

**SANFORD PLANNING BOARD MINUTES
MEETING December 3, 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

STAFF ABSENT: None

I. CALL TO ORDER

Chair McAdam called the meeting to order at 7:00 P.M.

II. PUBLIC HEARINGS

1. **File #15-14-R: Gallo Rentals, c/o John Hutchins**, Corner Post Land Surveying, Inc., 600 Main Street, Sanford, Maine.

Chair McAdam called for a representative to present the project.

John Hutchins, representing the applicant, gave a brief overview of the project. He stated the applicant is proposing a 24-unit apartment complex on Patriots Lane consisting of six buildings. Mr. Hutchins said they have previously been before the Board and have worked through the majority of the issues. He told the Board the applicant has primarily been waiting for the approval of their DEP permit. He went on to say there have been some minor changes done to the plan, which is reflected on the plan being presented tonight. He then described the changes on the plan.

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

Chair McAdam asked if anyone present wanted to speak in favor of the application; there was no one.

Chair McAdam asked if anyone present wanted to speak against the application; again, there was no one.

Chair McAdam closed the public hearing.

The meeting moved into work session discussion on the public hearing item, following action taken on the rest of the agenda, at 7:28 P.M.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

1. **File #14-14-S: C.W., LLC, c/o Joseph Stanley**, PLS, LinePro Land Surveying, LLC, P.O. Box 60, Shapleigh, Maine.

Chair McAdam called for a representative to present the project.

James Gulnac, Planning Director, said the applicant is looking for final approval. The proposal has had all required public hearings, there are only minor issues that need to be resolved, and most of the issues he is aware of have been resolved. He stated he received notification of the applicant's ability to provide financial support in the form of an irrevocable letter of credit from SIS Bank.

Craig Burgess, Sebago Technics, representing the applicant said they worked closely with the planning department and the assistant city engineer to address the changes brought up during the preliminary review, and they were requesting final approval.

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

Chair McAdam asked Mike Casserly, Asst. City Engineer if he had anything to add.

Mr. Casserly said all the engineering issues have been worked out, the three waiver requests were ok, and there is a small issue to work out for the letter of credit. He said staff is following up on the homeowners' association formation to make sure the applicant is providing the necessary information to Maine DEP regarding maintenance on the subdivision's stormwater facilities.

Mr. Burgess added that the applicant does have the DEP permit in hand.

Chair McAdam asked if there were any other questions.

Staff member Gulnac informed the Board there was no reference in his report regarding the waiver requests staff member Casserly mentioned and asked Mr. Casserly to read the waivers for the record.

Staff member Casserly stated the applicant was requesting a waiver from Chapter 275-53E 1(a) – culvert material, Chapter 275-53C 1(a) – culvert size, and Chapter 275-53A – minimum scale of the plan. All of these waivers are ok with staff members. Mr. Casserly also explained a note on the plan that references book and page.

Staff member Gulnac asked the Board to reference the waivers stated by Mr. Casserly in its motion.

Board member Hardison made a motion that the Planning Board has reviewed the application identified as File #14-14-S Wood Haven Estates (received applicant confirmation that Wood Haven was in fact two words); accept the Finding of Facts (see attached), amended tonight to include the waivers, and find it has been prepared in accordance with the City of Sanford Subdivision and Site Plan Ordinances and all standards in 30-A M.R.S.A. Section 4404 and subject to the conditions listed below grant final major subdivision approval:

1. The applicant will pay any and all outstanding review fees.
2. The applicant will file the signed mylar with the York County Registry of Deeds within 90 days of the date upon which the plan is approved.
3. The applicant will provide a mylar of the subdivision with verification of filing at the York County Registry of Deeds to the Planning Department along with a

digital copy of the subdivision prepared as directed on the department's website.

4. The applicant will provide five (5) paper copies of the full set of plans to the Planning Department for certification by the Planning Director.
5. No construction permits are issued until all conditions of approval have been satisfied.
6. No Certificates of Occupancy are issued until the City Engineer and CEO have reviewed and accepted the construction of the proposed road/street.
7. The three waivers referenced in the engineer's report.

Board member Harrison seconded the motion.

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

The Board reconvened after the work session discussion at 8:14 P.M. to take action the following item.

2. **File #15-14-R: Gallo Rentals, c/o John Hutchins**, Corner Post Land Surveying, Inc., 600 Main Street, S, Maine.

Staff member Gulnac gave an overview of what was discussed during the work session, which was:

- The DEP permit
- Minor changes such as providing signage and striping for fire safety
- Movement of the utility room
- Safety lighting per request from the Police Chief
- The applicant will construct the parking lot and stormwater management, and will possibly phase the construction of the buildings
- Granted the waiver of the performance guarantee

Chair McAdam called for a motion.

Board member Hardison made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that application File #15-15-R Tara Place has been prepared in accordance with the ordinances of the City of Sanford and State Subdivision Law 30-A M.R.S.A. Section 4401 et seq. and subject to the conditions listed below approve both the major subdivision and major site plan:

1. The applicant has paid any and all outstanding review fees.
2. The subdivision has been filed in the York County Registry of Deeds within the required 90 days.
3. A mylar copy of the subdivision showing verification of filing at the Registry of Deeds plus five (5) paper copies of same have been supplied to the Planning Office.
4. Five (5) complete copies of the site plan have been supplied to the planning department for certification by the Planning Director.
5. The applicant will schedule a pre-construction meeting with the city engineer and may be required to post an inspection escrow at that time.

Board member Harrison seconded the motion.

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

V. APPROVAL OF MINUTES – November 5, 2014

Board member Harrison stated the minutes of November 5, 2014 were in order as written.

Board member Bergeron made a motion to approve the minutes of November 5, 2014 as written.

Board member Horr seconded the motion.

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

VI. PLANNING DIRECTOR'S REPORT

1. **The Planning Director** will present the draft EPA Cleanup Grant Application for the Transportation Center.

Staff member Gulnac stated the city will not be applying for the grant at this time. Since the city will not be applying, there will be no discussion tonight.

2. **Wendy Garland**, Maine Department of Environmental Protection will give a presentation on the Goodall Brook Watershed Management Plan.

Staff member Gulnac said Wendy Garland, Maine DEP and Theresa Galvin, Soil Conservation District were going to do a presentation on the Goodall Brook Watershed. Mr. Gulnac said the city received a grant to study this watershed and explained why. He then described the waterway and some of the studies that took place and the impact of development.

Chair McAdam asked if there were any questions; there were none at this time.

Theresa Galvin, York County Soil and Water Conservation District, identified other individuals who worked on and or contributed to the study; gave a brief presentation on the work that has been done; defined what a watershed management plan was; and explained why Goodall Brook needed a management plan, the strategies that were going to be used to implement the plan, and funding for the study.

Chair McAdam asked if there were many invasive species found along the watershed. Ms. Galvin said this was definitely an issue along certain areas, but several years ago the stretch of embankment by the ball park had been stripped of invasive species and replanted with native species. The hope was more of this type of work can be done.

Staff member Gulnac said it was his hope a copy of the plan along with the presentation could be posted on the city's website and a workshop will be held in the future. Staff member Casserly added the council reviewed this idea (the study) back in 2011 and signed an agreement that the city would take part in this project.

Chair McAdam asked if there were any questions.

VII. ADJOURN

The meeting adjourned at 7:28 P.M. to go into work session. After the work session, the meeting adjourned at 8:17 P.M.

Attachment to December 3, 2014 Minutes

This item was discussed in work session and voted on under old business.

Finding of Facts for Old Business Item #1
File #14-14-S: Wood Haven Estates

- The ordinance requires that a standard boundary survey certified by a registered land surveyor be submitted [Section 275-21 (8)]. Such a plan is referenced on the subdivision plan and an 11"x17" copy provided in the application. This satisfies the ordinance requirement. However, the applicant is advised that an electronic copy of the final subdivision plan prepared as directed on the planning department website is required for the final submission.
- The applicant has formally requested two waivers which will require the Site Plan Review Committee's comments. Additional waivers may become necessary during the review process at either the SPRC or the Planning Board. Any waivers will need to be reviewed and, if approved, listed in the conditions of the motion.
- The property is in the RR zone and, per the CEO's report, the proposed lot dimensions (space and bulk standards) have been met. This is not a cluster subdivision and there is no proposed open space. The Board may wish to require that the large lot identified as #7 should have a deed restriction that it cannot be further subdivided. The Board should decide if they wish this as a condition of approval or as a note on the plan.
- The applicant has proposed a road to be constructed to city street standards with the hope that it might eventually become a city street. The Board may wish to consider a recommendation that this remain a private street. The applicant also needs to provide confirmation from the city Fire Marshal that the hammerhead turn-around is adequate. It is shown as 40'; it is my understanding that the Fire Marshal calls for 50' plus some area for snow dumping.
- The application includes a brief description of a future homeowners association and their responsibilities; more detail including a note on the subdivision plan will be required for final approval.
- The applicant has proposed three (3) streetlights with underground connection and the statement that the cost of maintenance and operation of these lights will be the responsibility of the homeowners association. This should be added as a note to the subdivision plan.
- The plan indicates wooded buffers for each lot. Future lot owners should be advised that these wooded buffers are to remain in place.
- The applicant has provided a copy of an approved DEP permit (L-26415-NJ-A-N).
- The Board is satisfied that all outstanding engineering issues have been resolved including the posting of a performance bond if deemed necessary.

Finding of Facts for Old Business Item #2
File #15-14-R: Tara Place

- The applicant has provided verification of ownership and has standing to present the application.
- The application is considered a major subdivision being reviewed as a major site plan. Any approval granted will in fact be two approvals: 1. Subdivision and 2. Site Plan
- The application requires review by the SPRC and the Planning Board who has approval authority.
- The applicant has met in a pre-app meeting and coordinated the site plan design with the various departments and their comments.
- Public water and sewer service is available in Patriots Lane and adequate capacity exists.
- The applicant has indicated that fire sprinkler systems will be installed.
- While not a condition of approval, the applicant has proposed a traffic impact fee of \$10,440.00 based upon the guidelines in the traffic fee ordinance. Prior to the issuance of construction permits, the traffic engineer will need to review and comment. The City Council has suspended the traffic impact fee ordinance which may have removed this requirement.
- Confirm whether or not a permit from the MDEP is required. The applicant explained that they were in discussion with representatives from DEP trying to determine which specific

permit would be required. The Board explained that they would not vote to approve an application until the necessary DEP permit was approved.

- A public hearing was held and no one from the public rose to comment. The public hearing was tabled.
- The Board, by consensus, agreed that everything was in order except for the DEP permit and that the application should be tabled until such time as whatever type permit was required was issued. At that time, the applicant should contact the Planning Director who would then schedule the application at the next meeting of the Board.
- The public hearing was formally continued and closed at the December 3, 2014 meeting.
- The applicant has provided the DEP permit which has been reviewed by the City Engineer, whose comments have been provided.