

SANFORD PLANNING BOARD MINUTES
MEETING – January 7, 2009 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Chair
Kelly Tarbox, Vice Chair
Joseph Herlihy (Arrived late)
David Mongeau
Greg Vermette
Gary Morse

MEMBERS ABSENT: Margaret Kleinrock (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Charles Andreson, PE, Town Engineer
Michael Casserly, Assistant Engineer

STAFF ABSENT: Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

James Gulnac, Director of Planning & Community Development, called the meeting to order at 7:30 P.M.

II. SWEARING IN OF NEW MEMBERS

III. ELECTION OF OFFICERS

a. Election of Officers

Mr. Gulnac called for a motion to elect a chairperson.

On a motion by Ms. Tarbox and seconded by Mr. Vermette, it was moved to have Mr. Hardison serve as Chair to the Board for 2009.

Chair Hardison asked if there were any nominations for Vice Chair. Board member Vermette made a motion to nominate Ms. Tarbox. Board member Morse seconded the motion. It was moved to have Ms. Tarbox serve as Vice Chair to the Board for 2009.

Chair Hardison asked the Board to elect a secretary. Vice Chair Tarbox nominated Board member Kleinrock, seconded by Board member Vermette. It was moved to have Board member Kleinrock serve as secretary to the Board for 2009.

Staff member Gulnac requested the Board accept the Planning Department's Administrative Assistant, Barbara Bucklin, to serve as the secretary's assistant. Chair Hardison confirmed this request.

IV. ADOPTION OF PLANNING BOARD BY-LAWS

Chair Hardison called for a motion to adopt the Planning Board By-Laws.

Board member Vermette made a motion to approve the by-laws as written.

Board member Morse seconded the motion.

The motion to approve the Planning Board By-Laws as written passed 6-0.

V. DISCUSSION & ADOPTION OF APPLICATION SUBMISSION PROCEDURES

Chair Hardison asked staff member Gulnac to give an overview of the new application forms.

Staff member Gulnac told the Board all applications have been combined into one, and outlined a few of the changes made in the new application.

Chair Hardison asked Mr. Gulnac asked if this change in the procedure would make it more, less, or the same relative to an applicant for processing.

Discussion on the changes took place.

Chair Hardison asked if there was a change in the standard practice and/or policies for the Board.

Mr. Gulnac replied there was not a change; he was just asking the Board to be more diligent in the time frame between the work session and a vote for a single application – just not to schedule it two weeks out.

Chair Hardison stated the Board does have the authority to change this if, at the work session, it is decided that the application is totally complete, and there are no issues to be resolved between staff and the applicant. Mr. Gulnac asked the Board to keep in mind the time it takes for noticing and to have the abutters notices sent out.

Mr. Gulnac is going to ask the Board to review and revise the fee schedule. He is going to ask to eliminate the compliance review escrow because this fee is now covered under by the engineering department, and that he is going to ask for an increase in fees. Discussion took place on the fee increase.

Chair Hardison called for a motion to adopt the application submission procedures.

Board member Vermette made a motion to adopt the procedures.

Board member Morse seconded the motion.

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

VI. PUBLIC HEARINGS

1. File #29-08-R: Lawrence & Sandra Goddard, d/b/a Big Fish Fence Co., 13 Wakefield Road, Waterboro, Maine.

Chair Hardison called for a representative to present the project.

James Gulnac, Director of Planning & Community Development, gave a brief overview of the application.

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.

Chair Hardison asked if there were any questions or comments from the Board; there were none.

Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board accept the finding of facts (see attached) and find the application for Ker-Al-Lei Realty d/b/a Big Fish Fence Company, Inc. requesting conditional use approval to operate a retail store in an existing building located at the corner of Roy Drive and Smada Drive in South Sanford has been prepared in accordance with Article XIV Conditional Uses of the Sanford Code and provisions of Title 30-A M.R.S.A. Section 4404 and subject to the conditions listed below, grant approval:

- a) The Planning Board made a positive finding that the application met the standards of Section 280-66.
- b) The Planning Board granted the waiver request to permit the review without the submission of a formally prepared site plan.
- c) The applicant will pay any and all outstanding review fees.
- d) The applicant will conform to any and all construction or building codes.
- e) The applicant understands and will conform to Section 280-69 Duration of the conditional use approval.

Vice Chair Tarbox seconded the motion.

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

VII. ADJOURN

The meeting adjourned at 7:45 P.M. A work session followed.

Attachment to January 7, 2009 Minutes

*Finding of Facts for Public Hearing Item #1
File #29-08-RU: Big Fish Fence Company Conditional Use*

- The applicant has provided documentation that they have a financial interest in the property and therefore have standing to present the request for a conditional use approval.
- The property (Tax Map R19, Lot 211) is included as one which, under the recently amended Town of Sanford Zoning code, permits retail use subject to conditional use review and approval by the Planning Board.
- The Planner granted a temporary waiver permitting the request to be presented to the Planning Board without a formal site plan under the provisions of Section 280-65.
- The Planning Board agreed to grant the waiver requested.
- The Planner's report included a copy of Section 280-66 Standards for conditional use approval and supported the planner's recommendation that the application met the standards. Furthermore, no specific conditions were recommended.
- Section 280-66 Checklist:

CHECKLIST Section 280-66. STANDARDS FOR CONDITIONAL USE APPROVAL

File # &
Name:

29-08-RU Goddard

Date:

11/4/2008

STANDARD

COMPLIES

DOES NOT

EXPLANATION

- | | | |
|-----|---|---|
| {1} | The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations; | x |
| {2} | The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles; | x |
| {3} | The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result; | x |
| {4} | The proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants; | x |
| {5} | The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties; | x |
| {6} | The proposed location for the use has no peculiar physical characteristics due to its size shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties; | x |
| {7} | The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and | x |

- {8} If located in the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve Shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use.
- n/a
- The application was reviewed by the Planning Board in work session on November 12, 2008. No one from the public appeared to make comment. The Board directed that the application be scheduled for a vote at the next available Planning Board meeting.