

SANFORD PLANNING BOARD MINUTES
MEETING – July 19, 2017 – 6:30 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: Lenny Horr, Chair
John McAdam, Vice Chair
Edward Cormier, Secretary
Dianne Connolly
Jennifer Georgius
Sarah Littlefield (arrived at 6:37 P.M.)
Jace Clarke

MEMBERS ABSENT: None

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 6:35 PM.

II. OPENING STATEMENT

No opening statement was made.

III. MINUTES

There were no minutes for approval.

IV. HEARINGS and BUSINESS

A. PUBLIC HEARINGS & NEW BUSINESS

- i. Public Hearing Item: File #999-17-T(1): The Planning Director is recommending the following revision to the City's zoning map.**

Chair Horr called for a representative to present the project.

Beth Della Valle, Planning Director briefly overviewed the background of the property, which had an approved contract zone that has expired with the City. Ms. Della Valle then explained the options the City has to remove the contract zone. She also described the differences between the previous zone the property was designated (IR) and the proposed zoning designation for this property (RD) and why the City was proposing the RD zone designation.

Ms. Della Valle then explained the steps that had been taken to make contact, with no success, with the property owner, Gene Cormier prior to tonight's meeting. Gary Samia, realtor for the property was able to speak with Mr. Cormier late this afternoon and has asked to table the item so he can attend the meeting and be part of the discussion. Ms. Della Valle recommended tabling the public hearing to the next meeting, along with the review of the application.

Board member Cormier made the Board aware that as far as he knew, he had no relation to the property owner.

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

Chair Horr asked if anyone wished to speak in opposition.

Ernie Legere, 83 Lebanon Street, wasn't opposed but had a general comment. He asked who makes the decision as to what type of housing is allowed there. Planner Della Valle explained the city's application process.

Chair Horr asked if there were any more general comments.

Jim Nimon, Director of Economic Growth Council confirmed what Beth had mentioned about making contact with Gene Cormier. He also agreed with keeping the public hearing open to give Mr. Cormier an opportunity to speak.

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

Donald Libby, an abutter on Miller Street asked if concerns about the sawdust pile have been addressed. He was wondering if those presented a hazard or not. He was also concerned with the street configuration in the area when a development is proposed.

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

Planner Della Valle said the concerns raised at tonight's meeting would probably be addressed during the development's review process. She also overviewed the handout from Shirley Sheesley, which outlined the history of uses and zoning ordinance information for the property.

Mr. Libby also said he has concerns about kids playing in the buildings on the property.

Chair Horr continued the public hearing to the next meeting, August 2nd.

Board member McAdam confirmed with Beth that both the contract with the city and the subdivision are both dead.

Board member Connolly asked if the building has been placarded. Ms. Della Valle replied that she did not believe it has been at this time but thought it would be soon.

Board member Cormier informed the people in attendance at the meeting and to those at home who may be watching the meeting that they can sign up to receive emails for agenda notices on the city's website.

Board member Clarke asked if rezoning the property to Residential Development (RD) would prevent another contract zone from being submitted and approved.

Ms. Della Valle responded 5a contract zone could be proposed and explained why.

Board member Cormier made a motion to table the public hearing until the August 2, 2017 meeting.

Board member Littlefield seconded the motion.

A vote was taken and the motion passed 7-0.

- ii. **New Business Item: File #20-17-Z: Lee Burnett**, Trails Committee, City of Sanford, 919 Main Street, Sanford, Maine.

Chair Horr called for a representative to present the project.

Planner Della Valle gave an overview of the request for a shoreland permit. She also informed the Board that she has received a letter from the sewer district providing permission to allow the walking path on top of the district's trunk line.

Lee Burnett, Trail Committee, told the Board this is phase 2 of the trail improvement that took place in 2015. He explained that it would be about a mile long, the grants being applied to for further enhancements, and the revegetation plan.

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

Chair Horr asked if this trail would connect with other trails outside of the city. Mr. Burnett said eventually he would like to see it connect with the Eastern Trail and explained the route the trail system would follow through the city.

Chair Horr asked if there were any comments from Mike (Casserly, Assistant City Engineer); he did not.

Board member Littlefield asked if the trail would be kept up in the winter. Mr. Burnett said it would not be but it was his hope that over time this would take place.

Board member Connolly asked if you could plow in a shoreland zone area; the response to this question was yes.

Board member Connolly confirmed the streets that would have a trail connection: Dorrington, Boothby, Normand Avenue, and Breton Avenue. She then asked about landowner permission and if this permission could be revoked. Mr. Burnett said some landowners have signed easements, others have given an easement for a limited number of years. Discussion took place on future maintenance.

Chair Horr said Shirley's memo mentioned paper streets and was wondering if this trail was using some of these streets. Ms. Della Valle responded she did not know how many this project was using, if any, but there were approximately 400 throughout the city. Mr. Burnett added that part of this trail traces a paper street belonging to Townhouse Properties, which was laid out in a plan in the 50's, and he has received permission from Townhouse Properties to use the paper street for part of the this project.

Planner Della Valle went over the Finding of Facts:

Ordinance Section 270-15.D. Shoreland Zoning

- A. **Will maintain safe and healthful conditions:** Vice Chair McAdam made a motion, and Board member Cormier seconded, that this standard has been met because the project will maintain and preserve environmentally sensitive areas, groundwater, vegetation, and natural habitats to the maximum extent.

A vote was taken and the motion passed 7-0.

- B. Will not result in water pollution, erosion, or sedimentation to surface waters:** Board member Cormier made a motion, and Board member Connolly seconded, that this standard has been met because the proposed site design and operations will not result in water pollution, erosion or sedimentation of surface waters.

A vote was taken and the motion passed 7-0.

- C. Will adequately provide for the disposal of all wastewater:** Vice Chair McAdam made a motion, and Board member Littlefield seconded, that this standard has been met because the project will provide for adequate disposal of wastewaters.

A vote was taken and the motion passed 7-0.

- D. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat:** Chair Horr made a motion, and Board member Clarke seconded, that this standard has been met because the project will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

A vote was taken and the motion passed 7-0.

- E. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters:** Board member Connolly made a motion, and Board member Cormier seconded, that this standard has been met because the project will conserve shore cover as well as visual and actual points of access.

A vote was taken and the motion passed 7-0.

- F. Will protect archaeological and historic resources as designated in the Comprehensive Plan (F) and will not adversely affect existing commercial fishing activity (G):** Vice Chair McAdam made a motion, and Board member Georgius seconded, that these standards are not applicable.

A vote was taken and the motion passed 7-0.

- G.** (combined with F.)

- H. Will avoid problems associated with floodplain development and use:** Board member Littlefield made a motion, and Board member Connolly seconded, that this standard has been met because the project will avoid problems associated with floodplain development and use.

A vote was taken and the motion passed 7-0.

- I. Is in conformance with the provisions of §270-13, Land Use Standards:** Board member Connolly made a motion, and Board member Littlefield seconded, that this standard has been met because the project is in conformance with §270-13.

A vote was taken and the motion passed 7-0.

Board member Cormier made a motion that the Planning Board accept the information above (see attached) and in the Findings of Fact for File #20-17-Z and find that there is “no reasonable alternative route or location” available outside of the zone and the proposed trail is “set back as far as practicable from the normal high-water line” of the river with the following conditions:

- Provide copy of the DEP NRPA Permit once it is secured. If DEP requires changes to the approved plans, the applicant may be required to adjust and provide 5 copies of the revised plans and return to the Planning Board for amended approval.

Chair Horr seconded the motion.

A vote was taken and the motion passed 7-0.

iii. New Business Item: File #21-17-M: Candace Lehoux, 432 Oak Street, Sanford, Maine.

Chair Horr called for a representative to present the project.

Planner Della Valle presented the application, which was to rebuild a porch in the same location.

Chair Horr asked Candace Lehoux, property owner to briefly explain her request.

Ms. Lehoux said the porch was unsafe so they took the porch down. When getting a permit, she was made aware that she needed Planning Board approval to rebuild her porch because of its nonconformity.

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

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

Board member Littlefield seconded the motion.

A vote was taken, and the motion passed 7-0.

V. OTHER BUSINESS

1. INFORMAL DISCUSSION: Kevin McKeon, privy and parking lot at trail head.

Planner Della Valle reminded the Board about this request. She told them when she brought this up in a previous meeting requesting staff level review, the Board determined this should be a major site plan, which would require fees associated with this type of review so the applicant considered dropping the proposal. Ms. Della Valle thought it might be best to have the applicant come before the Board to discuss the proposal before the Board makes a final decision on the scope of the application.

Kevin McKeon said the ultimate goal was to create a trailhead with parking area at this location for existing trails. When this request was first proposed, the square footage of the area has been decreased from approximately 9,000 to 5,000 with a total of disturbed area of approximately 2,000 and explained the area to the Board using handouts given to the Board.

Chair Horr asked if the parking area was reduced in size in order to obtain staff level review. Planner Della Valle stated that the reduction is still over staff level review criteria, but it falls within site plan review. She said the Board, after hearing the proposal, needs to determine the level of review for this project. Discussion followed.

Board member Clarke brought up a potential conflict of interest. The President of the land trust interested in purchasing the property is his grandfather. He then asked about the level of review for the cell tower on Oak Street. Ms. Della Valle believed that it was a major site plan review due to the use, but it also included a contract zone.

Board member Connolly asked if Mr. McKeon if he was aware of the problems taking place at the Pleasant Street/Railroad Ave trailhead; he said he was. She said her concern was the site line distance towards the right coming out of the parking lot. Mr. McKeon stated it was about 250'. Discussion took place.

Board member Connolly informed the Chair she would like to request a site walk. Chair Horr asked the Board if they wanted to conduct a site walk; no other Board member responded. Mr. McKeon offered to meet Ms. Connolly at the site to address her concerns; discussion followed.

Chair Horr asked if there were any other questions.

Board member Georgius confirmed the number of privies with Mr. McKeon. He stated there would only be one, it would be ADA accessible, and there would be a maintenance schedule as well.

Vice Chair McAdam asked if the privy was going to be locked. Mr. McKeon replied it was not going to be locked. He stated he had concerns of issues arising and if there were, he would notify the Board and the privy would be removed.

Board member Cormier asked Planner Della Valle what the concerns were that made the Board lean towards reviewing this proposal as a major site plan. Ms. Della Valle went over the list of items/concerns the Board had during the previous discussion.

Mike Casserly, Assistant City Engineer addressed the curb cut issue. He said issuing a curb cut is slightly different than reviewing a site plan and explained why. Discussion followed.

Board member Cormier said he was comfortable downgrading the project because he felt the trail committee, etc. would be following up on the concerns that were brought up at tonight's meeting.

Board member Littlefield agreed with Board member Cormier.

Ms. Della Valle explained the difference between a site plan review and staff level review.

Vice Chair McAdam, as a member of the Site Plan Review Committee, stated he did not feel this needed to be reviewed at site plan level and explained why. Board members expressed what their concerns were.

Board member Cormier asked Ms. Della Valle if the project would come before the Board if any concerns arose; she replied it would.

Chair Horr polled the Board on how they wanted to proceed:

- Board member Cormier was comfortable with staff level review
- Board member Littlefield agreed with Board member Cormier
- Vice Chair McAdam did not feel this project would warrant site plan review
- Board member Georgius was comfortable with staff level review
- Board member Connolly stated she was fine with staff level review as long as site distance was addressed.
- Board member Clarke said he was comfortable with staff level review
- Chair Horr said his concerns were addressed and was fine with staff level review

Board member Cormier made a motion that the Planning Board delegate this project for the Blanchard Road Trailhead to staff level review.

Chair Horr seconded the motion

A vote was taken and the motion passed 7-0.

2. PLANNING DIRECTOR'S REPORT

Planner Della Valle discussed the following:

- Workforce Housing Charrette locations
- Tara Place revision to remove future play area on plan and replace with sitting area
- Remind Planning Board members (who signed up) of MMA training next week (7/25)
- Addressed confusion with the proposed sign ordinance review

VI. COMMUNICATIONS

There were no communication items.

VII. ADJOURN

The meeting adjourned at 8:04 P.M. and went into work session.

Attachment to July 19, 2017 Minutes

Finding of Facts for New Business Item #Aii.

File #20-17-Z: Breton Ave-Route 4 Trail Improvements

- The former porch and its proposed replacement do not meet the 17 foot side yard setback requirement in the Rural Residential Zone. The new porch will be constructed in the same location as the previous porch, which also will 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 New Business Item #Aiii.

File #21-17-M: 462 Oak Street Nonconforming Structure Rebuild

- The former porch and its proposed replacement do not meet the 17 foot side yard setback requirement in the Rural Residential Zone. The new porch will be constructed in the same location as the previous porch, which also will 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.”