
2. Post notices in the daycare about not flushing wipes.
3. All review fees have been paid.

Chair Horr made motion to approve the recommended motion as read by Planner Della Valle.

Board member Littlefield seconded the motion.

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

6. Public Hearing and New Business: File #17-18-R: Sanford Christian Academy, c/o John Hastings, Trustee, Calvary Baptist Church, 68 High Street, Sanford, Maine.

Applicant requested to remain on the table until the August meetings.

7. New Business: File #28-18-M: Kristi Kenney, AIA, P.O. Box 404, Wells, Maine.

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

Planner Della Valle briefly introduced the request.

Kristi Kenney, KW Architects, representing York County Habitat for Humanity gave a brief overview of the proposal.

All reports referenced in the minutes can be found in the project files in the Planning Department.

A brief discussion took place to clarify the average of the setback.

Chair Horr called for a motion.

Board member Littlefield made a motion that the Planning Board accept the information in the July 10, 2018 Planning Board Project Summary as Findings of Fact and find that the new 1,013 sf single family home at 9 Kirk Street (Map L14 Lot 23) is no more nonconforming than what formerly existed on the site prior to its demolition, meets the setback requirement in the Single Family Residential zone 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 5-0.

8. **Old Business: File #999-18-T(3): This item will remain on the table until the August 15, 2018 meeting.** The Planning Director is recommending revisions to Chapter 280: Zoning Ordinance regarding child care and adult day care services.

V. OTHER BUSINESS

1. PLANNING DIRECTOR'S REPORT

Planner Della Valle informed the Board that the NexGen Tooling application was misclassified by staff. She explained that when the error was discovered, it was too late to meet the noticing requirements for tonight's meeting so she is asking the Board to schedule a one item Board meeting for this only application only. The Board agreed to hold a special meeting on August 1 at 7:00 PM for the NexGen application only.

Planner Della Valle then overviewed the following:

- Reminded the Board the regularly scheduled meetings in August are the 15th and the 22nd.
- Brownfields RFQ – TRC selected as consultant. Looking at August for kickoff
- Margaret Chase Smith School renovations – will be requesting changes to their approval in the future
- Requested to hold a public hearing at the next scheduled meeting to discuss the Design Review Standards/Committee ordinance amendment

VI. COMMUNICATIONS

There were no communications brought up at tonight's meeting.

VII. ADJOURN

The meeting adjourned at 9:39 P.M.