

SANFORD PLANNING BOARD MINUTES
MEETING – September 7, 2016 – 6:30 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: Lenny Horr, Chair
John McAdam, Vice Chair
Dianne Connolly
Edward Cormier
Sarah Littlefield
Jennifer Georgius

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Della Valle, AICP, Director of Planning & Development
Michael Casserly, Asst. City Engineer
David Parent, Superintendent, Sanford Water District

STAFF ABSENT: None

I. CALL TO ORDER

Chair Horr called the meeting to order at 6:30 PM. Chair Horr overviewed meeting procedures.

II. PUBLIC HEARINGS

1. **File #999-16-T(1): The Planning Board will consider** amending Section 280-16-6.7.2.4.8 of the Zoning Ordinance to specify submission requirements for renewal of a five (5)-year permit for mineral extraction operations retroactive to the date of this notice.

Chair Horr called for a representative to present the application.

Beth Della Valle, Planning Director explained to the Board that this request will clarify the submission requirements for a 5-year permit renewal for a mineral extraction operation.

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

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

Chair Horr asked if anyone present would like to make general comments on this proposal.

Chris Genest, Genest Concrete, owners of multiple gravel pits in Sanford, wanted to say they have a lot of resources available with information on what the company does and things that are important to their business as far as operating gravel pits.

Larry Grondin, RJ Grondin & Sons, operators of a pit in Sanford appreciates the approach the City is taking towards amending the mineral extraction ordinance, although he does have some concerns with sections of the proposal.

Planner Della Valle asked Mr. Grondin for his concerns. Mr. Grondin identified the areas he had questions: full hydrogeological study (item 4); item 8; preparation by a qualified, registered professional (item 5); and item 3.

Matt Pepin, R. Pepin & Sons Concrete, owners of multiple gravel pits in Sanford said that some of the proposal would affect his business but is happy the City is open to discussions. He said there is already a lot of oversight and regulations on gravel pits by other agencies and pointed out sections of the proposal he was concerned with.

Mark Curtis, Gorham Sand & Gravel asked for clarification on the process for this recommendation, then requested the City amend the entire gravel pit/mineral extraction ordinance at once instead of in sections and explained why he felt this way.

Dana Libby, Corner Post Land Surveying asked for clarifications of the proposal in sections 10.5 and 10.8.

Chair Horr closed the public hearing.

2. **File #07-16-RU: Central Maine Power Company, Attn: Adam Marquis, 83 Edison Drive, Augusta, Maine.**

Chair Horr called for a representative to present the application.

Adam Marquis, CMP along with Jason Weymouth, the project manager for this project presented a brief history of the proposal.

Mr. Weymouth gave an overview of the build-out of the site.

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 in opposition of this application; there was no one.

Chair Horr asked if anyone present would like to make general comments, neither for nor against the application.

Jennifer Rooney, representing York Hospital, which recently acquired the property to the east of CMP's location, had questions about the proposed landscaping for the project.

Mr. Weymouth described the landscaping proposed, the locations of certain plants, and why the types of species were chosen.

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

Chair Horr closed the public hearing.

III. NEW BUSINESS

1. **File #999-16-T(1): The Planning Board will consider** amending Section 280-16-6.7.2.4.8 of the Zoning Ordinance to specify submission requirements for renewal of a five (5)-year permit for mineral extraction operations retroactive to the date of this notice.

Chair Horr opened the item for discussion.

Board member Cormier asked Planner Della Valle to explain the process for this proposal again.

Planner Della Valle stated the round-table discussion with pit operators was not intended to be set up to further discuss tonight's proposal; she then explained the options the Board has in regards to forwarding this recommended ordinance change.

Discussion took place on the following:

- If the pit owners/operators are allowed to bring concerns, etc. to council subcommittees or Planning Department
- If hydrogeologic studies can be recertified, the cost of having a study done
- Renewal of 5-year permit vs a new 5-year permit
- Whether this proposal will help the city engineer and the water district during their review

After discussion, Board member Cormier didn't feel the Planning Board would need to hold a special workshop to discuss this item further; he felt the review could be handled between staff members and the applicants.

Discussion took place on the wording for a motion.

Board member Cormier made a motion to move the proposed draft amended submission for excavation operation renewal for a 5-year permit forward to the City Council with the recommendation that the Planning Director continue to work with the industry.

Chair Horr seconded the motion.

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

2. **File #07-16-RU: Central Maine Power Company, Attn: Adam Marquis**, 83 Edison Drive, Augusta, Maine.

Chair Horr opened the item for discussion.

Planner Della Valle updated the Board on the Site Plan Review Committee's recommendation along with their conditions and what the applicant has done to meet these conditions so far.

Planner Della Valle presented her recommendation for the project to the Board.

Board member Connolly asked if the abutters, especially the businesses, will get noticed regarding potential lane closure when the applicant brings equipment to the site.

Chair Horr asked Mike Casserly, Assistant City Engineer if he had anything to add to the discussion.

Mr. Casserly explained what a cable trench was in response to a question Board member Connolly asked him about earlier in the day.

Chair Horr asked the applicant if the substation would be providing electricity to the new high school; the applicant responded it would be.

Board member Connolly asked if there was any knotweed on the property that would interfere with site lines, and if so, would it be removed.

Chair Horr called for a motion.

Chair Horr made a motion that the Planning Board accept the information above and attached as the findings of fact and find that application File #07-16-RU to expand the electric substation has satisfied the requirements of Chapters 272: Site Plan Review 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 plans to the Planning Department.
3. Approval of the three requested waivers.
4. Provision of a street plan for Main Street streetscape.
5. Removal of two small trees near the entrance to create appropriate site distance.
6. Require recommended escrow account of \$1000.00.
7. Require the applicant to meet with Public Works to discuss traffic control measures during construction.

Board member Connolly seconded the motion.

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

Planner Della Valle said the Board now needs to go over the Findings of Fact:

Chapter 272-4.5.A (8) If located in the Shoreland Overlay Zone...will not result in damage to spawning grounds,.... ; 272-1-8 E. Pedestrian circulation; 272-1-8 H. Water supply; 272-1-8 I. Sewage disposal; 272-1-8 N. Waste disposal; 272-1-8 P. Shoreland relationship; 272-1-8 S. Airport encroachment.

Board member Cormier made a motion to accept these standards because they are not applicable.

Chair Horr seconded the motion.

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

Chapter 272-4-5.A (2) ...will not create hazards to vehicular or pedestrian traffic; 272-1-8 B. Access to the site; 272-1-8 C. Access into the site; 272-1-8 D. Internal vehicular circulation.

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

Board member Connolly seconded the motion.

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

Chapter 272-4-5.A (3) ...will not cause water pollution, sedimentation, ...; 272-1-8 L. Groundwater protection.

Board member Cormier 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 272-4-5.A (5) ...will not create nuisances to neighboring properties; 272-1-8 O. Landscaping; 272-1-8 R. Buffering.

Planner Della Valle recommended striking the condition of planting shade trees along the Main Street streetscape in 272-1-8 O. Landscaping.

Board member Cormier made a motion to strike this statement.

Board member Cormier made a motion to accept these standards because they either have been met or met with conditions as amended.

Board member Connolly seconded the motion.

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

Chapter 272-4-5.A (1) ...will not place a burden on municipal services.

Board member Cormier 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 272-4-5.A (4) ...will not create unhealthful conditions.

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

Board member Cormier seconded the motion.

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

Chapter 272-4-5.A (6) ...location...has no peculiar physical characteristics...which will create or aggravate adverse environmental impacts.

Board member Cormier 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 6-0.

Chapter 272-4-5.A (7) ...has no characteristics that are atypical of the general category of use.

Board member Cormier 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 272-1-8 A. Utilization of the site.

Board member Cormier 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 272-1-8 F. Stormwater management.

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

Board member Cormier seconded the motion.

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

Chapter 272-1-8 G. Erosion control.

Chair Horr 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 6-0.

Chapter 272-1-8 J. Utilities.

Board member Cormier 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 272-1-8 K. Natural features.

Board member Cormier 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 272-1-8 M. Exterior lighting.

Board member Cormier 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 272-1-8 Q. Technical and financial capacity.

Board member Cormier 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 6-0.

- 3. File #11-16-S: Adam Blaikie & Associates, LLC, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Sanford, Maine.**

Dana Libby, PLS, Corner Post Land Surveying, Inc., representing Adam Blaikie, gave a brief presentation of the applicant's proposal, which is an inventory and analysis of a 14-lot subdivision on two separate parcels, one section to be known as Riverfronte Watch and the other Fletcher Farm.

After the presentation, the following topics were discussed:

- Construction distance near and maintenance of the cemetery near the Fletcher Farm proposal
- The total number of curb cuts
- The length of driveways from the road to the beginning of the houses
- The potential of flooding
- Concern for odor coming from the sewage ponds behind part of the development
- Houses to be sold or rented
- Size of lots, square footage of houses to be built, value of houses
- Protected species near the development
- Building in the resource protection area

Planner Della Valle explained that tonight's discussion is for two separate subdivisions and explained the design of each subdivision being proposed tonight. She also told the Board they are telling the applicant where their concerns are, assessing the environmental conditions, and to give guidance on what the Board is expecting from them when they submit the subdivision plans; discussion followed.

The Board, staff members, and the applicant discussed the density of each subdivision and what the landscaping will be around the houses.

The Planning Board agreed with the concept plan presented tonight and told the applicant he can move forward with each subdivision.

IV. OLD BUSINESS

1. **File #08-16-RU: Tom Shaw, Gorham Sand & Gravel, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.**

Chair Horr called for a representative to present the application.

Planner Della Valle reminded the Board of what took place at the special meeting held the week before. She recommended the Board revisit the Findings of Fact standards that did not coincide with the approval granted by the Board and explained how to do so.

The following Findings of Fact were revisited:

Chapter 272-2-20.D (1) Volume & quantity....contaminants entering groundwater.

Chair Horr made a motion to reconsider this item.

Board member Georgius seconded the motion.

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

Board member Georgius made a motion to accept this standard because it has been met with the revised language.

Vice Chair McAdam seconded the motion.

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

Chapter 272-2-25.D (4) The extent and type of fill shall be appropriate.

Board member Georgius made a motion to reconsider this item.

Vice Chair McAdam seconded the motion.

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

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

Chair Horr seconded the motion.

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

Chapter 272-2-25.D (9) The sides of cuts, fill or channels...shall not exceed a slope of 2:1.

Board member Georgius made a motion to reconsider this item.

Vice Chair McAdam seconded the motion.

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

Board member Littlefield made a motion to accept this standard because it has been met with the revised language, with the redundant sentence struck out.

Board member Connolly seconded the motion.

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

Chapter 272-1-8.A Utilization of the site.

Board member Connolly made a motion to reconsider this item.

Board member Georgius seconded the motion.

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

Chair Horr made a motion to accept this standard because it has been met with the revised language.

Board member Littlefield seconded the motion.

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

Chapter 272-1-8.L Groundwater protection.

Board member Georgius made a motion to reconsider this item.

Chair Horr seconded the motion.

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

Chair Horr made a motion to accept this standard because it has been met with the revised language.

Board member Georgius seconded the motion.

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

Planner Della Valle said, after discussing this item with some Board members after last week's meeting, she feels the Board may have been a bit restrictive with their approval and explained why she believes this to be true.

Vice Chair McAdam asked if the ordinance restricted materials from being imported into any gravel pit. Planner Della Valle explained it is not a restriction to gravel pits, it is a restriction in wellhead protection zones; discussion followed.

After discussion, the Board was comfortable letting staff and the applicant work out a plan to allow the importation of rock, sand, and gravel to be processed in a certain area within the pit.

The Board was also comfortable letting staff and the applicant work out a plan to allow the importation of asphalt, concrete, compost, humus, superhumus, and loam to be processed in a certain area within the pit.

The Board will revisit an amendment to the approval for the two items above at a future meeting.

V. PLANNING DIRECTOR'S REPORT

- Updated the Board on what took place at the preapplication meeting with Rubb Building Materials
- Tom's of Maine expansion
- Other small potential requests that may come forward
- Presentation made by the City Manager at the City Council meeting regarding the school renovation projects
- Update on a couple of Sevigny projects
- Status of Design Review Committee membership and payment for architect consultant

VI. MINUTES – July 20, 2016

The minutes were not ready for approval.

VII. ADJOURN

The meeting adjourned at 9:52 P.M.