

SANFORD PLANNING BOARD MINUTES
MEETING November 6, 2013 – 7:00 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Chair
John McAdam, Vice Chair
Lela Harrison
Joshua Howe
Richard Bergeron
Kelly Tarbox, Secretary

MEMBERS ABSENT: Matthew Treadwell (w/notice)

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

STAFF ABSENT: None

I. CALL TO ORDER

Chair Hardison called the meeting to order at 7:01 P.M.

II. PUBLIC HEARINGS

1. **File #07-13-R: Patriots Laundry, LLC, c/o John Hutchins**, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

Chair Hardison called for a representative to present the application.

John Hutchins summarized the application: the building has most recently been used as a medical office building, there are no exterior changes being proposed, all changes are interior. The applicant is requesting minor subdivision approval due the number of units being proposed.

Board member Tarbox asked if there were any parking changes. Mr. Hutchins stated there were not any changes to parking. James Gulnac, Planning Director, pointed out a dumpster has been added to the new site plan and Mr. Hutchins confirmed this change.

Chair Hardison asked if there was anyone present that wished to speak in favor of the application; there was no one.

Chair Hardison asked if there was anyone present that wished to speak in opposition to the application; again, there was no one.

Chair Hardison closed the public hearing.

Chair Hardison felt there was enough information presented to take action on the proposal at this time if there was no objection from the Board.

Chair Hardison asked Board members if they had any questions or comments; they did not.

Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board accept the recommendations of the Planner and confirm his recommendation as a Finding of Facts (see attached) and find that application File #07-13-R: Patriots Laundry, LLC, c/o John Hutchins for a subdivision has been prepared in accordance with the requirements of the Sanford land use codes and the regulations of the State of Maine and grant approval subject to the following conditions:

1. The applicant will provide two (2) mylars for the Planning Board to sign.
2. The revised plan will be filed at the York County Registry of Deeds within 90 days of the approval or it may be declared null and void.
3. The applicant will provide a mylar with verification of filing at York County on the mylar and six (6) paper copies of the filed plan to the Planning Office.
4. The applicant has paid any and all outstanding review fees.
5. That any use of the multifamily structure will be in conformance with any and all local or state building and/or fire safety regulations.

Vice Chair McAdam seconded the motion.

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

III. NEW BUSINESS

1. **File #06-13-Z: Paul Crowley, c/o Steve Zuk, Zuk Construction, 71 Javica Lane, Sanford, Maine.**

Chair Hardison called for a representative to present the application.

Steve Zuk explained the existing cottage is going to be demolished, moving the new structure back from the water and turning the building so there are more sideline setbacks. A new septic system is also included in the proposal.

Chair Hardison said the Planning Board's job is to determine whether or not they can approve the proposal because the Board has to determine if it is more or less nonconforming before making a decision.

Chair Hardison asked staff member Gulnac if he had any comments. Staff member Gulnac recommended going through the conditions listed in his report and the CEO's memo to make sure the Board is satisfied each condition is taking place.

Chair Hardison asked Shirley Sheesley, CEO and Mike Casserly if they had any concerns or comments.

Shirley Sheesley, CEO outlined some of the issues that are required to be corrected before obtaining a building permit:

- New septic design
- Flood elevation certificate
- Better re-vegetation plan
- Erosion control on site before any construction starts

Chair Hardison said there didn't seem to be anything in the CEO's memo that suggests the project would become more nonconforming; he then asked Mike Casserly, Assistant Engineer if he had any issues or concerns. Staff member Casserly replied he did not.

Board member Tarbox asked how a flood elevation certificate is acquired. Staff member Sheesley said it is a certificate that gets filled out by an engineer or surveyor that shows the elevation of the flood level and elevation of the basement floor; the basement has to be one (1) foot above flood level.

Chair Hardison asked if the Board had any further questions; there were not.

Chair Hardison read the nine items needed to be in compliance:

- a) Maintains safe and healthful conditions: **Confirmed**
- b) Will not result in water pollution, erosion or sedimentation: **Confirmed**
- c) Provides for disposal of all wastewater: **Confirmed**
- d) Will not affect wildlife habitat: **Confirmed**
- e) Will conserve shore cover: **Confirmed**
- f) Will protect archaeological & historic resource: **N/A**
- g) Will not adversely affect commercial fishing activities: **N/A**
- h) Will avoid problems with floodplain: **Confirmed**
- i) Is in conformance with §270-13 Land Use Standards: **Confirmed**

Chair Hardison said the Board concluded the project will not increase the nonconformity.

Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board has confirmed the Finding of Facts (see attached) and approve the request for a shoreland zone permit application File #06-13-Z: Paul Crowley, c/o Steve Zuk, Zuk Construction, 71 Javica Lane, Sanford, and recommend the issuance of a building permit subject to the following conditions:

1. That any and all outstanding review fees are paid.
2. That a septic permit be obtained from the CEO for the proposed new field.
3. That the applicant complies with any and all local and state building and fire safety codes, including obtaining a flood elevation certificate and a satisfactory replanting plan that meets the approval of the CEO.

Vice Chair McAdam seconded the motion.

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

2. File #08-13-Z: Neil Casa, c/o Steve Zuk, Zuk Construction, 71 Javica Lane, Sanford, Maine.

Chair Hardison called for a representative to present the motion.

Steve Zuk said the cottage will be lifted up, the existing foundation replaced, and place the cottage on the new foundation; the cottage and foundation will maintain the existing footprint.

Chair Hardison asked Board members if they had any comments; no one did.

Shirley Sheesley, CEO stated that even though this is a similar application to the Crowley request, she did have different concerns:

- Fill in the area
- Amount of vegetation to be disturbed in addition to what has already been disturbed
- Outstanding violation for clearing of vegetation and lawn extended to water
- Flood elevation certificate

Chair Hardison confirmed with staff member Sheesley that there is currently an outstanding violation that has not been resolved. Ms. Sheesley showed a picture of the property that compared the Casa property with a neighbor and explained the differences.

Chair Hardison asked Mr. Zuk if he was aware of this violation; Mr. Zuk responded he was. Chair Hardison explained to Mr. Zuk that the Planning Board can't take action on a property that has an outstanding violation notice so the Board would not take action on the application tonight, and couldn't until the violation has been corrected to the satisfaction of the CEO.

Chair Hardison called for a motion to table the application.
Board member Tarbox made a motion to table the application until such time the violation has been satisfied.

Vice Chair McAdam seconded the motion.

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

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES – September 4, 2013

Chair Hardison asked Board member Tarbox if the minutes were ready for approval. She said the minutes looked ok.

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

Vice Chair McAdam seconded the motion.

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

VI. PLANNING DIRECTOR'S REPORT

There was no report for tonight.

VII. ADJOURN

The meeting adjourned at 7:25 PM to go into work session.

Attachment to November 6, 2013 Minutes

Finding of Facts for Public Hearing Item #1 File #07-13-R: Patriots Place Change of Use

- The applicant is requesting approval to revise the previous approval (File #R15/61A-03-RS) to permit the building to become a multifamily facility with eight (8) units. The only change to the previously approved plan is an addition of space in the parking lot to locate a dumpster enclosure. The original approval was for a laundry facility which was changed to a medical facility as a minor change on September 17, 2007.
- The applicant has provided proof of ownership and has standing to submit the application.
- The CEO has determined that the proposed multifamily use is permitted with review. Furthermore while the project is considered 'minor' because it includes more than three (3) residential units it is classified as a subdivision and therefore requires Planning Board review and approval.
- The original plan, file #R15/61A-03-RS, was approved by the Planning Board on July 16, 2003 and filed in the county on July 17, 2003 Plan Book 282, page 33. The applicant is asked to explain the different page numbers.
- The Board should confirm that the only addition to the site plan is the introduction of the dumpster and that there are no other changes to the plan.

*Finding of Facts for New Business Item #1
File #06-13-Z: Paul Crowley Rebuild Shoreland Permit*

- The applicant has provided a statement from the property owner granting permission to submit the application.
- The subject property is within the shoreland zone and the existing structure is within the 75' setback from the shoreland.
- The request is to remove the existing structure and rebuild at a location further back from the shoreland but with a small portion of the new structure within the 75' buffer.
- The CEO report dated 10-9-13 indicated that per Section 270-11C.(3)(a) reconstruction or replacement is permitted subject to the review by the Planning Board who must confirm that the location meets the setback requirements *to the greatest extent possible*.
- To determine that the location is to the greatest extent possible the applicant needs to provide information so that the Planning Board can determine that the new location meets the following:
 - (a) maintains a safe and healthy condition;
 - (b) will not result in water pollution, erosion or sedimentation;
 - (c) provides for disposal of all wastewater;
 - (d) will not affect wildlife habitat;
 - (e) will conserve shore cover;
 - (f) will protect archaeological and historic resource;
 - (g) will not adversely affect commercial fishing activities;
 - (h) will avoid problems with floodplain;
 - (i) and is in conformance with section 270-13land use standards.

*Finding of Facts for New Business Item #2
File #08-13-Z: Neil Casa Foundation Replacement Shoreland Permit*

This item was tabled.