

SANFORD PLANNING BOARD MINUTES
MEETING – September 20, 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 6:52PM)
Jace Clarke

MEMBERS ABSENT: None

STAFF PRESENT: Elizabeth Della Valle, AICP, Director of Planning & Development

STAFF ABSENT: Michael Casserly, Asst. City Engineer (w/notice)

I. CALL TO ORDER

Chair Horr called the meeting to order at 6:34 PM.

II. OPENING STATEMENT

No opening statement was made.

III. MINUTES – September 6, 2017

Chair Horr called for a motion on the minutes.

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

Board member Cormier seconded the motion.

A vote was taken and the motion passed 5-0-1; Board member Georgius abstained because she was not at the meeting.

IV. HEARINGS and BUSINESS

A. PUBLIC HEARINGS & NEW BUSINESS

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

Chair Horr called for an overview of the project.

Beth Della Valle, Planning Director, briefly reviewed the decision the Board made at the previous meeting, which was to recommend removing the contract zone from the property and rezone the property Industrial Reuse (IR) while further reviewing the potential rezoning of the property.

Chair Horr asked for discussion among the Board.

Chair Horr expressed his view and felt that the property should be zoned

residential.

Board member Cormier was not opposed to rezoning the property to residential; he said the owner will have to clean up the property no matter the zoning of the property.

Discussion took place on dangerous/placarded buildings.

Board member Clarke explained why he had a hard time forcing the zone change on this property. He then asked about the potential for zone change on the Kiwanis property on Hanson Ridge Road.

Planner Della Valle explained to the Board that the RD zone as a whole throughout the city is being evaluated to determine the suitability of the property for development for this zone designation.

Board member Cormier asked if the Board could go back and revisit the zone designation of this property in the future.

Vice Chair McAdam asked Gary Samia, representing the applicant to explain the difference in sale price between residential vs industrial zone. Mr. Samia responded the value for the land zoned residential is +/- \$60,000 vs. industrial at +/- \$300,000. Discussion followed.

Chair Horr asked if there were any other questions for Mr. Samia; there were none.

Discussion took place on the best option for this property.

Mr. Samia said the applicant had the understanding that they had 6-9 months to market and sell the property as industrial before the Planning Board reevaluated the residential zone change.

Board member Clarke stated he was not opposed to working on a redevelopment plan.

Board member Connolly asked Mr. Samia if the owner had any plans to demolish the building. Mr. Samia responded he could not answer this question.

Discussion took place on the following:

- If the taxes were paid up to date
- How long Mr. Cormier has owned the property
- Site-specific planning for this property

The Board discussed motion options and adding information to Planner Della Valle's report.

Chair Horr called for a motion.

Board member Cormier made a motion that the Planning Board accept the information above (see attached) as Findings of Fact for File #999-17-T(1) and recommend that the City Council officially notify Mill Station Realty Trust/Gene Cormier of the termination of the contract zone for 93 Lebanon Street, rezone the property to Industrial Reuse (IR), and initiate a site specific planning process to serve as a basis for a legal spot zone to support appropriate redevelopment of this problematic property and mitigate negative impacts on the surrounding residential

neighborhood. If the property is not redeveloped within six (6) – twelve (12) months, the Planning Board will revisit this property to consider rezoning to RD or some other zone that will be appropriate.

Chair Horr seconded the motion.

A vote was taken and the motion passed 7-0

V. OTHER BUSINESS

1. PLANNING DIRECTOR'S REPORT

- a. **The Planning Director is requesting the Planning Board designate** staff level review to change the location of the concession stand on the approved Sanford High School site plan.

Planner Della Valle asked the Board to delegate staff review for the change of concession stand location.

Chair Horr made a motion to delegate this change to staff review.

Board member Cormier seconded the motion.

A vote was taken and the motion passed 6-1, with Board member Connolly voting against because she would like to see more information on the project.

- b. Explained the handout items to the Board: Workforce Housing Workshop poster, pamphlet, and brochure; Maine Land Use Law Book; Brownfields grant for Area-Wide Assessment Grant

VI. COMMUNICATIONS

Chair Horr had a question about the approval of the Cumberland Farms project and the request to put up a community wall inside the store.

Chair Horr had a question about the parking approval for Mousam Fall Apartments for the building on the corner of Main/Mill Street businesses parking.

Board member Connolly commented that Heritage Crossing parking lot was paved today.

Discussions took place on the following: other mill buildings, brownfields, Sanford Family Dental lot, the vacant lot on the northerly side of the roundabout on Rte 4/109.

VII. ADJOURN

The meeting adjourned at 7:56 P.M. and went into work session.

Attachment to September 20, 2017 Minutes

*Finding of Facts for Old Business Item #i.
File #999-17-T(1): Rezoning of 93 Lebanon Street*

This property is the former, and long vacant, Gendron Lumber facility located at 93 Lebanon Street (Map M28, Lot 6). In the fall and early winter of 2004, Eugene Cormier applied for and

secured a contract zone for this property to rezone it from Industrial Reuse (IR) and subdivision approval for a 44-unit, age restricted condominium development, known as Nason Farm, on the 4 acre site. However, the project never went forward. The contract between the City and the landowner specified that construction would be initiated within two years and be completed within five years. The contract zone expired in 2006 and subdivision approval expired in 2009.

Under § 280-10-4.6.2, "If the conditions and restrictions [of a contract zone] are not fulfilled or complied with within the specified time limits, the City Council may, after review by the Planning Board, extend the time limits or may initiate a rezoning to the original zoning district classification or to another zoning district classification," following "subsequent action of the City Council." Furthermore, under the terms of the Contract, "In the event that the Developer or its successors or assigns fails to develop the Project in accordance with this Contract...this Contract may be terminated by vote of the Sanford Town Council."

In June and July 2017, the Planning Board began to consider rezoning the expired contract zone to Residential Development (RD). Rezoning the property to RD was recommended by the Planning Director, based on the City and Sewer and Water District's infrastructure planning work for the RD Zones. The planning group observed that one of the City's existing RD Zones abuts the expired contract zone and, after subsequent site investigations, discussed the desirability of rezoning the property RD to accommodate new, medium density single and two family housing.

Under § 280-4-2.4 and § 280-4-2.5 of the Zoning Ordinance, before the City Council can act on a requested zone change, the Planning Board shall advertise and hold a public hearing on the proposed change and prepare written findings and recommendation for City Council consideration. Based on both Federal and State case law as well as State statute (Title 30-A MRSA §4352.2 and 3), "A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body..." and "A zoning map describing each zone established or modified must be adopted as part of the zoning ordinance..."

At the end of June, the Fire Marshal, Patrick Cotter, notified the landowner of the need to either "reconnect and place back in service the fire sprinkler and alarm or demo and remove the building from the site." In late August, the Fire Marshal notified the landowner that the property had been placarded.

Ninety-eight abutters were notified of the Planning Board's public hearing on July 19, 2017 and the Board's consideration of a recommendation that the City Council formally terminate the expired contract zone and rezone the property to RD. Though the Planning Director attempted to contact the property owner, she was not successful until immediately before the hearing. As a result, the Planning Board conducted the public hearing on the 19th, but continued it to September 6, 2017 to give the property owner a chance to meet with the Board. At the July 19 public hearing, no one spoke in support or against the rezoning to RD; however, one neighbor, Ernie Legere of 83 Lebanon Street, noted that while he was not opposed to the rezoning, he wanted to know who would make a decision as to the type of housing that would be allowed on the site. The Planning Director explained the City's development review process, which would bring such a development before the Planning Board for review. Donald Libby, an abutter on Miller Street, raised concerns about a sawdust pile on an adjacent vacant parcel and kids playing in buildings on the property.

At the September 6, 2017 public hearing, the landowner, Gene Cormier, and his realtor, Gary Samia, expressed interest in rezoning the property back to IR. They indicated that rezoning the property to RD would reduce the value of the property significantly, given the cost of demolition of the existing structure on the site and the City's soft housing market. In response to questions from the Planning Board, the applicant's agent noted that the property has been on the market for 9-12 months and has been vacant for at least 15-20 years. The Planning Board discussed concerns that rezoning the property to RD and a lack of development could perpetuate vacancy of the property. The Planning Board reviewed the list of allowed uses in the IR Zone and noted that

most require site plan review by the Planning Board. It was noted that if a nonresidential use allowed in the IR Zone were to come forward, the Planning Board likely will focus on how to mitigate impacts that may be detrimental to the largely residential neighborhood that has grown up around the site (i.e., managing traffic, screening unsightly views of the property, limiting noise and hours of operation, etc.).

The Planning Board, landowner, and his agent further discussed the desire for a community based/community supported use of the site, including mixed use, and the difficulty of marketing a sustainable, neighborhood-compatible use. The Planning Director noted that when AVESTA Housing and Developers' Collaborative were contacted about their interest in redeveloping the site for housing, they both indicated it likely would not fare well under the Maine State Housing Authority/Department of Economic and Community Development's criteria for financial support because of its distance from the City's Downtown. The Planning Director noted that she has begun discussing this concern with the City Manager and the Executive Director of the Sanford Regional Economic Growth Council and hopes to reach out to the State agencies to encourage them to reconsider their position, given the fact that it is common that Maine's larger cities¹, in addition to downtowns, have villages, hamlets, and neighborhood centers which also offer viable alternatives for livable, compact residential and mixed use development as an alternative to sprawl.

The Planning Board discussed the landowner's concern, along with the City's interest in protecting the adjacent neighborhood from inappropriate development, the need for areas to support the development of additional medium density housing which has access to public sewer and water and reasonable development constraints and considered a two-pronged approach for the property:

1. recommend that, in the short term, the City Council rezone the property IR and warn the landowner, potential developers, and the public that if a nonresidential use is proposed for the site that the Planning Board will focus on addressing mitigating potential negative impacts of such a development on the surrounding residential neighborhood and
2. at the same time, begin working on a site specific plan for redevelopment of the property, including medium density housing and/or mixed use or other neighborhood commercial, to create the basis for a legal, spot zone to support appropriate redevelopment of this "problematic" property.

¹ Sanford is the seventh largest city in the State.