

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

Amended with Corrections

MEMBERS PRESENT: Robert Hardison, Chairman
William Noon, Vice Chairman
Joseph Herlihy
Margaret Kleinrock
Gary Morse
Kelly Tarbox

MEMBERS ABSENT: Gregory Vermette (w/notice)

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

STAFF ABSENT: None

I. CALL TO ORDER

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

II. PUBLIC HEARING

1. **File #999-06-T(3): The Planning Board will hear comments** on a proposal to amend the Zoning Ordinance to create a definition for ‘YMCA/YWCA’.

Chairman Hardison opened the public hearing for the above item.

Planning Director Gulnac gave an overview as to why the request was being made.

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

Chairman Hardison closed the public hearing.

Chairman Hardison asked if staff or Board members had any further questions. There were none.

Chairman Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and, after consideration of the public comments and those of the staff, finds that the requested changes to amend the Zoning Ordinance for the Town of Sanford, last revised April 22, 2006 to create a definition for ‘YMCA/YWCA’ in Section 2.2 – Definitions, and to add the new definition to Section 11.15 – Table of Land Uses to show what type of activity the use would be considered for and in which zones this activity would be permitted, is consistent with the goals

and objectives of the comprehensive plan and recommend that the changes be forwarded to the Town Council for their review and adoption.

Board member Tarbox seconded the motion.

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

2. **File #999-06-T(4): The Planning Board will hear comments** on a proposal to amend the Zoning Ordinance to create a definition for 'Horse Shows'.

Chairman Hardison opened the public hearing for the above item.

Planning Director Gulnac gave an overview as to why the request was being made.

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

Chairman Hardison closed the public hearing.

Chairman Hardison asked if staff or Board members had any further questions.

Board member Tarbox asked which of the terms, 'Conditional Use' or 'Permitted with Review', was more stringent.

Staff member Gulnac stated the term 'Conditional Use' was more stringent and explained why.

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

Chairman Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and, after consideration of the public comments and those of the staff, find that the requested changes to amend the Zoning Ordinance for the Town of Sanford, last revised April 22, 2006 to create a definition for 'Horse Shows' in Section 2.2 – Definitions, and to add the new definition to Section 11.15 – Table of Land Uses to show what type of activity the use would be considered for and in which zones this activity would be permitted is consistent with the goals and objectives of the comprehensive plan and recommend that the changes be forwarded to the Town Council for their review and adoption.

Vice Chairman Noon seconded the motion.

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

3. **File #999-06-T(5): The Planning Board will hear comments** on a proposal to amend the Zoning Ordinance under Section 11.0 – Urban Business Zone (UB), replacing the word 'maximum' to 'minimum' in subsection 11.10.6.1 – Front Setback.

Chairman Hardison informed the public that this item was tabled at the January work session and there would be no vote tonight, but the Board would still hold the public hearing for discussion.

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

Chairman Hardison closed the public hearing.

Chairman Hardison called for a motion.

Board member Tarbox made a motion to table the item until a later date.

Board member Kleinrock seconded the motion.

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

4. File #23-06-S: Sanford Housing Authority, c/o Dan Riley, PE, Sebago Technics, Inc., PO Box 1008, Westbrook, Maine.

Chairman Hardison called for a representative to present the project.

Dan Riley, PE, representing the applicant, gave an overview of the project.

Chairman Hardison asked if staff had any additional comments.

Staff member Casserly, Assistant Engineer, stated he believes the project is ready for final approval.

Chairman Hardison noted that the applicant was requesting four waivers, and discussion on these would take place later.

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

Chairman Hardison closed the public hearing, and then asked if there were any other comments from the Board.

Board member Tarbox asked about the waiver of noting the trees, and asked about if a second entrance was needed.

Mr. Riley replied to Board member Tarbox's concerns, and then added that the fire department was satisfied with one (1) entrance plus a fire lane.

Staff member Gulnac stated the latest plan revision is 'H' and dated 1/9/07.

Chairman Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and find that a final major site plan application prepared by Sebago Technics, dated 5-1-06 with a latest revision "H" dated 1/9/07, for a proposed 26-unit congregate care facility to be called "The Maples at Mayflower" on property the Authority owns has been prepared in accordance with the submission requirements of Section 17.6.c of the Sanford Zoning Ordinance and, under the authority of Section 17.6d – Review Procedures, grant final approval subject to the following conditions:

1. The following four waivers are approved:

- a. From Article 7.2.9 – a partial waiver for the location of trees larger than twenty-four (24) inches;
 - b. From Article 7.2.26 – a partial waiver for the high intensity soil survey;
 - c. From Article 7.2.27 – a waiver of the hydro-geologic assessment, the site will be served by public water and sewer;
 - d. The applicant has also requested a waiver from the requirement for a second entrance.
2. An alternate striping plan as shown on Sheet 3/10 of the Plans is included in the approval.
 3. The applicant will provide six (6) copies of the approved site plan for certification by the Planning Director.
 4. No construction permits shall be issued until the site plan has been certified by the Planning Director.
 5. No construction permits will be issued until the Director of Public Works provides verification that a pre-construction meeting has been held and any and all fees and/or guarantees have been agreed to and paid.
 6. Any and all development on site and included in this approval shall be subject to any and all required construction and building code permits.

Vice Chairman Noon seconded the motion.

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

5. **File #43-06-R: State of Maine Bureau of Veterans Services, c/o Tatyanna Seredin, Mohr & Seredin Landscape Architects, 18 Pleasant Street, Portland, Maine.**

Chairman Hardison called for a representative to present the project.

Steven Mohr, representing the applicant, gave an overview of the project. Mr. Mohr also stated that the applicant was requesting two waivers, one for the height of the flagpole and one for the buffer between the parking area and the maintenance building.

Chairman Hardison asked if staff had any comments.

Staff member Gulnac stated that, in his findings of fact on the project summary report, he made reference to the type of material the grave markers would be made from and the applicant was asking to have Mr. Gulnac's reference to the material being used removed (The Southern Maine Regional Cemetery Association urges that the Planning Board grant a final approval with conditions and asks that the conditions include a recommendation that upright ~~granite~~ markers be used rather than flat ~~granite~~ markers.).

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

Chairman Hardison closed the public hearing, and then asked if there were any other comments from the staff and the Board.

Board member Tarbox asked if the applicant was requesting the flagpole waiver because the flagpole was higher than the ordinance allowed.

Mr. Mohr stated that the flagpole was higher than allowed. Staff member Gulnac went on to explain the reason behind the request. Mr. Gulnac stated they were not sure if there are any

ordinance requirements, but the applicant wanted to make reference just in case there was an issue.

A discussion took place on the two waiver requests. It was decided that the waivers would be included in the motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and find that a final major site plan application prepared by Mohr & Seredin, dated December 1, 2006, with a latest revision dated December 18, 2006, for a new regional cemetery for the interment of the State's veterans has been prepared in accordance with the submission requirements of Section 17.6.c of the Sanford Zoning Ordinance and under the authority of Section 17.6d – Review Procedures, grant final approval subject to the following conditions:

1. A Shoreland permit is granted as shown on Plans titled "Overall Site Plan and Shoreland Zone Overlay, prepared by Mohr & Seredin Landscape Architects, Pinkham & Greer Civil Engineers, dated 30 October 2006 with a latest revision date 12 December 2006;
2. The Planning Board recommends to the Sanford Town Council that 31.64 +/- acres as approved by Town meeting be transferred to the State of Maine;
3. That the applicant will provide the Planning Department with a copy of any and all state or federal agency approvals and or permits prior to the issuance of any construction permits;
4. That the applicant will schedule a pre-construction meeting with the Sanford Public Works Department at which time six (6) copies of the final plans and any and all required fees will be presented;
5. The applicant understands that per Section 17.10 of the Sanford Zoning Ordinance, this approval is good for one (1) year. The Planning Board may extend the time period upon written request from the applicant.
6. The applicant has requested two (2) waivers: Section 15.7 for the height of three proposed flagpoles, and Section 15.11.3.c for a minimum 5' wide landscaped buffer between employee parking and the maintenance building.

Vice Chairman Noon seconded the motion.

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

III. NEW BUSINESS

1. **File #50-06-S: KGI Sanford, LLC, c/o Jan Wiegman, PE, Sebago Technics, Inc., PO Box 1339, Westbrook, Maine.**

Chairman Hardison called for a representative to present the project.

Jan Wiegman, PE, representing the applicant, explained the reason for the request to the Board.

Chairman Hardison asked staff if they had any comments.

Staff member Andreson stated there were no technical issues with the project.

Chairman Hardison asked the Board if they had any comments. Chair Hardison stated the change has been approved by the IDC. The Board had no additional comments.

Chairman Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and find that file #50-06-S, a request to amend a subdivision "Plan of Property in Sanford, Maine made for the Industrial Development Corporation of Sanford, Final Subdivision Plan" dated February 16, 1979 as shown on a plan "Modification of Subdivision of Land Formally Owned by Industrial Development Corporation of Sanford" prepared by Sebago Technics, dated January 11, 2005 is approved subject to the conditions listed below:

1. The applicant will provide two (2) mylar copies of the plan for signature by the Board;
2. The applicant has 90 days from the date of approval to file the signed plan with the York County Registry of Deeds; failure to comply could result in the approval being declared null and void;
3. The applicant will provide one (1) mylar with proof of filing at the Registry of Deeds and six (6) paper copies of same to the Planning Office;
4. The applicant will pay a filing fee of \$150.00 (3 x \$50.00 filing fee per lot).

Board member Kleinrock seconded the motion.

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

IV. PLANNING DIRECTOR'S REPORT

Staff member Gulnac gave a handout to Board members that listed items for future discussions by the Planning Board and an agenda for the special work sessions starting in February going through at least June 2007.

Mr. Gulnac also informed the Board that he was requesting laptops for Board members in next year's budget and asked for their support. The Planning Board informed Mr. Gulnac they supported the idea of getting laptops.

Mr. Gulnac informed the Board that Gene Cormier's contract zone application on Route 202 has expired. He then told the Board that the Board needs to make a request to the Town Council that the Council should void the contract.

Vice Chairman Noon made a motion that the Planning Board recommend to the Council that Mr. Cormier's contract zone be ruled as void.

Board member Tarbox seconded the motion.

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

V. APPROVAL OF MINUTES: December 20, 2006 and January 3, 2007.

December 20, 2006

Chairman Hardison asked if there were any questions or comments.

Board member Kleinrock had a question over a statement that was made during the Dunkin Donuts, Springvale review. A discussion took place, and it was decided to leave the minutes as they are.

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

Board member Tarbox seconded the motion.

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

January 3, 2007

Chairman Hardison called for a motion to approve the minutes.

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

Vice Chairman Noon seconded the motion.

A vote was taken, and the motion passed 4-0 (Board members Herlihy and Tarbox were not at meeting)

VI. ADJOURN

The meeting adjourned at 8:30 PM.

Margaret Kleinrock
Secretary, Planning Board

Date

Attachment to January 17, 2007 Minutes

Findings of Fact for Public Hearing Item #1

File #999-06-T(3): Ordinance Change – YMCA/YWCA

The Planning Board scheduled a public hearing for January 17, 2007 to hear public comment on the proposed ordinance revision itemized below:

1. Add to Section 2.2 – Definitions the following:

YMCA/YWCA: A non-profit organization which provides and promotes sports facilities with a broad range of programs such as sports and games, personal fitness, child care, overnight camping, employment readiness programs conference centers and educational activities.

2. Add to Section 11.15 – Table of Land Uses #12 under III. Institutional Uses: **YMCA/YWCA.**
3. Show YMCA/YWCA as a conditionally permitted use (CU) in all zones.
4. Add to Section 14.5 – Standards for Conditional Use Approval the following new subsection:
YMCA/YWCA: In addition to the requirements of this section and any other applicable section of the Town's Ordinances, the minimum parcel size for this use is ten (10) acres.

Findings of Fact for Public Hearing Item #2

File #999-06-T(4): Ordinance Change – Horse Shows

The Planning Board scheduled a public hearing for January 17, 2007 to hear public comment on the proposed ordinance revision itemized below:

1. Add to Section 2.2 – Definitions the following:

HORSE SHOW: An exhibition of horses that usually includes competition in riding, driving and jumping of horses.

2. Add to Section 11.15 – Table of Land Uses #12 under III. Institutional Uses: **Horse Shows**

3. Show Horse Shows as a conditionally permitted use (CU) in the RR and RMU Zones.
4. Add to Section 14.5 – Standards for Conditional Use Approval the following new subsection:
 - **Horse Shows: In addition to the requirements of this section and any other applicable section of the Town’s Ordinances, the minimum parcel size for this use is twenty (20) acres.**

Findings of Fact for Public Hearing Item #3
File #999-06-T(5): Ordinance Change – UB Zone

Application was tabled

Findings of Fact for Public Hearing #4
File #43-06-R: The Maples at Mayflower

- **The applicant has standing to make the application.**
- The application was reviewed by the Site Plan Review Committee and referred to the Planning Board.
- The applicant has submitted a revised application which addresses all the outstanding items.
- The application has been submitted as a final major site plan.
- The applicant has acquired the required permits from the DEP.
- The applicant has requested the following waivers:
 - a. From Article 7.2.9 – a partial waiver for the location of trees larger than twenty-four (24) inches;
 - b. From Article 7.2.26 – a partial waiver for the high intensity soil survey;
 - c. From Article 7.2.27 – a waiver of the hydro-geologic assessment, the site will be served by public water and sewer;
 - d. The applicant has also requested a waiver from the requirement for a second entrance.
- The applicant has also requested that an alternate striping plan for handicap designated spaces be approved so that should it be required by Maine State Housing Authority, resubmission to the Planning Board will not be required.

Findings of Fact for Public Hearing Item #5
File #43-06-R: Southern Maine Veteran’s Cemetery

- **The applicant has standing to make the application.**
- The application was reviewed by the Site Plan Review Committee and referred to the Planning Board.
- The applicant has submitted a revised application which addresses all the outstanding items.
- The application has been submitted as a final major site plan.
- A Stormwater Runoff Evaluation and a Traffic Impact Analysis were included in the information provided.
- A complete stormwater management plan has been presented.
- The applicant has submitted an application to the Maine DEP.
- The applicant has requested two (2) waivers: Section 15.7 for the height of three proposed flagpoles, and Section 15.11.3.c for a minimum 5’ wide landscaped buffer between employee parking and the maintenance building.
- The applicant has also requested a Shoreland Zone permit.
- The Southern Maine Regional Cemetery Association urges that the Planning Board grant a final approval with conditions and asks that the conditions include a recommendation that upright markers be used rather than flat markers.

- That Planning Board approval is required by Town warrant to approve the site plan as a condition of the transfer of town owned property to the State of Maine so that the cemetery can be funded with federal funds.
- The project will be constructed in four (4) phases and funded with federal funds channeled through the state. The actual timing will be dependent on the funding. Phase I is expected to begin in late 2007, Phase II, 2010; Phases III & IV to follow as needed.

*Findings of Fact for New Business Item #1
File #50-06-S: Sanford Gateway Center*

- ***The applicant has standing to make the application.***
- The Planning Director has determined that the amendments to the original subdivision are minor in nature and that the application is considered as a final.
- The application has been prepared in compliance with the subdivision ordinance.
- The application is required as part of the major site plan application under contract zoning that the applicant has received preliminary approval from the Planning Board (File #24-05-W).
- Any and all engineering issues will be resolved under the review of File #24-05-W.
- The ICD and the property owners are all in agreement.
- Should the approval of this minor subdivision create any nonconforming conditions on lot 8 or lot 9, the properties will be classified as pre-existing nonconforming.