

**SANFORD PLANNING BOARD MINUTES
MEETING – August 21, 2019 – 6:30 P.M.
City Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Jennifer Georgius, Chair
Lenny Horr, Vice Chair
Jace Clarke, Secretary
John McAdam
Dianne Connolly
Elizabeth Kilkenny
Thomas Morgan

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Della Valle, AICP, Director of Planning & Development
Joseph Scala, Planner
Michael Casserly, Asst. City Engineer
Matthew Hill, Director of Public Works/City Engineer

STAFF ABSENT: Barbara Bucklin, Admin. Asst., Planning Department (w/notice)

I. CALL TO ORDER

Chair Georgius called the meeting to order at 6:30 PM.

II. OPENING STATEMENT

Chair Georgius overviewed meeting procedures.

III. MINUTES – August 8, 2019 and July 17, 2019

The minutes were not available for approval.

IV. HEARINGS and BUSINESS

1. File #09-19-S: York County Community Action Corporation, c/o Jo-Ann Cavanaugh, J.C. Cavanaugh Architecture, LLC, P.O. Box 702, Springvale, Maine.

Chair Georgius called for a representative to present the project.

Beth Della Valle, Director of Planning & Development overviewed the project.

David Beseda, representing York County Community Action Corporation, located at 6 Spruce Street in Sanford, summarized how the project came to be:

- 26 Amherst Street property acquired a few years ago
- Feasibility study determined the need of affordable housing in the area

Jo-Ann Cavanaugh, J.C. Cavanaugh Architecture overviewed the project:

- 4 studio apartments in the upper level of the building and 4 apartments in the lower level of the building – two 1-bedroom units, one 2-bedroom unit, and one 3-bedroom unit
- Windows and roofing will be replaced
- Minimal site changes
- Propane tanks will be underground

- Existing playground equipment will be removed

Chair Georgius opened the public hearing.

Chair Georgius asked if anyone present wished to speak in favor of the project; there was no one.

Chair Georgius asked if anyone present wished to speak in opposition of the project.

Linda Kerrigan, 10 Amherst Street was concerned with how the type of housing would affect her property value.

Chair Georgius asked if anyone present would like to make general comments on the project; there was no one.

Chair Georgius closed the public hearing.

Chair Georgius asked if Board members had any questions or comments.

Planner Della Valle stated the Site Plan Review Committee reviewed the project at its meeting on August 20, 2019 and made a recommendation for approval with conditions.

Vice Chair Horr asked who was going to be managing the property.

Board member Connolly asked if playground equipment would be added to the site in the future.

Board member McAdam asked how adding a condition of approval to connect to natural gas at a later date would be reviewed; Planner Della Valle stated the condition could be worded to allow for staff to review this change.

Vice Chair Horr asked if the apartments were going to be market-rate housing.

The Board went through the Findings of Fact.

Chapters 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; and 280-16-7.5 Pedestrian circulation.

Chair Georgius made a motion to accept these standards because they have been met. Vice Chair Horr seconded the motion. A vote was taken and the motion passed 7-0.

Chapters 280-16-7.6 Stormwater management; 275-10-45 Stormwater management; and 275-10-47 Phosphorus impacts on great ponds. (This item was read and voted on twice.)

Board member Connolly made a motion to accept these standards because they have been met with condition. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 7-0.

Chapters 280-16-7.7 Erosion control; and 275-10-34 Soil erosion.

Board member McAdam made a motion to accept these standards because they have been met with condition. Board member Connolly seconded the motion. A vote was taken and the motion passed 7-0.

Chapters 280-16-7.8 Water supply; 280-16-7.9 Sewage disposal; 280-16-7.10 Utilities; 275-10-32 Sufficient water; and 275-10-36 Sewage disposal.

Board member McAdam made a motion to accept these standards because they have been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 7-0.

Chapters 280-16-7.11 Natural features; and 280-16-7.15 Landscaping.

Board member McAdam made a motion to accept these standards because they have been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 7-0.

Chapters 280-16-7.12 Groundwater protection; 280-16-7.16 Shoreland relationship; 280-16-7.19 Airport encroachment; 275-10-41 Impact on water quality and shoreline; 275-10-42 Impact on groundwater quality or quantity; 275-10-43 Floodplain management; and 275-10-44 Identification of freshwater wetlands.

Board member Connolly made a motion that these standards are not applicable. Board member Clarke seconded the motion. A vote was taken and the motion passed 7-0.

Chapters 280-16-7.14 Solid waste disposal; and 275-10-37 Solid waste.

Board member McAdam made a motion to accept these standards because they have been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 7-0.

Chapters 280-16-7.17 Technical and financial capacity; and 275-10-40 Financial and technical capacity.

Board member Connolly made a motion to accept these standards because they have been met. Board member Morgan seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 280-16-7.13 Exterior lighting.

Board member Connolly made a motion to accept this standard because it has been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 280-16-7.18 Buffering.

Board member Kilkenny made a motion to accept this standard because it has been met. Board member McAdam seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 275-10-31 Pollution.

Board member Connolly made a motion to accept this standard because it has been met. Board member Morgan seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 275-10-33 Impact on existing water supply.

Board member Connolly made a motion to accept this standard because it has been met. Board member Morgan seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 275-10-35 Traffic conditions.

Board member McAdam made a motion to accept this standard because it has been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 275-10-38 Impact on aesthetics, open spaces, historic areas, wildlife habitat, and shoreline access.

Board member McAdam made a motion to accept this standard because it has been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 275-10-39 Conformance with other regulations.

Board member Connolly made a motion to accept this standard because it has been met. Board member McAdam seconded the motion. A vote was taken and the motion passed 7-0.

Chapter 275-10-46 Recreation and open space areas.

Board member Connolly made a motion to accept this standard because it has been met. Board member Morgan seconded the motion. A vote was taken and the motion passed 7-0.

Planner Della Valle amended the explanation for this standard.

Board member Connolly made a motion to accept this standard as amended. Board member Morgan seconded the motion as amended. A vote to amend the motion was taken and the motion passed 7-0.

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

Chapter 275-10-48 Spaghetti lots.

Board member Kilkenny made a motion that this standard is not applicable. Board member Morgan seconded the motion. A vote was taken and the motion passed 7-0.

Board member McAdam asked what a spaghetti lot was.

Chair Georgius called for a motion.

Board member Clarke made a motion that the Planning Board accept the information in the August 16, 2019 and August 20, 2019 summary reports, grant the requested waivers, and find that the proposed amendments to the application for File #09-19-S to create eight (8) housing units in the existing building located at 26 Amherst Street has satisfied the requirements of §280-16-6.7 and Chapter 275, and of Minor Site Plan and Minor Subdivision, subject to the following conditions:

1. That no later than September 11, 2019, unless other arrangements are made with the Planning Director, the applicant shall provide 5 copies of revised plans and documents to the Planning Department addressing concerns raised by the Assistant City Engineer in his August 7, 2019 memo.

2. Address the need for best management practices (BMPs) to manage erosion control and stabilize the site due to its location in the Mousam River Watershed Overlay District.
3. Pay all review fees.
4. Establish an inspection escrow fee with the Public Works Department in an amount acceptable to the Assistant City Engineer.
5. Set up a preconstruction conference with the Code Enforcement Director and the Assistant City Engineer.
6. If installation of approved landscaping is not completed by September 15, 2020, the end of the growing season, the applicant shall be required to provide a performance guarantee in an amount to cover the cost of the landscape material and its installation. The guarantee shall be required to stay in force for one full growing season after installation.
7. This approval is dependent on and limited to the documents and plans contained in the application submitted and affirmed to by the applicant. No project, plan, or development previously approved by the Planning Board may be altered or modified without securing prior approval from the Planning Board in the form of an amendment; provided, however, that, if at any time it becomes necessary or desirable to make modifications to the development, the Planning Director may approve minor modifications. Any changes to the approved plan shall be provided to the Planning Department prior to construction 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.

Board member McAdam asked if a condition could be added referencing connection to natural gas.

Board member Clarke added the following (in bold) to condition 7: '...Planning Director may approve minor modifications, **including the extension of natural gas to the site.** Any changes...'

Board member Kilkenny seconded the motion.

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

2. **File #25-19-R: David Roy, d/b/a Precision Transmission, Inc., c/o Will Conway, RLA/LEED AP, Sebago Technics, Inc., 75 John Roberts Road, South Portland, Maine.**

Chair Georgius asked Planner Della Valle to explain the request.

Planner Della Valle reviewed the process for reconsideration; she said the Board approved this project at the August 7, 2019 meeting but Board member Connolly has since asked the Board reconsider the approval for this project.

Board member Connolly made a motion to reconsider the Precision Transmission revegetation application, File #25-19-R.

Chair Georgius seconded the motion.

A vote was taken and the motion to reconsider failed 3-3.

3. **File #03-19-R: R. Pepin & Sons Inc., c/o Matthew Pepin**, P.O. Box 729, Sanford, Maine.

This item will remain on the table.

4. **File #30-18-S: Adam Blaikie & Associates, c/o Dana Libby**, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

Chair Georgius called for a representative to present the request.

Planner Della Valle stated Board member Connolly has stepped down from the dais because she has recused herself from the review and discussion of this project.

Planner Della Valle overviewed the previous review of this project and the applicant's current request:

- Fall of 2018: Series of reviews of the inventory and analysis for this project took place
- October 2018: Planning Board held a site walk
- November 7, 2018: the Planning Board completed its review of the conceptual plan and offered comments
- July 22, 2019: Dana Libby, representing the applicant, contacted Planner Della Valle indicating the applicant was ready to submit the preliminary subdivision application for this project
- This date exceeded the 6-month preliminary subdivision submission deadline (Chapter 275-14A)
- The applicant is requesting a waiver of Article 4 Inventory & Analysis resubmission; Chapter 275-14.A allows the Planning Board to waive the Article 4 submission as long as certain criteria is met

Planner Della Valle told the Board that it is her interpretation, based on the ordinance, the Board does not have the authority to waive the resubmission requirement; she said the Board could disagree with her interpretation.

Planner Della Valle also stated that Board members Kilkenny and Morgan were not on the Board during the initial review therefore they are not allowed to review, discuss, or act on this project unless they review the material previously submitted in the original submittal.

Mr. Libby added that Chapter 275-70 also references waivers of submission requirements.

Vice Chair Horr asked why it took so long to resubmit.

Chair Georgius confirmed a public hearing was not required for this request.

Vice Chair Horr asked if the applicant had contacted her at all before the submission deadline had passed.

Chair Georgius polled the Board on their thoughts on the waiver request.

Board member McAdam said he was inclined not to accept the request.

Board member Morgan asked if he and Board member Kilkenny could participate in the waiver request discussion.

Board member Morgan agreed with Planner Della Valle's interpretation that the Board did not have the authority to waive submission requirements for a major subdivision. Board member Kilkenny, Vice Chair Horr, Chair Georgius agreed with this as well.

Mr. Libby told the Board that he and the applicant were prepared for the Board to vote against the request and will resubmit the inventory & analysis proposals. Mr. Libby asked if the Board would allow the Planning Department to review the preliminary submission while the Board reviewed and discussed the inventory & analysis submission.

Planner Della Valle told Mr. Libby if he submitted the Article IV application quickly, it could be placed on the agenda for the next Planning Board meeting.

The Board discussed if another site walk would be beneficial and when it could be held.

Board member McAdam made a motion that the Planning Board deny the waiver. Board member Morgan seconded the motion. A vote was taken and the motion passed 6-0.

V. OTHER BUSINESS

1. PLANNING DIRECTOR'S REPORT

Planner Della Valle updated the Board on the following:

- City Council unanimously passed the proposed site plan amendments
- Development review fees will be brought back for review in near future
- EPA held big check event and presented Sanford a big check for the Brownfield grant award
- Set date for next gravel pit work session – Monday, September 23 from 6:30-9:00PM
- Sanford officially welcomed into Maine's network of age-friendly communities
- Stenton Mill update

VI. COMMUNICATIONS

Board member Connolly expressed her concern about a newspaper article she read regarding Huttoxia, specifically the reference to Huttoxia holding concerts. She would like to have clarification as to what was meant by the term concert.

Matt Hill, P.E., Director of Public Works/City Engineer, made a presentation on the City's Planning Partnership Initiative (PPI) with Maine Department of Transportation, and also described preparation of a new technical manual to guide development with updated standards and practices for infrastructure.

VII. ADJOURN

The meeting adjourned at 9:01 P.M.