

SANFORD PLANNING BOARD MINUTES
MEETING December 5, 2012 – 7:00 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Lela Harrison, Vice Chair
David Mongeau, Secretary
Joseph Herlihy
Robert Hardison
John McAdam
Matthew Treadwell

MEMBERS ABSENT: None

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Charles Andreson, P.E., Town Engineer
Michael Casserly, P.E., Assistant Engineer

STAFF ABSENT: Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

Chair Tarbox called the meeting to order at 7:00 P.M. She requested a change of agenda order from the Board to hear file #17-12-Z first; the Board agreed. Ms. Tarbox also said that the public hearing for file #18-12-R, Pepin & Sons' request would not be heard because the application was not ready for Planning Board review.

II. PUBLIC HEARINGS

- 1. File #11-12-R: Rockwell Investment Group, LLC, c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine. This is a continuation from the Planning Board's November 16, 2012 site visit.**

This item was heard after New Business Item #1.

Chair Tarbox asked for the reports from the planning director and engineer to be read first.

Staff member Gulnac said the site visit was held at 7:00AM. The applicant staked out the corners of the buildings so Board members and abutters could see where the buildings would be located. Mr. Gulnac had no formal review from the site visit but asked staff member Casserly if he did and also asked John Hutchins, the applicant's representative, if he did as well.

Mike Casserly, engineer, said the majority of the comments heard at the site visit were the same comments voiced at earlier public hearings: neighborhood look, noisy tenants, traffic, and safety for pedestrians. Mr. Grondin, a neighbor who closely abuts building B, is concerned about there being possible ledge in the ground that may have to be blasted and wanted to know how that would be for his house.

Mr. Casserly said he and Charlie Andreson, town engineer, looked into the concern about the intersection by Notre Dame Church and have asked the applicant to have their traffic engineer look into the effect, if any, the project would have on this intersection.

Mr. Gulnac recommended that the Board members who attended the site visit add any comments they feel are relevant in the discussion of this project.

Chair Tarbox asked if Board members had anything to add.

Board member Mongeau asked Mr. Casserly to explain drainage off the property and how it did not meet certain criteria. Mr. Casserly said that the post-development peak flows were greater than the pre-development peak flows in both the original and revised designs. Board member Mongeau asked if the flows could be described in percentages; Mr. Casserly said the post-development flow is 150% greater than pre-development flow but also added this does not mean there is a large amount of flow.

Chair Tarbox asked if there were any other questions or comments from Board members; there were none.

Staff member Gulnac requested that John Hutchins, applicant's representative be given a chance to comment about the site visit.

John Hutchins said he was fine with the site visit and thought it went well. He also had no other comments that came from the site visit. They are still presenting the application as is (the revised plan).

Chair Tarbox asked if anyone present had any comments relative to the site visit, other than the ones already presented at the previous public hearing, to add to tonight's hearing.

Roland Cote, Goodwin Street, still has major concerns regarding traffic coming out of the parking lot going down Mill Street instead of Payne Street.

Chair Tarbox asked if anyone else had anything to add in regard to the site visit.

Staff member Gulnac added that he had a discussion regarding internal traffic flow and the two separate driveway entrances. He went on to explain the discussion, which was to have one design at the top of the property with no need for a second entrance for emergency vehicles. Board member McAdam commented that Charlie Andreson, town engineer, had previously said the location of the single entrance at the top of the property would not work; a discussion followed.

Staff member Gulnac suggested that the applicant/agent have a chance to present the revised application based on changes made from the design committee's recommendations, etc.

John Hutchins, Corner Post Land Surveying, Inc. representing the applicant described the changes made to the plan:

- The 10-unit building now has only 6 units and is now located near the parking area
- The original sidewalk along the road now parallels Beaver Hill Road and Payne Street and ties in to the existing sidewalks
- Reduced the amount of disturbed area and impervious surface
- Added a locked, gated entrance with Knox box per request of the fire marshal

Mr. Hutchins said the design review committee made comments and the changes made to the proposal were based on these comments.

Mr. Gulnac asked Mr. Hutchins if these particular proposed structures fitting in the neighborhood were discussed in general terms at the design committee meeting; Mr. Hutchins replied it was and the dormers, 12 pitch roof, and other changes came about because of this meeting so the new buildings would better fit in the neighborhood.

Mr. Gulnac then asked if the number of units in each structure is common in the area because a comment that keeps coming up is the number of proposed units being too many. Mr. Hutchins said that there is a lot in the area that has a total of eleven units on it and the lot is much smaller than the proposed lot.

Board member Mongeau would like to know which lot he is specifically speaking about that has eleven units. Mr. Hutchins said that the lot is located two streets down from the proposal on Mill Street. Discussion took place and Mr. Hutchins said the questions asked by Mr. Gulnac were discussed at the design review committee meeting and the committee was comfortable with the number of units being proposed.

Board member McAdam, also a member of the design review committee, said that he was not comfortable with the number of units when it was discussed at the design review committee meeting, but the committee was not there to discuss density only design.

Chair Tarbox asked if Mr. Hutchins had any other comments; he did not.

Chair Tarbox asked if anyone present wished to add comments.

Charlie Plante, a resident of Littlefield Road (off Elm Street), has lived in the area for 64 years and his company is contracted by the town for road plowing in the Beaver Hill area. Mr. Plante doesn't feel this project fits in the area – he wants to know how they are going to address snow removal. He is going to take a better look at the plans if the project goes further into the review process.

Fred Smith, a resident of Springvale, said tonight it was mentioned there was going to be a 9-foot retention wall but at a previous meeting it was said there was not going to be any type of fencing or separation from the abutting lots. He is concerned about safety with the drop this wall will have. He is also concerned about the number of units being proposed – he believes this is too dense for the area. He asked the board members to think about the proposal as though it was being put in their or their family's neighborhood and what they believe would be a reasonable density. Mr. Smith would also like to have mandatory fencing for the property to protect neighboring property from the residents of this proposal.

Melanie Emmons, a resident of Payne Street, said she has only seen one 3-story complex on Payne Street. She said that if the board was really concerned about making the buildings fit in then they would need to make them be built to look really old, really rotted, and falling down like the rest of the neighborhood.

Ken Burgess, a resident of Springvale, said he is pro-building – it is required for the business he is in. He said that the Board and design committee work hard to allow buildings to fit into the communities around town. Mr. Burgess said parking in the area is invisible because it is behind the buildings and people park on the street – even in winter – so it is already congested. He hopes the project can get developed as long as it fits in and not only by density.

Mr. Burgess then asked about the elevation of the buildings with a 12 pitch roof; discussion took place.

Mr. Burgess also added to the discussion of plowing in the area that was initially brought up by Charlie Plante.

Charlie Plante asked the Board to really consider the snow factor when making a determination on the project.

Karen Plante, a resident of Springvale, said her concerns are adding traffic to Payne Street and the safety of children in the neighborhood. She said that with people parking on Payne Street it makes it hard to see children when driving on Payne Street.

Brian Griffin, a resident of Springvale, said he has an issue with parking. He wanted to know how many spaces there was going to be for the tenants, where the guests will park, and where they will park in the winter time. He also agreed with the comments from Charlie Plante about snow removal.

Jim Plante, a resident of Springvale, asked the Board if any of them would like to have this built in their neighborhood. He said the residents in the area don't want it, they don't need it, and they don't want any more trailer park trash in the neighborhood.

Diane Connolly, a resident of Railroad Avenue in Springvale, said she is not pro-building. She said the area residents don't want the project; she is not in favor of it. She said they are tired of the noise, destruction of wildlife, and the project doesn't fit in the area.

Richard Cloutier, abuts the property, said the project affects the entire town because once these units are built, other buildings will become vacant. This will add to the mass of vacancies already in town.

Chair Tarbox asked if anyone else would like to speak; there was no one.

Chair Tarbox closed the public hearing.

2. File #18-12-R: R. Pepin & Sons, Inc., c/o Carl Beal, 15 Deborah Avenue, Sanford, Maine.

The public hearing for this item was not held because the application was not ready for Planning Board review.

III. OLD BUSINESS

There were no old business items.

IV. NEW BUSINESS

This item was heard before Public Hearing Item #1.

1. File #17-12-Z: PATCO Construction, Inc., 1293 Main Street, Sanford, Maine.

Chair Tarbox called for a representative to present the project.

Mark Patterson, PATCO Construction, gave a brief summary why the permit was being requested. The reason behind the request is a condition of approval of the subdivision approved a few years back. A portion of the property in question abuts a stream but the proposed house is not located within the required shoreland setback.

Chair Tarbox asked if there were any questions from Board members; there were not.

Chair Tarbox called for a motion.

Vice Chair Harrison made a motion that the Planning Board confirm the finding of facts (see attached) and approve the request for a shoreland zone permit, application file #17-12-Z, and recommend the issuance of a building permit subject to the following conditions:

- a) That any and all outstanding review fees are paid.

- b) The applicant pays the appropriate highway impact fee for the construction of a new single family home.
- c) That the foot print of the building be as identified on the plat provided.
- d) That a septic permit be obtained from the CEO for the proposed 30' x 30' field.
- e) That the applicant complies with any and all local and state building and fire safety codes.

Board member Hardison seconded the motion.

Before the vote, Chair Tarbox asked staff member Gulnac if the Board has to approve the request for a shoreland permit. Staff member Gulnac replied that after the discussion, the Board will only need to authorize the issuance of the building permit as required by the subdivision.

Chair Tarbox asked to have the motion revised.

Vice Chair Harrison removed the statement 'approve the request for a shoreland permit' in her original motion. The motion now states: '...the Planning Board confirm the finding of facts (see attached) and recommend the issuance of a building permit subject to the following conditions...' (the conditions remain the same).

Board member Hardison seconded the motion.

A vote was taken, and the motion passed 7-0.

V. APPROVAL OF MINUTES

There were no minutes ready for approval.

VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac said that he will review his report after work session.

VII. ADJOURN

The meeting adjourned at 7:55 PM.

Attachment to December 5, 2012 Minutes

*Finding of Facts for Public Hearing Item #1
File #11-12-R: Beaver Hill Estates*

There was no vote taken at tonight's meeting.

*Finding of Facts for Public Hearing Item #2
File #18-12-R: Pepin Mineral Amendment*

There were no Old Business Items

*Finding of Facts for New Business Item #1
File #17-12-Z: Yeaton Hill Road Shoreland Request*

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- Lot 60 of the Springvale Station Subdivision was part of subdivision File #15-06-S approved in May of 2006. Included as a Finding of Facts and made a condition of the final approval was the requirement that before a construction permit is issued a Shoreland Permit issued by the Planning Board would be necessary. (The correct identification of the property is tax map R6, lot 60, subplot 6.)
- PATCO Construction is requesting that the Planning Board issue a permit so that they can apply for a building permit.
- The primary purpose of this requirement was to review the specific location of the footprint of the residential unit. Therefore any approval would stipulate the location of the footprint as well as any impervious coverage.
- The CEO is typically responsible for the review of the shoreland zone requirements and it is only when specifically required does the Planning Board become involved. The CEO has determined that because there is no disturbance in or near the shoreland zone boundary that a shoreland zone permit is not required.
- The application booklet included a Review of Shoreland Performances as it applies to the proposed project (Shoreland Zoning Ordinance, Section 270-14. Shoreland Performance Standards).
- Section 270-14 A.(3) includes the guidelines for impervious coverage. The permitted impervious coverage for properties located in or partly in the shoreland zone and in the RR zone is 25%. The response in the narrative states simply that the impervious area is not within the shoreland zone. The plot plan contained the statement that the percentage of residential lot coverage was 0.337 %. The applicant is asked to clarify and explain whether or not the proposed impervious coverage is 25% or less.
- It appears that all other conditions required by the subdivision for a construction permit have been complied with.