

**SANFORD PLANNING BOARD MINUTES**  
**MEETING February 21, 2007 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**  
**AMENDMENT**

**Amended with Corrections**

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

**MEMBERS ABSENT:** Margaret Kleinrock (w/notice)  
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

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**I. CALL TO ORDER**

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

**II. PUBLIC HEARING**

1. **File #34-06-R: Martel Properties, LLC, c/o Eric Reitter, CMA Engineers, 35 Bow Street, Portsmouth, New Hampshire.**

Chairman Hardison opened the public hearing for the above item.

Benjamin Williams, owner of the property, gave a brief overview of project.

Chairman Hardison asked if there were any questions from Board members; there were none.

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.

Michael Casserly, Assistant Engineer, explained the procedure for the pre-construction meeting to the applicant, and informed the Board that they wanted to get an engineer involved with the construction since the applicant is using a porous pavement and it is a specialty item.

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 CMA Engineers, dated July 2006, with a latest revision date of 2/07; named "Martel Apartment Complex Expansion" for a major development plan to convert the five (5) residential units contained in three (3) separate

buildings into ten (10) residential units and one (1) commercial unit 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 three waivers are approved:
  - a. A waiver/exception under Section 15.11.2 permitting the use of on-street public parking to meet the requirement for the four (4) commercial spaces;
  - b. A waiver to permit a slight increase in the post development peak flow;
  - c. A waiver to permit more than the 30% impervious coverage maximum permitted as the applicant will employ porous pavement as a BMP.
2. The applicant will provide six (6) copies of the approved site plan for certification by the Planning Director.
3. No construction permits shall be issued until the site plan has been certified by the Planning Director.
4. 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.
5. 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 5-0.

### **III. APPROVAL OF MINUTES: January 17, 2007**

Chairman Hardison asked the Board members if they would like to table the minutes until Board member Kleinrock, Board Secretary, was present.

Vice Chairman Noon made a motion to table the minutes until Board member Kleinrock reviewed them.

Board member Tarbox seconded the motion.

A vote was taken, and the motion passed 5-0.

### **IV. ADJOURN**

The meeting adjourned at 7:37 PM.

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Margaret Kleinrock  
Secretary, Planning Board

Date

### **Attachment to February 21, 2007 Minutes**

*Findings of Fact for Public Hearing Item #1  
File #34-06-R: Martel Apartment Complex*

- The project is classified as a subdivision by definition both in the Sanford Subdivision Ordinance and 30-A M.R.S.A. Sec 4401.

- Title 30-A M.R.S.A. Section 4401 G. states: “Notwithstanding the provisions of this subsection, leased dwelling units are not subject to the subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.” In my opinion, Section 17.6 – Procedures for Major Developments of the Sanford Zoning Ordinance is as stringent as Articles 7 & 8 – Major Subdivisions of the Sanford Subdivision Ordinance. I would recommend the Site Plan Review Committee recommend to the Planning Board, who is the “reviewing authority” on this application, that the application be deemed a “major developmental subdivision” subject to Section 17.6 of the Zoning Ordinance and not require formal subdivision review.
- The property was the subject of a previous site plan review. A condition of that review was that any future expansion of the number of units would require review as a major project and not as an amendment to an already approved plan.
- Benjamin T. Williams has demonstrated that he has purchased the property from James Martel and that he has standing to submit the application.
- The applicant appeared at the Planning Board work session on February 7, 2007.
- As a result of the work session, the applicant agreed to make the changes recommended in Engineer Casserly’s memo dated February 1, 2007 and submit revised plans to the Planning Office by twelve noon on Monday February 12<sup>th</sup>.
- The applicant submitted the plans before twelve noon on Monday February 12<sup>th</sup>. The applicant was also contacted to provide a set of abutter envelopes.
- The applicant has requested three waivers:
  - A waiver/exception under Section 15.11.2 permitting the use of on-street public parking to meet the requirement for the four (4) commercial spaces;
  - A waiver to permit a slight increase in the post development peak flow;
  - A waiver to permit more than the 30% impervious coverage maximum permitted as the applicant will employ porous pavement as a BMP.