

**SANFORD PLANNING BOARD MINUTES**  
**MEETING September 19, 2007 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Robert Hardison, Chairperson  
Kelly Tarbox, Vice Chairperson  
Joseph Herlihy  
Margaret Kleinrock  
Gregory Vermette  
Gary Morse

**MEMBERS ABSENT:** None

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

**STAFF ABSENT:** Barbara Bucklin, Administrative Assistant

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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 #15-07-S: James Libbey, c/o Steve Horne, PLS, Middle Branch Professional Land Surveyors, PO Box 618, Alfred, Maine.**

Chairperson Hardison called for a representative to present the application.

Steve Horne, PLS, representing the applicant briefly overviewed the application and asked if there were any questions.

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

Chairperson Hardison asked if staff had any questions or comments regarding the application.

Michael Casserly, Assistant Town Engineer, stated that Mr. Horne has addressed the engineering concerns and the project is ready for final approval if the Board chooses.

Chairperson Hardison asked if staff member Gulnac had any questions; he did not. Chairperson Hardison asked if Board members had any questions; they did not.

Chairperson Hardison closed the public hearing.

Chairperson Hardison stated the applicant was requesting two waivers: a) waiver from submitting an Article 5 application, and b) waiver from the location of driveway on New Dam Road.

Chairperson Hardison called for a motion.

Board member Morse made a motion that the Planning Board accept the findings of fact (see attached) and find that application file #15-07-S, Minor Subdivision, James Libbey, tax map R16, lot 9L prepared by Middle Branch has been prepared in conformance with the subdivision requirements of the Sanford Subdivision Ordinance and Title 30-A M.R.S.A. Sec 4404 and grant final approval of the application subject to the following conditions:

- a. The applicant is granted a waiver of Article 12.2A.2 to permit a driveway on Lot 9L-1 to access off of New Dam Road;
- b. The applicant will provide a payment of \$150.00 (3 lots x \$50.00) for the map filing fee;
- c. The applicant has provided an easement from CMP concerning the power lines over the property. The easement should be shown on the plan and noted on all applicable deeds. Proof that the easement has been recorded will be provided prior to issuance of building permits;
- d. Proposed tree plantings and vegetation in the shoreland zone will be subject to approval by the Code Enforcement Officer;
- e. The applicant is reminded that the signed mylar must be filed at the York County Registry of Deeds within 90 days of the date that the plan is approved and signed by the Planning Board. Failure to file the plan in a timely manner could result in the approval being declared null and void;
- f. The applicant will provide a copy of the mylar for the project signed by the Planning Board and showing proof of filing at the county, and six (6) paper copies of the plans;
- g. The applicant shall provide an electronic submittal of the subdivision plan to the Town to the satisfaction of the Town Engineer and/or the Town's GIS consultant, prior to issuance of building permits;
- h. No building permits are to be issued until all the conditions of this approval have been satisfied.

Vice Chairperson Tarbox seconded the motion.

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

2. **File #44-06-S: Richard J. Bergeron, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale Maine.**

Chairperson Hardison called for a representative to present the project.

John Hutchins, representing the applicant, gave a brief overview of the project. Mr. Hutchins stated they are requesting both preliminary and final approval tonight.

Staff member Gulnac explained that the preliminary application came in as a request for a five (5)-lot subdivision, and the preliminary approval would have to remain this way. The change to a four (lot) subdivision can take place for final approval.

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

Staff member Casserly told the Board that the project was ready for preliminary approval, and for final if the Board chose to vote on the final application tonight.

Staff member Gulnac stated under the condition of approving as a final application, the Board was handed out the additional paperwork for the final approval, as a four (4) lot subdivision.

Chairperson Hardison reminded everyone that at the work session meeting, the Board indicated they would consider final approval if the applicant made all the necessary changes.

Chairperson Hardison closed the public hearing and called for a motion.

Board member Vermette made a motion that the Planning Board accept the findings of fact itemized above and find that application file #44-06-S, Rocky Ridge Phase II, submitted by Corner Post Land Surveying, Inc. has been prepared in conformance with the subdivision requirements of the Sanford Subdivision Ordinance Articles 6, 7 & 8, and Title 30-A M.R.S.A., Section 4404 and grant preliminary and final approval of the application subject to the following conditions:

- a. The applicant has ninety (90) days to record the signed mylar with the York County Registry of Deeds or the approval shall be declared null and void;
- b. The applicant is granted the following waiver:
  - A waiver from Table 12.2-3 which requires that urban local streets have a 5' wide sidewalk.
- c. The applicant will pay a filing fee of \$200.00 (4 x \$50/lot);
- d. The applicant will pay any outstanding review fee expenses;
- e. That no building permits are to be issued until the Town Engineer has verified that the applicant has complied with all the conditions of Articles 8.3, 10, 11, and 13 of the Sanford Subdivision Ordinance, this includes a mandatory preconstruction meeting with the Town Engineer.

Board member Morse seconded the motion.

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

**III. NEW BUSINESS – None**

**IV. OLD BUSINESS – None**

**V. APPROVAL OF MINUTES: August 15, 2007**

Chairperson Hardison called for approval of the minutes.

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

Vice Chairperson Tarbox seconded the motion.

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

**VI. PLANNING DIRECTOR'S REPORT**

Staff member Gulnac overviewed the upcoming Planning Board items for October, informed the Board that the laptops will also be distributed at the October work session, and let the Board know that the traffic impact fee ordinance and shoreland ordinance will be brought back for discussion.

Mr. Gulnac also explained some of the items that will be coming before the Board in the near future, i.e. SIS Bank expansion and a minor change to the zoning ordinance referencing the 'drive-thru' definition. Discussion took place on these two issues.

Mr. Gulnac then discussed a proposal for a hotel near the airport. Mr. Gulnac also said affordable housing is being discussed.

Mr. Gulnac explained what some of the additional handouts were, and Chairperson Hardison asked what the status was of Grondin & Sons gravel pit.

## **VII. ADJOURN**

The meeting adjourned at 8:02 PM.

### **Attachment to September 19, 2007 Minutes**

#### *Findings of Fact for Public Hearing Item #1*

##### *File #15-07-S: New Dam – Fairview Drive Subdivision*

- The applicant has demonstrated that he is the owner of the subject property and therefore has standing to submit the application.
- The proposed subdivision does not create any nonconforming lots.
- The applicant has confirmed the lot identification with the Town Assessor.
- The proposed lots will be serviced by private wells and septic systems.
- The applicant has indicated that the residential units will be serviced with individual fire suppression systems.
- The applicant has requested a waiver of the requirement to submit an Article 5. The Planner and staff recommend this waiver.
- The applicant has also requested a waiver of Article 12.2A2 concerning the location of the driveway for proposed lot 9L-1. The Planning Board reviewed this request at a work session and based upon that review a consensus was reached to grant the waiver.
- The applicant agreed to place a notation on the plan concerning building foundation drains.
- The town engineer needs to confirm that the few outstanding issues have been resolved.

#### *Findings of Fact for Public Hearing Item #2*

##### *File #44-06-S: Rocky Ridge Phase II*

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- The application was deemed complete for the purposes of review by the Site Plan Review Committee and scheduled for a February 28, 2007 meeting.
- The application was reviewed by the SPRC and forwarded to the Planning Board with the comments from staff.
- The application was reviewed by the Planning Board at their April 4, 2007 Work Session and scheduled for a vote at the April 18<sup>th</sup> meeting.
- The site is located within the Growth Area as designated in the Town's Comprehensive Plan.
- The applicant met with the Planning Board in work session on September 5, 2007. At that meeting, the Board agreed to grant the request for a waiver of the requirement to provide sidewalks.
- The proposed subdivision has been reduced to a four (4) lot subdivision. The plan needs to be revised to show that the reference to lot 8 is now lot 7. The proposed street light is to be removed.
- The Town Engineer has reviewed and approves the revised plans.

The Board considered the applicant's request to be considered as both a Preliminary and a Final application. A consensus was reached to grant the request provided all engineering requested items were met.