

**SANFORD PLANNING BOARD MINUTES**  
**MEETING May 19, 2010 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Kelly Tarbox, Chair  
Robert Hardison, Vice Chair  
Joseph Herlihy  
John McAdam  
David Mongeau  
Gregory Vermette  
Gary Morse, Secretary

**MEMBERS ABSENT:** None

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Charles Andreson, P.E., AICP, 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 7:30 P.M.

**II. PUBLIC HEARINGS**

There were no public hearing items.

**III. NEW BUSINESS**

There were no new business items.

**IV. OLD BUSINESS**

- 1. File #02-10-S: John Caramihalis, Patterson Companies, LLC, c/o John Hutchins,** Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.

Chair Tarbox called for a representative to present the project.

John Hutchins, Corner Post Land Surveying, Inc., explained how the driveway issue was resolved and believed the only outstanding issue was the letter from the fire chief. Mr. Hutchins thought that Jim Gulnac, Planning Director was going to contact Chief Parent for clarification.

Staff member Gulnac said that he sent out an email letting the Board know that he was unable to make contact with the Fire Chief before tonight's meeting, so Mr. Gulnac had not received any further communication from Chief Parent. He said the Chief knew the Board wanted clarification on the Chief's previous letter (dated May 3), and Mr. Gulnac went on to read a paragraph of the May 3<sup>rd</sup> letter and gave his own interpretation of what the Chief wrote; discussion followed.

After the discussion, it was decided that the Board would defer to the Chief's judgment on the fire suppression issue for this application. Board member Morse asked if the Planning Board was entitled, as a public safety standpoint, to make their own decision on this matter or if they

had to follow the Chief's advice. Mr. Gulnac replied the Planning Board could make their own decision and explained if the Board should choose to do so, the Board would need to make it clear how they came about making a different recommendation than the fire chief's; discussion followed. All Board members agreed that the issue of the ordinance definition of 'site' needs to be reviewed.

Chair Tarbox asked staff member Casserly if he had any outstanding issues. Mr. Casserly said the driveway issue was taken care of properly, and his memo pointed out there was no objection to the three waiver requests.

Chair Tarbox called for a motion.

Board member Morse made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that application file #02-10-S, Patterson Companies, LLC, c/o John Hutchins for a final subdivision has been prepared in accordance with Article V Chapter 275 Subdivision of Land and 30-A M.R.S.A. Sec 4404 and is approved with the following conditions:

- a) The applicant will pay all outstanding application review fees.
- b) The applicant will pay a \$250.00 (5 lots @ \$50.00 per lot) map filing fee.
- c) The applicant shall provide two (2) mylars of the approved plan for signature by the Board.
- d) The applicant has 90 days to record the signed mylar at the York County of Deeds; failure to meet this deadline could result in the approval being declared null and void.
- e) The applicant will return one (1) of the mylars with proof of filing plus six (6) paper copies of the filed plan to the planning office.
- f) The applicant will also supply a digital copy of the final plan in a manner approved by the Town Engineer.
- g) The applicant will schedule a pre-construction meeting with the town engineer and pay any required inspection fees and make arrangements for a performance guarantee if required.
- h) No construction permits shall be issued until the conditions of this approval have been met.

Vice Chair Hardison seconded the motion.

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

**2. File #14-09-S: Matthew Colton, c/o Steven Horne, PLS, P.O. Box 1544, Sanford, Maine.**

Chair Tarbox called for a representative to present the project.

Matthew Colton, 177 Lebanon Road, stated he was here for final approval for his developmental subdivision request.

Staff member Michael Casserly stated the discussion among Charles Andreson, Town Engineer; Mr. Colton; Mr. Horne; and himself focused on the fact that the impervious area was greater than 35%, and the applicant and his agent presupposed that the Planning Board would require stormwater BMPs per ordinance requirements. The group came up with an acceptable plan by using a stone-filled infiltration trench that would be used to catch water from the parking lot; both Mr. Andreson and Mr. Casserly felt the rest of the application was ready for approval.

Chair Tarbox then went over the checklist of required items from the last meeting to make sure these were taken care of. After going through each item, she was satisfied that all issues have been addressed.

Chair Tarbox called for a motion.

Board member Morse made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that application file #14-09-S, Colton Developmental Subdivision, for a final subdivision has been prepared in accordance with Article V Chapter 275 Subdivision of Land and 30-A M.R.S.A. Sec 4404 and is approved with the following conditions:

- a) The applicant will pay all outstanding application review fees.
- b) No map filing fee is required.
- c) The Planning Board grants a density bonus to permit the fourth residential unit.
- d) The approval is for residential use only; any use not normally permitted with residential would require review by the Planning Board.
- e) The applicant shall provide two (2) mylars of the approved plan for signature by the Board.
- f) The applicant has 90 days to record the signed mylar at the York County of Deeds; failure to meet this deadline could result in the approval being declared null and void.
- g) The applicant will return one (1) of the mylars with proof of filing plus six (6) paper copies of the filed plan to the planning office.
- h) The applicant will also supply a digital copy of the final plan in a manner approved by the Town Engineer.
- i) The applicant will schedule s pre-construction meeting with the Town Engineer and pay any required inspection fees and make arrangements for a performance guarantee if required.
- j) No construction permits shall be issued until the conditions of this approval have been met.

Board member Vermette seconded the motion.

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

#### **V. APPROVAL OF MINUTES – March 17, 2010; April 7, 2010; and May 5, 2010**

Chair Tarbox called for approval of the minutes.

##### March 17, 2010

Board member Morse made a motion to approve the minutes as amended.

Board member Vermette seconded the motion.

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

##### April 7, 2010

Board member Morse made a motion to approve the minutes as written.

Board member Vermette seconded the motion.

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

##### May 5, 2010

These minutes were not available for approval.

#### **VI. PLANNING DIRECTOR'S REPORT**

There was no report for tonight's meeting.

## VII. ADJOURN

The meeting adjourned at 7:50 PM. A work session immediately followed.

### Attachment to May 19, 2010 Minutes

*Finding of Facts for Old Business Item #1*  
*File #02-10-S: Ridley Farm Subdivision*

- The applicant has established proof of ownership and has standing to submit the application.
- The application was classified as a minor.
- The application is presented as an Inventory and Analysis under Sections 275-13 to 15.
- The proposal consists of the development of five (5) residential parcels on two non-congruent pieces. Both parcels front on Ridley Road which will provide driveway access.
- The property is located in the RR (Rural Residential) zone. All lots will be over 80,000 square feet.
- The lots will have individual subsurface septic systems and private wells.
- Fire protection is to be provided by a hydrant at the intersection of Railroad Ave and Yeaton Hill Road approximately 1,800 feet from the site. The Fire Marshal will need to comment on whether or not this will satisfy the need for adequate fire protection.
- The application was considered at a SPRC meeting on February 17, 2010.
- The primary area of concern was fire protection. The applicant was proposing that the properties could be serviced with existing hydrants. There was some concern as to the distance from the hydrants to the parcels. This would need to be reviewed at the Planning Board.
- The applicant would be seeking a waiver for clearing limits for proposed lot 4.
- The engineer was satisfied with the contour level.
- The question of possible shared driveways was discussed but no final decision was reached.
- The Fire Chief has advised the Planning Board that since the property under consideration is within 0.5 miles of the nearest fire hydrant, no additional fire protection will be required.
- The town engineer has met with the applicant and they have reached agreement on the driveway location and the construction of the entrances. The information is shown on the plan.
- A letter from Stephen Sterns, P.E. has been received stating that there was adequate sight distance for proposed lots 3, 4 & 5. He further stated that to obtain sight distances for lots 1 & 2 some removal of vegetation will be required. The information required has been added to the plan.
- The town engineer has reviewed the latest plan with a review date of 5-12-10 and finds that they contain all the information requested and required.
- The Planner indicated that the May 3<sup>rd</sup> letter from the Fire Chief indicated that no additional fire protection was warranted.

*Finding of Facts for Old Business Item #2*  
*File #14-09-S: Colton Developmental Subdivision*

- The applicant/owner has provided proof of ownership and therefore has standing to submit the application.
- The property is located in the RD zone. Multifamily use is a PR [permitted with review] use, while the additional service and business activities are CU [conditional use] activities.
- The applicant has removed the previous structure which had been damaged by fire. The reuse of the property as a two-family is a "by-right" use and a building permit has been issued for the reconstruction.
- The applicant sought a building permit for a third residential unit and was denied by the CEO who indicated that the third unit would reclassify the project as a subdivision and require Planning Board approval.

- The applicant filed an application but also requested under the permitted as a CU (conditional use) some non-residential uses. The application is defined under state law as a subdivision and as a developmental subdivision under the Sanford land development code. Under the administrative guidelines of the Planning Board, developmental subdivisions are to use the same application process as a minor subdivision (Articles IV & V of Chapter 275 Subdivision). However, CU applications require review and approval of the Site Plan Review Committee (Section 280-63 of the Zoning Code).
- I am waiving the requirement that a subdivision application include an inventory and analysis report (Chapter 275-14) and the preparation and submittal of a plan prepared by an engineer/surveyor so that the application can begin the formal review process.
- I cannot waive the requirement for SPRC review as Section 280-63 states in part: “Any project involving the establishment of a new conditional use must obtain site plan approval in accordance with Article XVII, Site Plan Review, in addition to obtaining conditional use approval from the Planning Board.” The project was reviewed at the SPRC on 10-28-09.
- As a result of the feedback at the SPRC meeting the applicant indicated that at that time they were not prepared to come before the Planning Board.
- On January 8, 2010 we received additional information. I discussed the application with the applicant and he indicated that he wanted to pursue the application not only for an additional residential unit (developmental subdivision) but also for the various non-residential uses contained in the original request (conditional use).
- The applicant has retained Mr. Steven Horne, PLS to serve as his agent.
- Mr. Horne has submitted a revised application which is intended to clarify the applicant’s position.
- The application is a request for permission to construct a four (4) unit residential structure.
- The application has been deemed a subdivision by definition and is presented as a developmental subdivision.
- By Planning Board policy, developmental subdivisions follow the guidelines for minor subdivisions. For the purposes of placing the application on the Planning Board agenda, I have waived the requirements for detailed engineering plan as this is primarily a reconstruction and per the application narrative there is no net increase of impervious cover. The application further states that no additional impervious area is required for parking.
- The property is located in the RD zone and contains sufficient acreage to support three (3) residential units. However, the applicant has requested that the Planning Board consider review under the density bonus (Section 280-44H-2) provision. The applicant has provided a brief explanation of support for this request. The Board must establish a finding of fact that the application has satisfied these requirements.
- The Board will also need to consider the other waiver requests of the applicant, especially concerning the required survey and submission data. Since there are no boundary changes, I see no reason why the request should not be granted.