

**SANFORD PLANNING BOARD MINUTES**  
**MEETING June 30, 2008 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Robert Hardison, Chair  
Joseph Herlihy  
Margaret Kleinrock (Arrived 7:40PM)  
Gregory Vermette  
Bryan Chabot  
Gary Morse

**MEMBERS ABSENT:** Kelly Tarbox, Vice Chair

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

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

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

**II. PUBLIC HEARINGS**

**1. File #999-08-T(3): Planning Director & Sanford Downtown Legacy.**

James Gulnac, Planning Director, asked for public comment on the Design Guidelines. Mr. Gulnac stated that the guidelines were on line and multiple Planning Board work session meetings were held to discuss the guidelines.

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

Chair Hardison closed the public hearing and moved to the next agenda item.

**2. File #999-08-T(4): Town of Sanford Planning Director.**

James Gulnac, Planning Director stated that the Industrial Business overlay zone was a request to make an area by Smada Drive a conditional use section for retail or mixed use. Under the current ordinance, retail use is not permitted in this zone. The change would make the proposed lots compatible with adjacent lots in the area.

Chair Hardison asked if anyone present wished to speak in favor of the application.

Carl Beal, Civil Consultants, stated from an engineering standpoint, the change makes sense for lots of a smaller size in the area as far as processing an application through the town, and less costly for the applicant.

Chair Hardison asked if anyone else wished to speak in favor of the ordinance. There was no one.

Chair Hardison asked if anyone present wished to speak against the application.

Troy Delano, owner of an adjacent lot (tax map R19, lot 30B), said he is in favor of the zoning change, and then asked the Board if they could extend the change to include his property.

Chair Hardison asked Mr. Gulnac where the property was located. Mr. Gulnac showed the Board where Mr. Delano's property was.

Chair Hardison explained to Mr. Delano that the change tonight was for the Industrial Business zone, not the Rural Mixed Use zone. The RMU zone has different allowances, and if Mr. Delano wanted to request the overlay change for the RMU zone he would have to do so in a separate request.

Chair Hardison asked if anyone present wished to speak against the application.

John Ford, 11 Pierce Avenue wanted to make a comment about the retail space located on lots 214 & 215 (tax map R19). He was concerned about the buffer decreasing between the retail use and the residential neighborhood abutting these properties. It was explained to Mr. Ford that the only thing changing was the permitted uses; the other zone requirements are not included in the request and would not change. Mike Casserly, Assistant Engineer informed everyone a maintained vegetated buffer along residential property lines could be no less than ten (10) feet.

Keith Patterson said he understands a contract zoning option is available for the larger parcels in the area, but he would like to see the conditional use option extended to these lots as well since the area is becoming more of a commercial use area.

Chair Hardison informed Mr. Patterson that there is still a requirement to have some industrial land in the area and the change would have to be evaluated before considering this change. The contract zone option is available to place large developments if the owner so chooses.

Chair Hardison explained to Mr. Patterson that the change option is not off the table, but the request for tonight remains for the parcels that have already been developed and subdivided to the extent the currently are.

Chair Hardison asked if there were any other questions or concerns regarding the zone change; there were none.

Chair Hardison closed the public hearing and moved onto the next agenda item.

- 3. File #09-08-R: Flemish Master Weavers, c/o Patco Construction & Shawn Frank, Sebago Technics, PO Box 1339, Westbrook, Maine.**

Chair Hardison called for a representative to present the project.

Shawn Frank, Sebago Technics, representing the applicant introduced Dennis Waters, PATCO Construction, then explained the changes that have been done to the site in previous years and then showed where the proposed addition will be on the property and briefly overviewed the project and related site work to the Board.

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

Chair Hardison closed the public hearing, and adjourned the meeting into work session at 7:55 PM.

### III. NEW BUSINESS

Chairman Hardison called the meeting to order at 8:55 PM.

#### 1. **File #999-08-T(4): Town of Sanford Planning Director, Industrial Business zone overlay.**

Chair Hardison and staff member Gulnac explained what the Board vote would mean. The Board would be making a recommendation to the Town Council. The Town Council would be either approving or against the ordinance change.

Chair Hardison asked if Board members had any further questions or comments; no one did.

Chair Hardison called for a motion.

Board member Kleinrock made a motion to recommend approval to the Town Council.

Board member Vermette seconded the motion.

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

#### 2. **File #09-08-R: Flemish Master Weavers, c/o Patco Construction & Shawn Frank, Sebago Technics, PO Box 1339, Westbrook, Maine.**

Chair Hardison stated the Board was not going to review project.

Chair Hardison asked if there were any further discussions or questions. He then informed everyone that staff has reported there are still two (2) outstanding items, which would become conditions of approval.

Chair Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board accept the finding of facts (see attached) and find that application file #09-08-R, Flemish Master Weavers, major site plan has been prepared in accordance with the requirements of Section 280-101 Procedures for Major Developments of the Sanford Zoning Ordinance and subject to the conditions itemized below grant approval:

- a. The applicant will coordinate with the Town of Sanford on the improvements to Skytech Lane.
- b. The applicant has successfully negotiated with the Water District for connection and service for both potable water and fire protection supply.
- c. The applicant has successfully negotiated with the Sewer District for the connection of the sanitary sewer service.
- d. The applicant has obtained any and all permits from any applicable state agencies.
- e. That after all conditions have been satisfied, the applicant will provide six (6) paper copies of the approved site plan for certification by the Planning Director and distribution as follows: Planning Department, Engineering Department, Assessing, Codes, GIS and developer. The applicant will also provide a digital copy of the approved plan.
- f. Prior to the issuance of any construction permits the developer will meet with the Director of Public Works for a pre-con meeting to coordinate the work and post any required performance guarantees.

- g. The applicant will pay any and outstanding plan review escrow fees.
- h. Construction must commence within one (1) year of the final approval [date when all the conditions have been satisfied] and a certificate of occupancy issued within three (3) years. Failure to comply with these deadlines could result in the application being declared null and void.

Board member Vermette seconded the motion.

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

**3. File #13-08-S: Charles Plante & Ronald Bougie, c/o Steve Horne** PLS, Middle Branch, LLC, Professional Land Surveyors, PO Box 618, Alfred, Maine.

Chair Hardison stated the Board had just reviewed the application in work session and that the staff reports indicated all engineering issues have been resolved and the project is ready for approval.

Chair Hardison 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 #13-08-S, Ethan's Way Subdivision, Plante & Bougie, for a final major subdivision is approved with the following conditions:

- a. The application has been prepared in conformance of Article XII of Chapter 275 Subdivision of Land of the Town of Sanford General Code and 30-A MRSA Section 4404.
- b. The applicant will pay all outstanding application review fees.
- c. The applicant has 90 days from this approval to file the signed mylar with the York County Registry of Deeds.
- d. The applicant will provide the Planning Department a copy of the signed mylar with proof of filing at the registry of deeds and six (6) paper copies of the same.
- e. The applicant will schedule a pre-construction meeting with the Town Engineer at which time the required performance guarantee and engineering inspection fees will be paid.
- f. That no building or construction permits will be issued until the conditions of this approval have been satisfied.
- g. All outstanding fees are to be paid before release of the signed mylars.

Board member Vermette seconded the motion.

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

**4. Shoreland Zoning Permits:** The CEO is bringing the following requests to the Planning Board for their review and direction:

- a. File #15-08-Z: SnoGoers Club, location – on property owned by CMP in the industrial zone.

Chair Hardison explained that during work session, two items are pending: DEP permit, and an engineering review of the bridge design and footing construction.

Chair Hardison called for a motion.

Board member Kleinrock made a motion to approve the construction of the bridge file #14-08-Z, SnoGoers Club, located on property owned by CMP in the industrial zone, with two conditions:

- i A DEP permit is secured
- ii The town engineers work with the project engineer to approve the footing design
- iii A discussion was held on the nine points in the finding of facts (see attached), and the only remaining issues are the DEP permit and approved footing design.

Board member Morse seconded the motion.

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

- b. File #16-08-Z: Town of Sanford, Lee Burnett, location – near YMCA.

Chair Hardison asked the Board if there were any other reviews they felt necessary – all permits were in place and the project was ready to go.

Board member Vermette asked CEO Sheesley if the floodplain permit was necessary. CEO Sheesley stated her office checks the flood maps and it was not an item for the Board.

Chair Hardison called for a motion.

Board member Vermette made a motion that the Planning Board has reviewed the finding of facts (see attached), found no issues and approve the project subject to the CEO's final determination of floodplain.

Board member Chabot seconded the motion.

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

#### **IV. ADJOURN**

The meeting adjourned at 9:10 PM.

\*\*\*Non-agenda item: During the work session portion of the meeting, discussion took place on the Grondin-Genest gravel pit to reaffirm the Planning Board's decision made on January 9, 2008.

Board member Vermette made a motion to reaffirm the Planning Board's decision of January 9, 2008, which was to proceed using option 5 as a method of access to the site.

Board member Morse seconded the motion.

A vote was taken, and the motion passed 5-0. Board member Herlihy abstained from the vote due to financial interest with one of the owner/applicants.

#### **Attachment to June 30, 2008 Minutes**

*Finding of Facts for New Business Item #2  
File #09-08-R: Flemish Master Weavers*

- The applicant has provided proof of ownership of the property in question and has standing to make the application.

- Flemish Master Weavers and the Town of Sanford are in the process of executing a land exchange which will realign the property boundaries for both the subject property and Skytech Lane.
- The review of this application is made with the understanding that the realignment of the property boundaries has taken place and that any upgrading of Skytech Lane has been or will be accomplished. These activities are separate and not considered part of this application.
- The scope of the review is the proposed 60,000sf addition to the building and the resulting impact on site design (parking, access, etc.) and the stormwater plan.
- It is noted that a portion of the driveway/entrance on the north side is not on the subject property but on land owned by the Town of Sanford. The Town of Sanford is aware of and agrees to the proposed development in this area.
- The Airport Manager is aware of this project and has, along with the engineering department, been involved with the pre-application discussions on the project.
- The applicant has not requested any waivers.
- The application will require approval from the FAA (granted) and the State of Maine Department of Environmental Protection (pending).
- The project is classified as a major development and will require review and approval by the Sanford Planning Board.
- The proposed addition will be used as a warehouse and any additional looms will be located in the existing building.
- Shawn Frank, PE explained that they would be relocating a sewer main so that it would not run under the proposed addition.
- Shawn Frank, PE also described the stormwater management plan which has recently been deemed complete by the MDEP. The applicant would be collecting the runoff from both the roof and parking lot areas and directing it into a containment area which has been designed to filter the water as it seeps through the materials. They would also be constructing a drainage pipe which would take any filtered runoff down Kostis Lane and into a drainage system in the Maryland Brook watershed.
- The Planning Board will hold a public hearing on June 30, 2008.

*Findings of Fact for New Business Item #3  
File #13-08-S: Ethan's Way Subdivision*

- The applicant has provided proof of ownership and therefore has standing to submit the application.
- The applicant is requesting two (2) waivers:
- A waiver from in Article 12.2.C.2 e (old ordinance); which requires two points of entry for a road serving more than 15 units.
- A waiver from the requirement in Article 12.2.C.2.h. (old ordinance); which limits a single access road (dead end road) to a length of 1500 feet.
- The Planning Board indicated during the Article 5 review that they would grant the waivers.
- The application was reviewed by the Site Plan Review Committee on December 19, 2007. It was referred to the Planning Board pending compliance with recommendations from staff.
- The application has been scheduled for the February 6, 2008 Planning Board workshop pending confirmation from the Town Engineer that the revised plans are in compliance with the request from the SPRC.
- The Planning Board after reviewing the application in the February 6 work session scheduled the matter for a vote at the march 19, 2008 meeting.
- Staff has reviewed with the applicant those issues and is satisfied that the plans have been revised sufficiently for approval as a preliminary development subject to all the requirements of the ordinance for submission as a Final application.
- The Board held a public hearing on March 19, 2008. No one from the public appeared to speak.
- The Planning board approved the application as a preliminary major subdivision on March 19, 2008 with the following conditions:

- a. The following waivers are approved:
    - o A waiver from the requirement in Article 12.2.C.2e which requires two points of entry for a road serving more than 15 units.
    - o A waiver from the requirement in Article 12.2.C.2.h which limits a single access road (dead end road) to a length of 1,500 feet.
  - b. The applicant will pay all outstanding application review fees.
  - c. That the applicant has six months from the approval to submit an application for final.
  - d. That the final application will reference and conform to the revised ordinance sections in Chapter 275, Subdivision of Land of the Town of Sanford general code;
  - e. Any other conditions as required by the Planning Board identified as items 1, 2, & 3 in the Assistant Town Engineer's report dated March 13, 2008.
- The Engineers have reviewed the final application plans and are satisfied that they have been prepared as required.

*Findings of Fact for New Business Item #4a*  
*File #14-08-Z: SnoGoers Club Shoreland Permit Request*

a) Will the project maintain safe and healthful conditions?

Yes

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b) Will the project not result in water pollution, erosion, or sedimentation to surface waters?

Yes

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c) Will the project adequately provide for the disposal of all wastewater?

Yes

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d) Will the project not have an adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat?

Yes

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e) Will the project conserve shore cover and visual as well as actual points of access to inland and coastal waters?

Yes

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f) Will the project protect archaeological and historic resources as designated in the Comprehensive Plan?

Yes

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g) Will the project not adversely affect existing commercial fishing activities?

Yes

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h) Will the project avoid problems associated with floodplain development and use?

Yes

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- i) Is the project in conformance with the provisions of Town Code § 270-13, Land use standards?  
**Yes per CEO Memo**
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*Findings of Fact for New Business Item #4b  
File #16-08-Z: Mousam Way Trail Bridge Replacement*

- a) Will the project maintain safe and healthful conditions?  
**Yes**
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- b) Will the project not result in water pollution, erosion, or sedimentation to surface waters?  
**Yes**
- 

- c) Will the project adequately provide for the disposal of all wastewater?  
**Yes**
- 

- d) Will the project not have an adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat?  
**Yes**
- 

- e) Will the project conserve shore cover and visual as well as actual points of access to inland and coastal waters?  
**Yes**
- 

- f) Will the project protect archaeological and historic resources as designated in the Comprehensive Plan?  
**Yes**
- 

- g) Will the project not adversely affect existing commercial fishing activities?  
**Yes**
- 

- h) Will the project avoid problems associated with floodplain development and use?  
**Yes**
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- i) Is the project in conformance with the provisions of Town Code § 270-13, Land use standards?  
**Yes per CEO Memo**
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