

**SANFORD PLANNING BOARD MINUTES**  
**MEETING August 5, 2009 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Kelly Tarbox, Vice Chair  
Joseph Herlihy  
Margaret Kleinrock, Secretary  
David Mongeau  
Gregory Vermette  
Gary Morse

**MEMBERS ABSENT:** Robert Hardison, Chair (w/notice)

**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**

Vice Chair Tarbox called the meeting to order at 7:31 P.M.

**II. PUBLIC HEARINGS**

1. **File #04-09-W: Joseph & Sam Sevigny, d/b/a Lincoln House LLC, c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Vice Chair Tarbox asked staff member James Gulnac, Director of Planning & Community Development, to explain the process for tonight's public hearing. This is for the Board to take any comments relative to the question about the zone change. Mr. Gulnac then explained the contract zone process.

Vice Chair Tarbox asked if anyone present would like to speak in favor of the application; there was no one. Vice Chair Tarbox asked if anyone present would like to speak in opposition of the application.

Diane McCall, resident on Kirk Street, stated she was more concerned about than opposed to the project. Her concern was how the project would change the dynamics of the neighborhood by adding a multi-family building in a single-family zone. She stated that there are a lot of children in the neighborhood who play in the area and there is no playground available.

Vice Chair Tarbox asked if the applicant would like to address the abutter's concerns.

John Hutchins, representing the applicant, said it sounded like Ms. McCall's main concern was about traffic. Mr. Hutchins feels that the traffic will be less than it would be when the building was used as school, although a complete traffic study was not done because the project didn't meet the ordinance requirements that trigger a traffic study be done.

Vice Chair Tarbox mentioned there was another playground in the area, but Ms. McCall said the playground was located on the opposite side of Oak Street, the road wasn't well maintained, and the speed limit was not followed by drivers so it was not a safe alternative.

Ms. McCall also commented that, although this project would generate less traffic than the previous school would, the building has not been used as a school for a few years now and the current use as an adult/alternative education building did not generate the same amount of traffic a fifteen unit apartment building would.

Vice Chair Tarbox asked Ms. McCall if she had been able to speak to Lionel Sevigny, applicant, regarding the project because he has done similar projects in town. Ms. McCall stated she did, and knew that Mr. Sevigny was trusted and respected in town, but was still concerned.

Lionel Sevigny invited Ms. McCall to visit his other locations and observe the traffic. He feels that if she does this, her concerns would be addressed. If her concerns were still there after doing this, he told her to revisit the Planning Board to voice her concerns again.

Eleanor Moulton, abutter to Lincoln School, would like to see the building used again other than being used as a target for vandalism. She felt the proposed use would be good for the location because the occupants would be mature citizens, not teenagers.

Vice Chair Tarbox asked if anyone else present would like to comment on the application; there were none.

Vice Chair Tarbox closed the public hearing, and opened the floor to Board discussion.

Board member Herlihy asked if this area was mainly a single-family area. Discussion took place on single-family versus multi-family uses.

Board member Mongeau didn't feel the proposed use was a significant change because if the property was subdivided, there could be four single-family homes built there with an average of two cars per household.

Vice Chair Tarbox asked if there were any other comments from the Board; there were none.

Vice Chair Tarbox called for a motion.

Board member Morse made a motion that the Planning Board has reviewed the contract zone application File #04-09-W, Joseph & Sam Sevigny, d/b/a Lincoln House, LLC to redevelop the Lincoln School into a multiunit housing structure and confirms the information attached as finding of facts and recommend to the Town Council the approval of the application.

Board member Vermette seconded the motion.

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

2. **File #07-09-R: Town of Sanford, c/o Peter Biegel, SYTDesign Consultants, PO Box 86A, Cumberland, Maine.**

Vice Chair Tarbox called for a representative to present the project.

Staff member Gulnac explained how the application came to the Planning Board.

Peter Biegel, representing the applicant, gave an overview of the project. Mr. Biegel discussed the concerns from the Site Plan Review Committee meeting:

- Circulation route
- Buffering
- Traffic and speed control

- Communication tower
- Parking

John Charrette, Port City Architecture, explained building layout in relationship to the site. Mr. Charrette then described the building façade.

Charles Andreson, Town Engineer, gave a summary of the engineering issues and how they were resolved. Some of the issues resolved were:

- Width of access drive
- Parking stalls
- Location of handicap spaces
- General configuration of parking
- P/E seals on stormwater evaluations
- Trench drain details within the building
- Storm drain design
- Grading plans
- Sidewalk location
- Retaining wall design
- Miscellaneous plan clean-up

Mr. Andreson asked for a traffic analysis, which was performed by William Bray. It was determined there would be no new traffic generated by the new location of the police department.

Mr. Andreson stated that between the SPRC meeting and tonight, the applicant has addressed the issues staff members had and the plan presented tonight is the result of these changes. Mr. Andreson also explained other changes that had been done, and Michael Cassesrly's, Assistant Town Engineer, memo of July 29, 2009 confirmed all items cited in the July 8, 2009 memo have been addressed.

Vice Chair Tarbox asked if anyone present would like to speak in favor of the project; there was no one. Vice Chair Tarbox then asked if anyone present would like to speak in opposition of the project. Again, there was no one.

Vice Chair Tarbox closed the public hearing, and opened the floor to Board discussion.

Board member Morse asked how high the communication tower would be. Mr. Andreson stated it was 120 feet from the base to top. Board member Morse asked if it could be put on the abutting high-rise. Discussion followed, and it stated there was a need to have an independent tower due to the use of the dispatch center as a regional center, and also would not set a precedence if a private sector wanted to place a tower in town.

Vice Chair Tarbox called for a motion.

Board member Morse made a motion that the Planning Board confirm the Finding of Facts (attached) and find that application file #07-09-R, Town of Sanford, Police Station has been prepared in accordance with Section 280-101 Procedures for major developments and Section 280-102 Approval criteria and standards and is approved with the following condition:

- a) Subject to any and all code and construction permit requirements.

Board member Vermette seconded the motion.

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

**3. File #999-08-T(7): The Planning Board will hear comments** on changes to the Town of Sanford's Zoning Ordinance – Definitions for towing/recycling.

Vice Chair Tarbox asked staff member Gulnac to give a background of the ordinance.

James Gulnac, Director of Planning & Community Development, informed the Board that this was on the agenda to open discussion on this topic. He has made some changes to the report from his original submission. Mr. Gulnac recommended holding the public hearing tonight, table the decision until a later date, and forming a subcommittee to review the topic. He went on to explain the reason for proceeding this way.

Vice Chair Tarbox asked if anyone present would like to offer comments on the proposed ordinance change.

Jeff Simpson, who operates a wood recycling facility on Jagger Mill Road, reminded the Board that he had gone through conditional use approval last year to operate his facility and received approval and offered his assistance through the process of changing the zoning ordinance.

Mr. Gulnac elaborated on the type of process Mr. Simpson operates compared to another resident who operates a similar process, but how they are operated is different. Mr. Gulnac then talked about the towing/tow lot regulation portion of the ordinance change.

Mr. Simpson also expressed his concern of being overregulated if he will be required to receive a license to operate by the town because he already has conditional use approval and a DEP permit to operate.

Shirley Sheesley, Chief Codes Enforcement Officer, thanked Mr. Gulnac for his overview of the program and extended her appreciation to Mr. Simpson for cooperating with the town through this process. She then passed a handout that had the MMA definitions of the types of activities the town is looking at to Board members.

Vice Chair Tarbox closed the public hearing.

Board member Morse made a motion to table the zoning ordinance request.

Board member Vermette seconded the motion.

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

**III. NEW BUSINESS**

There were no new business items.

**IV. OLD BUSINESS**

There were no old business items.

**V. APPROVAL OF MINUTES**

There were no minutes for approval.

**VI. PLANNING DIRECTOR'S REPORT**

No report was given at tonight's meeting.

**VII. ADJOURN**

The meeting adjourned at 8:20 PM. A work session followed.

**Attachment to August 5, 2009 Minutes**

*Finding of Facts for Public Hearing Item #1*

*File #04-09-W: Lincoln House Contract Zone*

- The Planning Board has determined that the proposal is consistent with the goals and objectives of the Town's Comprehensive Plan and authorized the submission of a contract zone.
- The Contract Zone Coordinating Committee is scheduled to begin their review on June 2, 2009.
- The applicant has standing to make the application.
- The application is classified as a major development which requires review by the SPRC prior to submission to the Planning Board.
- The Site Plan Review Committee has reviewed the technical land issues as a major subdivision and their report is attached.
- The Planning Board has reviewed and approved the major site plan portion of the application.

*Finding of Facts for Public Hearing Item #2*

*File #07-09-R: Municipal Police Station*

- The applicant provided proof of ownership and has standing to make the application.
- Project Classification: The application was reviewed by the Planner and classified as a minor site plan by definition and scheduled for review by the Site Plan Review Committee. As a minor project, the SPRC is authorized to approve, disapprove, or approve with conditions the application. As noted above, the SPRC reclassified the application as a major development and recommended it to the Planning Board.
- Staff Review: The town engineer and fire marshal have met with representatives of the applicant to review the comments from the SPRC meeting and their comments on the revised plans will be provided separately.

*Finding of Facts for Public Hearing Item #3*

*File #999-08-T(7): Tow Lots/Recycling Ordinance Change*

This discussion was tabled to a later date.