

SANFORD PLANNING BOARD MINUTES
MEETING October 15, 2014 – 7:00 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: John McAdam, Chair
Lela Harrison, Secretary
Robert Hardison
Richard Bergeron
Lenny Horr

MEMBERS ABSENT: Kelly Tarbox, Vice Chair (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Michael Casserly, P.E., Assistant City Engineer
Shirley Sheesley, Chief Codes Enforcement Officer

STAFF ABSENT: None

I. CALL TO ORDER

Chair McAdam called the meeting to order at 7:03 P.M. Chair McAdam stated Public Hearing Item #2 would be heard before Item #1.

II. PUBLIC HEARINGS

Item #2 was heard before Item #1.

- 1. File #17-14-S: Adam Blaikie & Assoc., LLC, c/o John Hutchins,** Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

Chair McAdam called for a representative to present the project.

James Gulnac briefly overviewed the previous decision, said the information was forwarded to the city's attorney as requested, and recapped the attorney's findings. In summary, the attorney indicated the owner of the lot in question has a right of access across the property and this grants right of approval subject to the Planning Board approving following the private way standards.

John Hutchins, Corner Post Land Surveying representing the applicant, said the applicant has been on hold pending the determination so there have been no significant changes since the last meeting. Mr. Hutchins said he has been working with Mike Casserly, Asst. Engineer, to determine what would need to be done to the existing driveway to bring the road up to the private way standards.

Chair McAdam asked if anyone present wanted to speak for this project; there was no one.

Chair McAdam asked if anyone present wanted to speak against this project.

George Kanelos, 42 Farview Drive, is the resident of the driveway in question. He believes there are other options for the applicant to place the driveway. He thought the right of way was given to the people that owned the barn. He explained his concern with others using his driveway. He stated he is against it (the proposal) but if he has no choice he would like to talk to Patco to come to an agreement.

Chair McAdam said discussions would take place on blocking off access to the barn somehow, come up with a maintenance agreement that works for all parties, and the Board would consider Mr. Kanelos' best interests in their final decision.

Chair McAdam asked if anyone else would like to speak in regard to the project; there was no one.

Chair McAdam closed the public hearing.

2. File #18-12-R: R. Pepin & Sons, Inc., c/o Matthew Pepin, P.O. Box 729, Sanford, Maine.

Chair McAdam called for a representative to present the project.

David Pepin said there was one part on the plan he was supposed to have reclaimed by now and said it has not been reclaimed because he hasn't taken the gravel off it yet. He is asking for an extension for reclaiming this portion of the hill and explained why.

Chair McAdam asked how long of an extension he is requesting. Staff member Gulnac replied until June 2016. Mr. Gulnac stated Mr. Pepin is looking to edit and revise his operations manual, then outlined Mr. Pepin's request:

- Change the allowable time for crushing from 9:00 A.M. to 3:00 P.M. to 7:30 A.M. – 4:30 P.M.
- Permission to extract material in Section 4 on his plan, extending from June 2015 to June 2016
- Extend the time period for material removal in Section 3 on his plan from June 2015 to June 2016
- Change the restriction of truck travel on specific city streets
- Clarifying a previously approved change in Section 2.4 of the operations manual concerning the restriction of truck traffic between March 21 and April 30

Mr. Gulnac's suggestion would be to take each request separately.

Board member Hardison asked Mr. Pepin if the Board was considering the requests that were outlined in a letter from Mr. Pepin's son or only the request Mr. Pepin asked for tonight. Mr. Pepin responded he would accept any decision the Board made on the requests outlined in the letter.

Board member Hardison thought it was important to hear from abutters of this project before the Board began their discussion.

Chair McAdam asked if there was anyone present to speak for the requested amendments; there was no one.

Chair McAdam asked if there was anyone present to speak against the requested amendments.

Linda Renaud, 95 Old Mill Road, said there is a lot of truck traffic and the traffic is loud. She wanted to know how many trucks are allowed in the pit. She also doesn't feel it is safe for the students that attend the nearby school, and claims the gate is never locked at night. She asked the Board to look into the size of the pit and the amount of traffic on the road before further approving any changes.

Chair McAdam asked if anyone else would like to speak.

Sharon Pelletier, 41 Old Mill Road, also complained about the truck traffic. She claims she has cracks in her home (in her garage and basement) that are caused by the weight of the trucks going by her home. She can't understand how 18-wheelers are allowed to travel through a residential area. Ms. Pelletier is concerned about safety as well.

Chair McAdam asked if anyone else had comments.

Mike Allaire's (121 Milton Avenue) concern was the new start time Mr. Pepin was requesting. He would be willing to go along with the new start time if it is for all equipment. He didn't feel the crusher was the main cause of noise; it was the starting of the trucks. He would be against the new start time if it was for the crusher only and explained why. Mr. Allaire then addressed Mr. Pepin with a concern of one of his trucks – he said this particular truck has loud noises coming from this truck and there doesn't seem to be bumps or dips in the street that would cause this. His third concern is on the wear and tear of Old Mill Road going from Twombly Road to Main Street.

Mr. Pepin responded to Mr. Allaire's concern about his truck making noise and explained the taxes he paid that go towards road maintenance.

Chair McAdam asked if anyone else wanted to comment.

Joanne Fawcett, Old Mill Road, asked Mr. Pepin to remind his drivers the speed limit is 35 miles per hour on this road. Mr. Pepin said the company addresses these complaints immediately and encouraged residents to call when they see one of his drivers speeding. Discussion took place on what could be done to habitual speeders.

Chair McAdam asked if anyone else wanted to speak.

Board member Horr asked Mr. Pepin if he had the ability to track the other drivers or only his. Mr. Pepin responded he can only track his drivers. He said people can call the police department to complain and the police will monitor the road.

Chair McAdam asked staff member Gulnac about controlling truck traffic. Mr. Gulnac stated at this time there is no restriction on any city road regarding truck traffic. He said the Board can only make recommendations to the city council but it is up to the council to create city policies on roads and speed limits. Discussion followed.

Chair McAdam asked if there were any comments from the Board; there were not.

Chair McAdam closed the public hearing.

Chair McAdam asked how the Board felt about Mr. Pepin's request. The Board discussed the process it wanted to follow in making a decision on this request. It was decided to discuss this item in work session, continue with the other public hearing, and revisit the changes later in the meeting.

III. NEW BUSINESS

The Board reconvened after the work session discussion at 9:35 P.M. to take action on this item.

1. **File #21-14-R: Rigz Enterprises LLC, c/o John Palmitessa, J.P. Construction, Inc., 70 Westview Drive, Sanford, Maine.**

Chair McAdam called for motion on this application.

Board member Harrison made a motion that the Planning Board confirm the recommendations above as a Finding of Facts and grant minor site plan approval and a shoreland permit to File #21-14-R: Rigz Enterprises LLC, c/o John Palmitessa, J.P. Construction, Inc. and confirm that is has been prepared in compliance with the requirements of the Sanford land use codes, the shoreland zoning code, and the regulations of the State of Maine subject to the conditions as follows:

1. The applicant has paid any and all outstanding review fees.
2. The applicant complies with any and all building and fire safety codes.
3. The applicant schedules a pre-con meeting with the City Engineer and pays any required engineering inspection escrow fees.
4. The applicant will coordinate any utility work in River Street with MDOT.
5. The Permit by Rule be received from the DEP.
6. The applicant provides five (5) copies of the site plan revised as requested and approved by the city engineer to the planning office for certification prior to any building permits being issued.

Board member Horr seconded the motion.

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

IV. OLD BUSINESS

1. **File #18-12-R: R. Pepin & Sons, Inc., c/o Matthew Pepin, P.O. Box 729, Sanford, Maine.**

This item was discussed during work session; no action taken tonight.

2. **File #17-14-S: Adam Blaikie & Assoc., LLC, c/o John Hutchins, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.**

This item was discussed during work session; no action taken tonight.

V. APPROVAL OF MINUTES – September 17, 2014 and October 1, 2014

Minutes were not available for approval.

VI. PLANNING DIRECTOR'S REPORT

There was no Planning Director's report.

VII. ADJOURN

The meeting adjourned at 7:41 P.M. to go into work session. After the work session, the meeting adjourned at 9:38 P.M.

Attachment to October 15, 2014 Minutes

*Finding of Facts for Public Hearing Item #1
File #17-14-S: Central Acres Revision w/lan's Way*

No action taken on this item.

Finding of Facts for Public Hearing Item #2
File #18-12-R: Agway Gravel Pit

No action taken on this item.

Finding of Facts for New Business Item #1
File #21-14-R: Cigarette City Expansion

- I have met with Mr. Palmitessa and talked with him on the phone and discussed the issues outlined below. I instructed him to come to the scheduled SPRC meeting prepared with responses.
- The proposed development activity in this application is classified as a minor site plan; however, the property in question, lot 42, is located in the shoreland zone and therefore requires Planning Board review and approval.
- The application does not include any reference to the shoreland zone requirements concerning the activities within the 100' buffer.
- The proposed addition will involve the removal of the former Napa Auto Parts store (lot 42) and the construction of a 55' x70' [3,850 sf] addition to Cigarette City building (lot 41). The application should indicate that lots 41 & 42 are to be combined into a single lot to prevent the need to get setback variances. The narrative provided with the application indicated that the application would primarily involve lot 42; however there are some changes proposed for the parking lot and street frontage on lot 41. The project also includes property identified as J27, lot 40.
- The issue of access to the site needs to be discussed. There is a 14' right of way identified on lot 40 without any information about the details of the ROW.
- There should be a discussion on access movement onto the site. The major issue on this particular site is not the amount of parking spaces but that of access onto and off the property. Left turn entry onto the site from River Street crosses over traffic which is often backed up from the intersection. The applicant has attempted to provide a design which reduces the entrance by establishing raised planting area and creating driveway entrances which are not currently there.
- There is a dotted line rectangular in shape on lot 40 which appears not to be identified. In fact, the identification of dotted lines on the plan is incomplete and confusing. The legend is incomplete.
- Note #4 of the general notes states "Business conducted on the renovated property will not affect traffic on River Road." The applicant needs to provide supporting documentation for this statement as well as revising road reference to street.
- The plan shows some areas for landscaping and planting. More detail is needed to indicate exactly what the applicant is proposing. The narrative speaks of many improvements to the existing Cigarette City building; however, no details are provided. It is important that these details be provided.
- The parking spaces identified for handicapped parking need to clearly be marked. I suggest they be shown with the off-loading area between the two spaces; as they are shown, the area designated for the off-loading puts the handicapped individuals at risk with the traffic entering the site.