

**SANFORD PLANNING BOARD MINUTES**  
**MEETING May 5, 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  
Michael Casserly, P.E., Assistant Engineer

**STAFF ABSENT:** Charles Andreson, P.E., AICP, Town Engineer (w/notice)  
Barbara Bucklin, Administrative Assistant (w/notice)

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**I. CALL TO ORDER**

Chair Tarbox called the meeting to order at 7:30 P.M.

**II. PUBLIC HEARINGS**

1. **File #09-09-SZ: David Ouellet, Boston Mortgage Group, Inc, c/o Jim Fisher, Northeast Civil Solutions, 153 US Route 1, Scarborough, Maine.**

Chair Tarbox called for a representative to present the project.

Jim Fisher, representing the applicant, explained why the application was coming before the Board. The frontage for the second lot is just under the ordinance requirement, other than that the proposed new lot meets all other space and bulk criteria. He then gave an overview of the project.

Chair Tarbox asked if any Board members had any questions at this time; they did not.

Chair Tarbox asked if anyone present wanted to speak in favor of the application; no one did.

Chair Tarbox asked if anyone present wanted to speak in opposition of the application.

Richard Boisvert, property owner of 15 Howard Street, asked what the required side setback was, and what the proposed setback is. Jim Fisher responded the required setback is ten (10) feet and went on to explain what the applicant is proposing, which is about seventy (70) – eighty (80) feet.

Mr. Boisvert said he disputed the accuracy of the site map. He questions one of the proposed property's boundary lines. Mr. Boisvert believes one of the boundary lines of the proposed property goes through part of his (Mr. Boisvert's) property, claiming that Mr. Fisher's plan cuts out part of his (Mr. Boisvert's) property and adds it to one of the proposed lots. Mr. Boisvert told the Board he had spoken to the licensed professional earlier in the day and could not get the error acknowledged.

Chair Tarbox thanked Mr. Boisvert and said his concerns would be addressed during the work session.

Chair Tarbox asked if anyone else would like to speak about this project; no one did.

Chair Tarbox closed the public hearing.

2. **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., representing the applicant, said that this project had been through the sketch plan review and SPRC review process, gave a quick overview of the project and believed the only real issue during site plan review was that public works asked to see the driveways on the plan, do some topographic changes and centerline engineering of the driveways to make sure the drainage was going to work. Mr. Hutchins said the revised plans have been given to public works.

Staff member Gulnac asked if the fire protection issue was worked out with the fire marshal. Mr. Hutchins said they have received a letter from Chief Parent stating that the subdivision was within a reasonable distance of the hydrant.

Chair Tarbox asked if any Board members had any questions at this time; they did not.

Chair Tarbox asked if anyone present wanted to speak in favor of the application; no one did.

Chair Tarbox asked if anyone present wanted to speak against the application. Again, no one did.

Chair Tarbox closed the public hearing.

3. **File #04-10-RU: RJ Grondin & Sons, c/o Larry Grondin**, 11 Bartlett Road, Gorham, Maine.

Larry Grondin gave an overview of the operation and explained the reason for the extension request.

Chair Tarbox asked if any Board members had any questions at this time; they did not.

Chair Tarbox asked if anyone present wanted to speak in favor of the application; no one did.

John Caramihalis wanted to clarify where the pit was located and wanted to know if the abutters were notified. There was a brief discussion.

Chair Tarbox asked if anyone present wanted to speak in opposition of the application.

Chair Tarbox closed the public hearing.

During the work session meeting, the Board decided they had enough information to approve the request with conditions after the discussion they had with Mr. Grondin.

David Mongeau made a motion that the Planning Board accept the finding of facts (see attached) for File #04-10-RU, Grondin & Sons, and subject to the conditions listed below, grant approval:

- a) The operations manual is made part of this approval and all conditions in the manual are still in effect.
- b) The performance bond may be reduced subject to Town Engineer approval.
- c) That a reclamation plan will be in effect for the “north” side and that it will be completed in one (1) year from May 5, 2010.
- d) At a minimum the applicant will provide an activity report on April 30<sup>th</sup> and October 30<sup>th</sup> each year to the town engineer who will conduct an inspection to verify the report. The applicant will be responsible for maintaining an adequate inspection escrow with the engineering department.
- e) Any changes to the approved plan will require review and approval by the Planning Board.
- f) Any failure on part of the applicant or any subsequent owners to comply with the conditions of this approval will result in the immediate cessation of the operation.

Board member Vermette seconded the motion.

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

### **III. NEW BUSINESS**

There were no new business items.

### **IV. OLD BUSINESS**

There were no old business items.

### **V. APPROVAL OF MINUTES**

There were no minutes ready for approval.

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

There was no report for tonight’s meeting.

### **VII. ADJOURN**

The meeting adjourned at 7:51 PM. A work session immediately followed. Once work session discussion was completed for file #04-10-RU and the Board was satisfied with the proposal, the Planning Board took action (see above under Public Hearings).

\*Non-agenda item: Staff member Gulnac talked about an application that has come into the Planning Department. He explained that the owner of a house across from Gowen Park (741 Main Street) brought a building permit application to the Codes Enforcement office. Shirley Sheesley denied the application and referred the request to the Planning Board due to not meeting the setback requirements. After Mr. Gulnac’s explanation, the Board decided this could be reviewed at staff level and did not need formal Planning Board approval.

## **Attachment to May 5, 2010 Minutes**

*Finding of Facts for Public Hearing Item #1  
File #09-09-SZ: Ouellet Subdivision*

The Planning Board did not take action on this item under public hearing section.

*Finding of Facts for Public Hearing Item #2  
File #02-10-S: Ridley Ridge*

The Planning Board did not take action on this item under public hearing section.

*Finding of Facts for Public Hearing Item #3  
File #04-10-RU: RJ Grondin & Sons Mineral Extraction Amendment*

- The applicant has established his right to submit the application.
- Grondin & Sons has been operating a mineral extraction facility at this site continuously since their approval in 1991. That approval was granted for a 5 year period. However it was not until 2001 that the applicants were granted some revisions and an extension.
- Section 16.6.6 states in part that “no approval shall be issued for a period to exceed five (5) years, although such approval may be renewed for additional periods in the same manner”; staff has been encouraging the applicant to reapply for a renewal of the extension/reissue approved by the Planning Board on May 18, 2001.
- Section 16.6 *Mineral Extractions Standards* shall be followed in the review of this application.
- With this application the applicant has now met the requirements for a timely request for continuation of the mineral extraction activities.
- The applicant appeared before the Planning Board at the November 7, 2007 work session which was a continuation of the August 1, 2007 work session.
- At this meeting it was agreed that the “north” portion of the site would be granted an extension for two (2) years during which a complete restoration would take place.
- It was agreed that the construction of the barrier fence would not commence until the actual mining of the “north” side would be complete.
- The “south” side would be granted a full five (5) year extension of the mineral extraction permit.
- The plan will include an encumbrance on the property for the re-alignment of the road. The responsibility for the actual construction will be with the future property developer(s).
- There was agreement that aggressive site management would be required to ensure that the misuse of the property by ATVs and other trespassers would not continue.
- The applicant presented in a public hearing his request for an extension of the time for the ‘north’ pit in order to remove some material and finish the reclamation he also had some additional modifications which might require changes to the Manual of Operations.
- No one from the public rose to speak at the public hearing.
- In work session, the Board and staff, after discussion with Mr. Grondin, reached consensus that an addendum to the existing manual of Operations be approved subject to the Town Engineer’s approval and that the ‘north’ pit permit be extended one (1) year from this date to permit the removal of top soil and to complete the reclamation of the pit.
- The Board also reconfirmed the finding of facts from the previous approval.