

**SANFORD PLANNING BOARD MINUTES
MEETING October 17, 2007 – 7:30 P.M.
Town Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Robert Hardison, Chairperson
Kelly Tarbox, Vice Chairperson
Joseph Herlihy
Margaret Kleinrock
Gary Morse

MEMBERS ABSENT: Gregory Vermette (w/notice)

STAFF PRESENT: Charles Andreson, P.E., AICP, Town Engineer
Michael Casserly, Assistant Engineer
Barbara Bucklin, Administrative Assistant

STAFF ABSENT: James Q. Gulnac, AICP, Planning & Development Director

I. CALL TO ORDER

Chairperson Hardison called the meeting to order at 7:30 P.M.

II. PUBLIC HEARING

1. **File #23-07-S: Gray & Sons Builders, LLC, c/o Steve Horne, PLS, Middle Branch Professional Land Surveyors, PO Box 618, Alfred, Maine.**

Chairperson Hardison called for a representative to present the application.

Steve Horne, PLS, representing the applicant, briefly overviewed the application and asked if there were any questions.

Chairperson Hardison asked if staff had any questions or comments regarding the application.

Charles Andreson, Town Engineer, stated the application was ready for approval, and Assistant Engineer Casserly concurred.

Chairperson Hardison asked if anyone present wished to speak in favor of the application; there was no one. Chairperson Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chairperson Hardison asked if Board members had any questions; they did not.

Chairperson Hardison closed the public hearing and called for a motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and find that the development project plan application to re-divide tax map K36, lot 26 & K37, lot 11 into two residential lots each below the required minimum of 10,000 s.f. permitted is approved with the following conditions:

- a. The applicant will provide the Planning Board with two (2) mylars of the plan for signature;
- b. The applicant will file the signed plan with the York County Registry of Deeds within 90 days of this approval. Failure to file the plan within this time period could result in the approval being declared null and void;

- c. The applicant will provide the Planning Department with one (1) of the signed mylars with proof of filing at the county and six (6) paper copies of the same plan;
- d. The applicant will pay a map filing fee of \$100.00 (2 lots @ \$50.00 per lot); and
- e. Any development on the lots is subject to any and all code and permit requirements. No permits should be issued until the conditions outlined above have been met.

Vice Chairperson Tarbox seconded the motion.

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

2. **File #24-07-S: Michael H. Dubois, d/b/a AMD Enterprises, Inc., c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale Maine.**

Chairperson Hardison called for a representative to present the project.

Eric Williams, representing the applicant, gave a brief overview of the project and described changes that are taking place or were done as a result of the work session: archeological study still needs to be completed but an archeologist has been retained by the applicant and is working out a schedule with the applicant, building envelopes have been better delineated but may need to be tweaked, road profile has been revised, and the Department of Inland Fisheries and Wildlife have been contacted and the IFW recommended a 100' setback, but IFW will accept the 75' setback.

Assistant Engineer Casserly confirmed that the applicant has updated the Board on the issues. Mr. Casserly stated that he has received the letter from IFW and Mr. Casserly informed the Board that IFW still felt that the 100' buffer was desirable on two lots.

Chairperson Hardison asked if Board members had questions for the applicant.

Vice Chairperson Tarbox asked if the 100' buffer would still leave room for developing the lot. Mr. Williams stated it would for two of the three lots. Vice Chairperson Tarbox asked Mr. Williams which lots were affected. Mr. Williams stated that IFW recommended that lots 5 and 7 increase the buffer zone to 100', which would still leave room for development. However, Mr. Williams stated that if lot 6 was increased to 100', the buffer would extend into the building envelope.

Discussion took place among the assistant engineer, Board members, and the applicant's agent.

Chairperson Hardison asked if anyone present wished to speak in favor of the application; there was no one. Chairperson Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chairperson Hardison closed the public hearing and called for a motion.

Board member Herlihy asked for clarification of the setbacks. After more discussion, it was determined that:

- a) IFW recommended a 100' buffer for lots 5, 6, & 7;
- b) IFW has given leeway for lot 6 to maintain a 75' buffer, but to maintain a 100' buffer on lots 5 & 7;
- c) Mr. Williams does not want to commit to this tonight because neither the applicant nor the surveyor were present; he would like to confer with them before a decision is reached;

- d) If the applicant does not want to comply with IFW's recommendation, the applicant will need to provide a letter stating why they will not comply; and
- e) The Board has agreed to the 75' buffer on lot 6, the only lots a decision needs to be made on is 5 & 7.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and find that an application for a preliminary major subdivision to create a 10-lot residential subdivision, to be known as Maynard Oaks, on tax map R19 lot 49 has been prepared in compliance with the Town of Sanford Subdivision Ordinance and the State Subdivision Law, found in Title 30-A M.R.S.A. Section 4401 et seq. and subject to the conditions listed below grant approval:

- a. That the applicant has six (6) months from the date of this approval to submit an application for Final Major Subdivision;
- b. That the final application is to be prepared as provided for in Article 8 and Article 13 as well as Title 30-A M.R.S.A. Section 4404;
- c. That the applicant will pay any outstanding review fee expenses;
- d. That the applicant return with the rationale of the justification for reducing the setback from 100' to 75' as requested by Inland Fisheries & Wildlife; and
- e. That the applicant needs to present an archeological study to the Board before final approval can be granted.

Board member Morse seconded the motion.

Vice Chairperson Tarbox thought condition #4 was to encourage the applicant to present a maximum amount of buffer to a feasible and practical extent.

Chairperson Hardison asked Vice Chairperson Tarbox if she wanted to amend the motion.

Vice Chairperson Tarbox made a motion to amend condition #4 in the original motion to state the applicant was encouraged to present a maximum amount of buffer to a feasible and practical extent.

Board member Morse seconded the motion to amend condition #4.

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

III. NEW BUSINESS – None

IV. OLD BUSINESS

1. File #999-07-T(1): Traffic Impact Fee Ordinance

Charles Andreson, Town Engineer, handed out a packet to the Board members, and went over the changes that were made as a result of the work session meeting.

Vice Chairperson Tarbox asked if there would ever be a situation where a development would require paying towards the impact fee, but would not require a building permit (for example, a change of use).

It was decided that in situations such as a change of use, the impact fee amount would be paid when applying for a Certificate of Occupancy.

Board member Herlihy suggested changing the wording to read: "For any development or redevelopment, the impact fee amount shall be paid prior to the issuance of a building permit by the Codes Enforcement Officer."

Discussion followed, but it was decided to recommend the ordinance to Town Council as written including the new change tonight, and if Town Council and legal counsel wanted to make changes after reviewing, it would be better to make any changes at that time.

Mr. Andreson overviewed changes that were made to the ordinance under the fees table. He also explained other changes he made as he modified the document to incorporate suggestions made at work session meetings.

Discussion took place on the amount of funding that would be raised by applicants, and how much money the Town would be spending.

Chairperson Hardison asked if there were any other questions.

Mr. Andreson informed the Board of a recommendation that was made by the Director of Economic Affairs to hold a public informational meeting and invite developers that would be directly affected by this ordinance. It was decided this meeting could be arranged at staff level.

Chairperson Hardison asked if there were any other questions; there were none.

Board member Herlihy made a motion that the Planning Board forward the ordinance to the Town Council with the recommendation to adopt the ordinance.

Board member Morse seconded the motion.

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

V. APPROVAL OF MINUTES: September 19, 2007

Chairperson Hardison called for approval of the minutes.

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

Vice Chairperson Tarbox seconded the motion.

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

VI. PLANNING DIRECTOR'S REPORT

- Digital packets
- Status of 2 mineral extraction applications
- Public hearings on zone change definitions
- SIS application submittal time frame

VII. ADJOURN

The meeting adjourned at 8:25 PM.

Attachment to October 17, 2007 Minutes

Findings of Fact for Public Hearing Item #1

File #23-07-S: Gray & Sons Developmental Subdivision

- The applicant has provided documentation which establishes his right to present the application.
- The application has been prepared under the guidelines set forth in Section 11.3.6.2 – Development Standards under the SFR zone.
- The Planning Board reviewed the application and the supporting documentation and determined the following:
 - a. The size of the proposed building is comparable to the size of residential structures on abutting lots; and
 - b. The building's placement on the lot with respect to front and side lot lines is similar to the existing pattern of existing developed lots.
- The applicant requests to reconfigure lot 26 to contain the existing garage and driveway on 7,000 s.f. with frontage on both Carver and Hewey Streets and making lot 11 contain 7,694 s.f.
- Public water and sewer exists in both streets and service connection has been established to both of the proposed lots.
- The CEO has confirmed that the request is consistent with the guidelines of the zoning ordinance.

Findings of Fact for Public Hearing Item #2

File #24-07-S: Maynard Oaks

- The applicant has provided documentation which establishes his right to present the application.
 - The application was reviewed as an Article 5. As a result of additional information from that review, the application has been revised from a 12-lot subdivision into a 10-lot subdivision. The road design has been altered as well.
 - The application has been prepared using Articles 7 (Preliminary Major Subdivision) & 11 (Performance Standards) and Section 16.4 (Residential Cluster Development Standards) as guidelines.
 - The applicant has requested a waiver from Section 16.4.5.c – Buffering: “A cluster development must be buffered from a street or road, other than the street or road serving individual lots in the development, by a distance equal to two times the normal minimum setbacks required for that zone.” The applicant has proposed a 75’ buffer along both State Route 99 and Whichers Mill Road. Route 99 is classified as an arterial with a front yard setback of 75’ and the setback from Whichers Mill is 40’.
 - The applicant is proposing that this subdivision be reviewed as a ‘cluster subdivision’.
 - The use of individual subsurface septic systems is proposed.
 - The applicant is proposing private wells.
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- The applicant has indicated that they feel that the proposed development will not require a full MDEP permit. A permit by rule may be required for the disturbance of wetlands by subsequent property owners. This notation should be added to the plans and to the individual deeds.
 - All houses in this subdivision will employ individual fire suppression systems for fire protection.

- The applicant has presented a revised application which incorporates the comments of the SPRC.
- The Planning Board has held a work session and scheduled the application for a vote as a preliminary major subdivision.