

SANFORD PLANNING BOARD MINUTES
MEETING October 20, 2010 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

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

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

1. File #11-10-T: Mark & Megan Lucier, 955 Main Street, Sanford, Maine.

Chair Tarbox informed everyone that this public hearing was going to be postponed and asked staff member Gulnac to explain why.

Staff member Gulnac said that state notification requirements were not correctly done; so rather than putting the process at risk, he asked the Board to postpone this request to a meeting at least three weeks out so that proper notification in a newspaper and to the abutters could be done.

Chair Tarbox asked Mr. Gulnac if December was the earliest time to hear this application. Mr. Gulnac replied that he thought that would be the earliest time in order to meet the requirements. Chair Tarbox asked Mr. Gulnac if the application could be discussed in a scheduled work session before the public hearing. Discussion took place.

It was decided that no work session or discussion would be held until the public hearing, to be held at a later date.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

1. File #13-10-W: Arista Development, c/o Curt Neufeld, Sitelines P.A., 8 Cumberland Street, Brunswick, Maine. [This is a continuation of the October 6, 2010 meeting. The Planning Board may take action on this application.]

Chair Tarbox said that Arista Development has asked to be tabled for further review of their traffic study.

2. **File #10-10-R: Grondin Enterprises, 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, representing the applicant, said that a revised site plan that shows the least area being used and what it is being used for along with an operations manual that outlines the activity to be done there has been submitted.

Chair Tarbox asked staff member Casserly if he had any comments.

Staff member Casserly, assistant engineer, said his memo pointed out the four conditions that are in the operations manual.

- He said there were no major issues with the site plan.
- He had a question about the applicant's autocad submittal. The plan wasn't on state plane coordinates and gave an explanation. *John Hutchins said the original subdivision was previously drawn and is in the town's GIS, so the boundaries of the lot are already outlined. Mr. Hutchins said if the town wants the specific area (100 square foot area) of the site plan outlined, he could do that. Mr. Casserly said he and Mr. Hutchins will work that out.*
- Will there be discarded batteries stored on site? Does the Board want to put some conditions on the approval? *Ron Grondin, Grondin Enterprises, said that the batteries are stored inside and are picked up on a weekly basis.*
- He said that the applicant talked about AAA requirements, but the Board is reviewing ordinance requirements and those may not be the same as AAA, so this issue will need to be worked out.
- He also wanted to make sure the Board was ok with the buffering and screening. The applicant submitted photos, and he wanted to make sure the Board was ok with what was already there.

Chair Tarbox asked if there were any comment or questions from Board members.

Chair Tarbox asked the applicant if there was going to be any storage of vehicles on the site. Mr. Grondin replied that unless they pick up a car late in the day, it will be same-day pick up. He further said that he expects most of the work to be done in the field, so if there are any vehicles that get towed to the site, the vehicles would be stored inside. He said the goal is to do most of the repairs on the road to keep customers moving.

Vice Chair Hardison wanted to confirm that unless a car is towed to the site for a battery issue, no vehicles would be stored on site under any circumstances. Discussion took place.

It was decided that a change would be made to the operations manual reflecting that no vehicles would be stored onsite for any reason other than battery repair, and this condition would also be stated in the finding of facts for this application.

Staff member Casserly asked for clarification on condition #1 in the operations manual that read "All elements, features, and notes on the plan and all representations made by Grondin Enterprises in the record of the Planning Board proceedings are conditions of approval." Mr. Hutchins said this referred to anything that was agreed to during the meeting that wasn't explicitly outlined in the plan or the operations manual would be part of the approval. It was agreed that this statement was redundant and the applicant would remove it from the operations manual.

Board member McAdam asked Mr. Grondin if Mr. Grondin was still on the police rotation list of towing services. Mr. Grondin replied he was still on the list, so Board member McAdam

asked Mr. Grondin where he took the vehicles he towed for the police department. Mr. Grondin replied that his company brings the vehicles back to this site, but he would now look into a different location.

Chair Tarbox asked the Board if they felt they should include language specifically addressing the storage of towed vehicles for other than the allowed use. Board member Mongeau said he would be more comfortable adding language in. Discussion took place.

Vice Chair Hardison asked that a comment made by Mr. Grondin about his intent of finding an offsite location for the towing of cars other than for battery replacement be considered as part of the official record. Discussion took place on the best way to add this statement so it is clear.

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

Chair Tarbox called for a motion.

Board member Morse made a motion that the applicant will delete the second sentence in the conditions of operation (“All elements, features, and notes on the plan and all representations made by Grondin Enterprises in the record of the Planning Board proceedings are conditions of approval.”), the operations manual will be revised to reflect what was discussed tonight, and that the Planning Board find that application File #10-10-R, Tax Map R15, Lot 203 minor site plan, Grondin Enterprises is complete as presented and confirms that the information (see attached) is the Finding of Facts and approve the application with the following conditions:

- a) That the applicant will conduct the business in a manner described in the Grondin Enterprises, Conditions of Operations dated September 20, 2010.
- b) That any and all outstanding fees are paid.
- c) That the approval granted is for Grondin Enterprises to operate a “Mobile Battery Service Facility” and that should there be any change in use it will need to be reviewed and approved by the Planning Board.
- d) The approval is granted for the specific area (100’ by 100’ plus a portion [32’ by 50’] of the existing building) only.
- e) Vehicles towed for any services unrelated to batteries will be towed to and stored out of town.
- f) The operations manual revisions are approved subject to review and approval of the town engineer.

Board member Vermette seconded the approval.

A vote was taken, and the motion passed 6-1 with Vice Chair Hardison voting against.

V. APPROVAL OF MINUTES – June 23, 2010; August 4, 2010; August 18, 2010; and October 6, 2010

Chair Tarbox called for approval of the minutes.

June 23, 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.

August 4, 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.

August 18, 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.

October 6, 2010

This set of minutes was not ready for tonight's meeting.

VI. PLANNING DIRECTOR'S REPORT

- Staff member Gulnac asked Lee Burnett, Trails Committee member/Town Grant Writer, to make a brief presentation on a proposed addition to the trail system.

Lee Burnett explained that the proposal is a half mile section of new trail from Emery Street to School Street and is close to the Mousam River but stays 75' away from the river in most cases to make it easier to obtain a DEP permit. It will also go across a wetland that is also in a floodplain which will require the construction of a boardwalk. This will require obtaining three different permits. Mr. Burnett went on to explain what work will be done to make the trail useable.

Chair Tarbox asked how wide the trail was going to be; Mr. Burnett replied four feet.

Staff member Gulnac asked if the trail was going to be made handicap-accessible. Mr. Burnett said the committee is not presenting the proposal as handicap-accessible and explained why.

Vice Chair Hardison asked about ATV use. Mr. Burnett said there will be a gate at one end, and he doesn't believe the ATV's would use this much because the ATV users already use a sewer line easement in that area. Discussion took place.

Vice Chair Hardison made a motion that the Planning Board supports the proposed addition to the trail system.

Board member Mongeau seconded the motion.

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

- Staff member Gulnac informed the Board that the Town received a grant in the amount of \$175,000 to do area-wide planning from the EPA.
- Staff member Gulnac said there is a walk scheduled for tomorrow (October 21, 2009) with potential contractors who are bidding on the removal of the Aerofab building.

VII. ADJOURN

The meeting adjourned at 8:10 PM.

Attachment to October 20, 2010 Minutes

*Finding of Facts for Old Business Item #1
File #13-10-W: Walgreens Contract Zone*

This item was tabled.

*Finding of Facts for Old Business Item #2
File #10-10-R: Grondin Enterprises*

- The application comes to the Planning Department by way of a referral from the Zoning Board of Appeals dated April 26, 2010. At that meeting the ZBA determined that the described use 'Mobile Battery Service Facility' was, though not specifically listed, an allowed use within the category of uses in the IB Zone.
- The action by the ZBA also indicated that to operate the activity, site plan approval was required.
- The applicant requested a waiver of the requirement of a minor site plan and has asked that the request be considered what is referred to as "a minor change" to an existing approved site plan and therefore authority to approve is within the Planning Director's purview. Section 280-103 states: "Minor changes that do not alter the essential nature of the proposal or affect approval criteria may be approved by the Planning Director."
- The Planner granted the request for the purposes of scheduling the application for review and asks that the reviewing authority decide on the merits of the waiver request.
- Minor developments are defined in Section 280-97 B. as "any project which requires site plan approval and is not classified as a major development shall be a minor development." In reviewing the decision from the ZBA, there was insufficient information to understand exactly how a Mobile Battery Service Facility operates. Based upon the description it seems that the towing operation is considered as an integral component of the operation. Since the ZBA conditioned their decision on the applicant receiving site plan approval and you have requested a waiver of a formal review I have referred this to the Site Plan Review Committee, who has reviewing authority for minor applications.
- Please be aware that under Section 280-98B the SPRC may reclassify a minor development as a major and refer it to the Planning Board with its recommendations. The SPRC reviewed the application on Wednesday September 1, 2010 and recommended it to the Planning Board for their consideration of the waiver request and to approve or disapprove the site plan application.
- The Planning Board, after the public hearing and work session on September 1, 2010, directed the applicant to have prepare a 'site plan' for the 100' by 100' leased area. The site plan should show the proposed location of parking and any other site details. The applicant was directed to provide a more detailed description of the proposed activity at the site and how their towing business is incorporated.
- When the applicant had provided this information the application would be scheduled at the next available Planning Board meeting.