

**SANFORD PLANNING BOARD MINUTES**  
**MEETING May 7, 2014 – 7:00 P.M.**  
**City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** John McAdam, Chair  
Kelly Tarbox, Vice Chair  
Lela Harrison, Secretary  
Robert Hardison  
Joshua Howe  
Richard Bergeron  
Lenny Horr

**MEMBERS ABSENT:** None

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Michael Casserly, P.E., Interim City Engineer  
Shirley Sheesley

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair McAdam called the meeting to order at 7:00 P.M. Chair McAdam informed everyone in attendance the order of the meeting was going to change and Old Business would be discussed before New Business.

**II. PUBLIC HEARINGS**

There were no public hearing items.

**III. NEW BUSINESS**

1. **File #10-14-RZ: City of Sanford, Maine, c/o Kelley Race, P.G., LSP, TRC Solutions, 400 Southborough Drive, South Portland, Maine.**

Chair McAdam called for a representative to present the project.

Kelley Race, representing the City, showed the architect's design of the park and explained the Permit by Rule process vs. a full NRPA. Ms. Race then described the steps needed to be done to construct the park and the improvements needed to vegetate the area.

Vice Chair Tarbox asked what VRAP was. Ms. Race said VRAP (Voluntary Response Action Program) is an application and agreement process worked out between DEP (Department of Environmental Protection) and an applicant on the handling and disposing of contaminated soils.

Discussion took place on the three phases of the park construction.

Chair McAdam asked Shirley Sheesley, CEO if she would like to comment.

Shirley Sheesley, CEO confirmed why the application was before the Board and told the Board replanting of the area would need to be worked out before any planting

was started. Ms. Sheesley presented the Board with pictures of what the shore land area was like before cleanup began. Discussion followed.

Chair McAdam asked if there were any other questions.

Board member Horr asked if the vegetation that looked like weeds along the wall in a photograph were going to be removed. Ms. Race replied they were not and explained why.

Chair McAdam called for a motion.

Vice Chair Tarbox made a motion that the Planning Board accept the Finding of Facts (see attached) and find that File #10-14-RZ Gateway Park complies with the requirements of the Land Codes of the City of Sanford and the State of Maine and grant final site plan approval and approves a shore land permit subject to the discretion of the CEO (Codes Enforcement Officer). The following conditions apply:

1. The final landscape plan must be approved by the CEO with respect to the number and species of native plants that need to be included.

Board member Hardison seconded the motion.

A vote was taken and the motion passed unanimously (7-0).

#### IV. OLD BUSINESS

1. **File #05-14-P: Carrie Webster Underwood, c/o Brad Lodge**, PLS, Middle Branch, LLC, P.O. Box 617, Alfred, Maine.

Staff member Gulnac reminded everyone what the project was tabled for, which was clarification on lot sizes and confirmation of sight distance.

Staff member Casserly stated Mr. Lodge, applicant's agent provide a culvert under the private way neck to address the drainage concern.

Chair McAdam confirmed the 3-acre lot cannot be subdivided again unless zoning changed.

Vice Chair Tarbox said she met with Shirley Sheesley, CEO to get clarification on the lot size. She said both lots are within code in regards to size and density.

Chair McAdam asked if there were any other issues; there were not.

Chair McAdam called for a motion.

Vice Chair Tarbox made a motion that the Planning Board find that application File #05-14-P: Carrie Webster Underwood requesting final approval to construct a private way, yet to be named, off Main Street (RT 109) has been prepared according to the guidelines in Section 280-85 of the City of Sanford Zoning Ordinance and subject to the conditions listed below grant approval:

1. The plan must be filed at the York County Registry of Deeds within thirty (30) days of the date the plan is signed.
2. That the applicant reviews any proposed name for the proposed private way with the CEO under the E911 guidelines.
3. That the applicant has paid any and all review fees.
4. The applicant shall schedule a pre-construction meeting with the city engineer prior to any issuance of a building permit. At that time the city engineer shall

determine if any performance guarantee is required and the amount of the review escrow.

5. The applicant is required to provide the CEO with certification by a professional engineer that the road has been constructed in accordance with the approved plan.
6. The Board grants a waiver of the 35% impervious cover rule Section 272-2-2.1(B) Watershed Performance Standards and staff can review the Permit by Rule as necessary.

Board member Hardison seconded the motion.

A vote was taken and the motion passed unanimously (7-0).

#### **V. APPROVAL OF MINUTES – April 16, 2014**

Vice Chair Tarbox made a motion to accept the minutes as written.

Board member Howe seconded the motion.

A vote was taken, and the motion passed 7-0.

#### **VI. PLANNING DIRECTOR'S REPORT**

Staff member Gulnac informed the Board that although the following items were being discussed informally, the discussions are being recorded so if the Board decided to take action on the items tonight, they could do so.

##### **a. File #18-12-R: Pepin Gravel Pit**

Staff member Gulnac told the Board there were a number of complaints generated by noise coming from the area of Mr. Pepin's pit on the corner of Twombly and Old Mill Roads. It has been determined the noise was not generated by work being done in the pit but rather by work being done by other property owners. With this being the case, this action is not a Planning Board concern.

Staff member Gulnac then said the other item concerning this project was a letter he received by David Pepin, the pit owner, requesting a change on the condition limiting his truck travel during certain times of the year (early spring thru end of April). Since the time has passed, this item is no longer a concern for this year but he is requesting the change now so he will be set for next year. Mr. Pepin is asking to be allowed to use area roads. He feels he should not be restricted since other gravel and logging trucks are able to use the roads unrestricted. Mr. Pepin explained what he would like to do. Mr. Pepin did say he understood why the city restricted his use of the roads because his company would be a high volume user, but he would like to have some restrictions removed.

Chair McAdam agreed with Mr. Pepin in the fact that the City of Sanford does not post its roads and the city has not restricted other similar trucks from using the roads during certain times of the year.

Vice Chair Tarbox confirmed with Mr. Pepin that he was requesting an amendment to his operations manual. She also agreed that Mr. Pepin should not have as many restrictions while other companies did not. Discussion continued.

Board member Hardison said that when the original approval was being discussed, both the Board and Mr. Pepin agreed to the restrictions in the operations manual but

since the City is not prepared to restrict its roads, the Board has no legitimate reason to restrict Mr. Pepin from use for normal operation. Board member Hardison said the Board should ask the city's public works department and the city as to what the Board should do regarding the roads.

Staff member Gulnac confirmed with the Board that the Board could not put any limitations or restrictions since they are not enforceable and not reasonable until the Board has direction from the city council.

Board member Hardison made a motion to remove the restriction of using area roads from March 21 – through April 30 from the Pepin Gravel Pit operations manual.

Board member Harrison seconded the motion.

A vote was taken and the motion passed unanimously (7-0).

**b. File #24-11-R: Vachon/Miller**

Staff member Gulnac briefly updated the Board as to the history of the property. The first approval was a request to open a hot dog stand. The Board gave a one-year approval. The following year, a new owner came through with a request to operate a mobile pizza stand. The Board approved the request for one year. This year, a shed sales company wants to display and sell sheds on this property. The major concern in the past is access to this property. Since the Board had concerns and only allowed one-year operations for the previous uses, Mr. Gulnac brought the discussion to the Board.

Staff member Gulnac is asking the Board to separate the access issue from the use request at this time. Some Board members had questions as to where the actual access was, where the traffic light is, and where the location of the two prior businesses was.

The Board decided that since they had granted temporary use approval in the past, the Planning Director could sign off on the minor change in use.

**c. File #26-06-R: Calvary Baptist Church**

Staff member Gulnac presented Pastor Todd Bell's request to the Board. The request is to extend the building to the size the original building was. Normally this request would be minor in nature and the Planning Director could sign off on it. Mr. Gulnac then explained why he did not – the expansion would reduce parking by two spaces; however, this project has had numerous complaints regarding parking. Mr. Gulnac gave the history of the parking agreements made in the past with the approval of the church.

The Board determined they could put conditions on a project but are not enforcers and told staff member Gulnac he could sign off on the request as a minor change.

**d. File #05-08-R: Goldmark Gravel Pit**

Staff member Gulnac informed the Board there was change in ownership name, therefore it was a change in the pit's operations manual. Mr. Gulnac had staff member Casserly, interim city engineer review the changes and found there are other changes that may need more formal review such as:

- Changing from being open to the public selling to in-house selling only
- Made some adjustments to the site plan itself

Mr. Gulnac also told the Board the gravel operations time limit has expired; the applicant is also requesting an extension to his operation.

Vice Chair Tarbox asked Mr. Gulnac if the project was only coming in for an extension request, would a full review be required. Mr. Gulnac stated the Board has made other extension requests go through the full review process in the past.

Board member Hardison asked Chair McAdam if the Board was going to vote on this item tonight. Chair McAdam replied it would be determined once Mike updates the Board.

Mr. Goldberg gave a background of the name change and the reasons for the other manual changes.

Board member Hardison said at one time there was a storage area for lumber; he wanted to know the status of this storage area.

Discussion followed on the requested changes and what level of action the Board needed to take.

The Board felt the request for a five year extension would need a full review as that is what has been done in the past with other pit extension requests. This would allow more review time by the Board and give abutters a chance to voice their concerns, if any.

Staff member Gulnac said he thought the Board should start thinking about the reuse of the pits (for all operators) once the operations have ceased. Discussion followed.

The extension request item will go on a future agenda for formal review.

**e. File #11-12-R: Beaver Hill Estates**

Staff member Gulnac said he gave all members a copy of the ruling of the court case. The discussion centered on whether or not to send the decision back to the courts for a judge to make a ruling, to keep what the ruling stated and inform the applicant as to what was needed to continue the review of the project, and where to continue/start the process.

The Board decided the review would start where it left off when the applicant withdrew from his scheduled work session meeting. Staff member Gulnac would send the applicant a memo stating what is needed from him to continue the review process.

**VII. ADJOURN**

The meeting adjourned at 8:35 P.M.

**Attachment to May 7, 2014 Minutes**

*Finding of Facts for New Business Item #1  
File #10-14-RZ: Gateway Park*

- The applicant owns the property and has standing to submit the application.
- As a city-owned project, application fees are waived.

- The City received a \$500,000.00 Downtown Revitalization Grant for the park and has a committee appointed by the Council Chair over-seeing the project. The park committee approved the park design.
- TRC is under contract with the City through grant funding to provide for permit compliance.
- The City has received a Permit by Rule (PBR) from the DEP.
- The proposed construction requires a shore land permit and therefore requires approval by the Planning Board.
- Any approval granted by the Planning Board is subject to compliance with the shore land permit and CEO in addition to any compliance with the PBR from the DEP.
- The park construction project is divided into four (4) stages: removal of structures (completed); stabilization of the edge along the river bank/wall (underway); removal of the concrete and asphalt (to be bid when Planning Board approval granted); and finally the construction of the park (also to be bid after final environmental investigation of the soil under the concrete and asphalt).