

SANFORD PLANNING BOARD MINUTES
MEETING May 30, 2012 – 7:00 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Lela Harrison, Vice Chair
Joseph Herlihy
John McAdam
David Mongeau, Secretary (Arrived at 7:05 P.M.)
Robert Hardison
Matthew Treadwell

MEMBERS ABSENT: None

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

STAFF ABSENT: Michael Casserly, P.E., Assistant Engineer (w/notice)
Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

Chair Tarbox called the meeting to order at 7:00 P.M.

II. PUBLIC HEARINGS

1. **File #22-11-R: Spectrum Health Systems, Inc.,** c/o Shawn Frank, P.E., Sebago Technics, Inc., PO Box 1339, Westbrook, Maine.

Chair Tarbox called for a representative to present the project.

Charles Farris, President and Chief Executive Officer of Spectrum Health Systems, thanked everyone in the town that has worked with them to get the project to this point tonight. Mr. Farris gave a brief background of the company. Spectrum Health is a non-profit organization, classified as a charity. The organization has been in operation for forty-three (43) years in the addiction treatment field. He then went on to explain why Spectrum is looking to put a location in Sanford and how methadone treatment helps clients put their lives back on track. Mr. Farris also said that local contractors are being used and they collaborated with abutters in order to come up with a plan that will fit in with the area.

Kristen Nolan, Director of Outpatient Services, said methadone is a heavily regulated form of addiction treatment. It is regulated by many organizations on both the state and federal levels. She also said random audits are done every twelve to eighteen months. Ms. Nolan then explained the daily operations of the facility. She said that clients are also expected to participate in the counseling program along with their treatments. Ms. Nolan then described the treatment process.

Chair Tarbox asked if anyone present wished to speak in favor of this application; there was no one.

Chair Tarbox asked if anyone present wished to speak against this application.

Andy Pease, from Maine Manufacturing (located in the business park), said he is speaking on behalf of several businesses in the industrial park that has worked with Spectrum, members of the Planning Board, and town staff to understand the impact of this project on the industrial park as

well as what a methadone clinic does. Mr. Pease said the industrial park group has learned a lot about the clinic's process and said that the group does want members of the community to be helped. Mr. Pease went on to say that the industrial park group wasn't against the methadone clinic itself but rather the group's concern was specific to four items in the applicant's proposal. The items all related to vehicular and pedestrian safety and the group created recommendations that they feel will improve safety in general. The four items are: (Mr. Pease read a prepared statement.)

- Recommends parking area have a separate entrance and exit – should relieve congestion.
- No Parking signs should be placed along both sides of Eagle Drive instead of just one side.
- Add streetlights along Eagle Drive in addition to the proposed light at the site entrance; or if streetlights are not feasible, then consider adding a sidewalk to improve pedestrian safety.
- Consider a traffic light at the Main Street/Eagle Drive intersection.

Chair Tarbox asked if anyone else would like to speak against this application; there were no others.

Chair Tarbox asked if any Board members had questions for the applicant; they did not.

Chair Tarbox closed the public hearing.

The meeting moved into work session to discuss the public hearing item at 7:19 P.M.

III. NEW BUSINESS

There were no new business items for approval.

IV. OLD BUSINESS

The meeting was called to order for voting purposes at 8:50 P.M.

- 1. File #22-11-R: Spectrum Health Systems, Inc., c/o Shawn Frank, P.E., Sebago Technics, Inc., PO Box 1339, Westbrook, Maine.**

Chair Tarbox called for a motion.

Board member Hardison made a motion that the Planning Board confirm the Finding of Facts (see attached) and after consideration of public comments and those of staff find the request for a conditional site plan File #22-11-R: Spectrum Health System has been prepared in conformance with the Town of Sanford Land Use Codes and Article II of the Town of Sanford and the laws of the State of Maine and refer the application to the Town Council subject to the following conditions:

- a) That any and all outstanding fees be paid.
- b) That the applicant/developer complies with any and all local and/or state building code requirements.
- c) That the applicant/developer complies with any and all fire safety code requirements.
- d) That the applicant complies with the Town of Sanford's Traffic Fee Ordinance.
- e) That the site plan is revised as required by the Planning Board to comply with the requirements for a conditional use.
- f) That the applicant is required to obtain Town of Sanford council approval for a license to operate a substance abuse treatment facility.

- g) That the Planning Director summarizes the elements and conditions discussed at tonight's meeting and submit those, after review by the town engineer, to the Board for consensus approval. If this is achieved, staff can sign off on these changes.

Board member McAdam seconded the motion.

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

V. APPROVAL OF MINUTES – October 19, 2011 and May 16, 2012

Chair Tarbox called for approval of the minutes.

Board member Treadwell made a motion to approve the minutes as written. Chair Tarbox said that the minutes would need to be voted on separately due to different Board member attendance.

October 19, 2011

Board member Mongeau made a motion to approve the minutes as written.

Vice Chair Harrison seconded the motion.

A vote was taken, and the motion passed 4-0. (Board members McAdam and Treadwell were not members at this time.)

May 16, 2011

Board member Mongeau made a motion to approve the minutes as written.

Board member McAdam seconded the motion.

A vote was taken, and the motion passed 6-0. (Board member Harrison was absent from the May 16, 2012 meeting.)

VI. PLANNING DIRECTOR'S REPORT

These items were discussed after the vote was taken for File #22-11-R.

- 1) Staff member Gulnac said that he has two items for the Board to review in his report.

The first one is a Community Development Block Grant application for \$50,000.00 on behalf of Waban. In the past, the Board has reviewed these types of applications and has done a consensus approval. Mr. Gulnac is asking the Board to approve, by consensus, this request.

Chair Tarbox asked for a brief review.

Staff member Gulnac said this is to expand Waban's current shredding business in South Sanford. Board member Mongeau wanted to know more about the approval process. Discussion took place.

Vice Chair Harrison makes a motion that the Planning Board has reviewed the CDBG application on behalf of Waban for \$50,000.00 and finds that it is consistent with the goals and objectives of the comprehensive plan and growth plan for the Town of Sanford.

Board member McAdam seconded the motion.

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

- 2) Staff member Gulnac explained the second item for discussion/consensus approval. He explained that there is a section of the ordinance that allows the Board to approve a request for a rebuild to the greatest extent possible. An applicant is asking the Board to review a request for permission to rebuild a structure destroyed by fire, and then explained the proposal.

The structure is already non-conforming, but the structure can't be adjusted to conform to the current setback requirements. The new building has a larger footprint than the original structure, but the total living space is being reduced because the applicant is going from a two-story to a single-story structure. The house placement is not only restricted by the two street setback requirements, but also restricted by a septic and well located on the property. Discussion took place.

Chair Tarbox asked how the codes office felt about this request. Mr. Gulnac said the codes office approves the request but needs confirmation from the Board to allow greater non-conformity on the lot.

Chair Tarbox called for a motion.

Board member Mongeau made a motion that the Planning Board has reviewed Marianne Berube's request to rebuild her home destroyed by fire within the setbacks on lot 11 tax map R23 to the greatest extent possible and per the authority outlined in Section 280-25C(1)(2) of the Zoning Ordinance and grant permission to Marianne Berube to rebuild her home and authorize the issuance of the required permits.

Board member Treadwell seconded the motion.

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

VII. ADJOURN

The meeting adjourned at 7:19 P.M. A work session followed. The voting meeting adjourned at 9:06 P.M.

Attachment to May 30, 2012 Minutes

Finding of Facts for Public Hearing Item #1 File #22-11-R: Spectrum Health System

- Inclusion of the administrative comments:
 - Mental Health and Abuse Clinics; Outpatient Addiction Treatment Clinics, NAICS No. 621420 require a license issued by the Sanford Town Council under Article II Section 149-11 thru 149-18. As part of the licensing procedure, the Town Council (Sect 149-11 C.) has delegated to the Planning Board the land use portion of the application. Section 149-12-B. states "An outpatient clinic is a conditionally permitted use in the SB, IB and IR Zones outside of 2,500 feet from any school and 1,000 feet from any Town of Sanford park. Additionally, at the time of the application the applicant must demonstrate that it is not within 1,000 feet of a daycare, family daycare or other childcare provider".
 - The Planning Board review follows the standard review of a conditional use/major site plan application; additionally the Board in its review should consider [per Section 149-12 B. (5)] population to be served, client services, methods of treatment, identification of controlled substances to be kept onsite and how the applicant will prevent their theft or misuse, staffing requirements, security provisions, hours of operation, anticipated parking demand, peak-hour traffic, and identification and copies of required licenses.
 - A pre-application meeting was held on 9-20-11 where the site plan review process was outlined.

- The application has been the subject of a number of discussion meetings with representatives of neighboring business owners, Town of Sanford staff and elected officials at which time a general consensus was reached concerning some of the site plan issues and the impact of the proposed treatment facility in the industrial park. These discussions included a visit to two of Spectrum's treatment facilities already operating.
- A second project meeting was held on March 19, 2012 to coordinate the resubmission of revised plans.
- This review is designed to be used for both the Site Plan Review Committee and the Planning Board.
- Spectrum Health Systems, Inc. has provided a copy of a Contract for Sale of Real Estate for the subject property and therefore has standing to submit the application.
- Pre-application meetings with the applicant were held as required.
- The applicant submitted a license application to the town clerk's office.
- Spectrum Health Systems, Inc. has provided documentation that they have the resources and experience to provide the services required to operate and manage an Outpatient Addiction Treatment Clinic as required under Article II Sections 149-11 thru 149-18.
- Mental Health and Abuse Clinics; Outpatient Addiction Treatment Clinics, NAICS No 621420 require a license issued by the Sanford Town Council under Article II Section 149-11 thru 149-18. As part of the licensing procedure the Town Council (Sect 149-11 C.) has delegated to the Planning Board the land use portion of the application. Section 149-12-B. states "An outpatient clinic is a conditionally permitted use in the SB, IB and IR zones outside of 2,500 feet from any school and 1,000 feet from any Town of Sanford park. Additionally, at the time of the application the applicant must demonstrate that it is not within 1,000 feet of a daycare, family daycare or other childcare provider".
- The Planning Board review follows the standard review of a conditional use major site plan application; additionally the Board in its review should consider (per Section 149-12 B. (5)) population to be served, client services, methods of treatment, identification of controlled substances to be kept on site and how the applicant will prevent their theft or misuse, staffing requirements, security provisions, hours of operation, anticipated parking demand, peak-hour traffic, and identification and copies of required licenses.
- A pre-application meeting was held on 9-20-11 where the site plan review process was outlined.
- The application has been the subject of a number of discussion meetings with representatives of neighboring business owners, Town of Sanford staff, and elected officials at which a general consensus was reached concerning some of the site plan issues and the impact of the proposed treatment facility in the industrial park. These discussions included a visit to two of Spectrum's treatment facilities already operating.
- The application was reviewed by the Site Plan Review Committee on May 30, 2012 and they voted to refer the application to the Planning Board with comments:

Action taken by the Site Plan Review Committee:

Charles Andreson moved and Tom Connolly seconded a motion to refer the application to the Planning Board for their review with the recommendation that the application described above conforms to the applicable land use standards subject the conditions and recommendations detailed above and:

- *That any site plan approval granted by the Planning Board be subject to any and all building and fire codes.*
- *That the Planning Board review and authorize a waiver from the specific requirements for a landscaped 25' buffer along the front property line.*
- *That the applicant indicates that there is no parking permitted in the entrance driveway.*
- *That any questions concerning additional street lighting along Eagle Drive be referred to the Town Council for their approval.*
- *That the water and sewer districts approve any revised plans.*
- The application was presented in a public hearing to the Planning Board on May 30, 2012 at 7:02 pm. Andy Pease of Maine Manufacturing (abutter) spoke on the application and raised

four (4) issues: 1] Suggested two (2) entrances, one in and one out; 2] That there be 'No Parking' signs on both sides of Eagle Drive; 3] There are no street lights or sidewalks along Eagle Drive, suggested a sidewalk; and 4] Suggested a traffic light at Eagle Drive and Route 109. No one else from the public spoke and the Chair closed the public hearing.

- The Planning Board discussed the application in a work session and first reviewed the points raised by Mr. Pease: 1] they determined that a single drive would be preferable; 2] the question of the 'No Parking' signs on Eagle Drive would require Town Council action; 3] the question of street lights would also be a Town Council issue and 4] a traffic light at Eagle Drive would require MDOT review and approval. It was noted that earlier traffic studies for that intersection had shown that the level of service did not indicate the need for a traffic light.
- The Board also discussed onsite lighting which appears to be adequate but should be on 24 hours or subject to the Chief of Police recommendations; it was determined that the frontage/buffer area along Eagle Drive be redesigned to better accommodate buffer and snow removal; the need to provide a fence for privacy along the property lines was agreed to as well as a sewer easement document; and identification on the site plan was agreed upon.
- The Town Engineer made the following summary of his recommendations:
 - a) Sheets 2, 3 and 4 of the plans show a 15-foot wide easement for sewer force main. There is no documentation indicated on the plans or in the application materials for this easement. This easement must be recorded and documentation provided to the Town before any construction permits are issued. A note to this effect shall be added to the site plan.
 - b) The new sewer manhole to be installed in Industrial Drive shall be installed to meet the standards and specifications of the Sanford Sewer District (SSD). The gravity sewer from this manhole to the existing SSD manhole shall be 8 inch diameter, and meet SSD requirements. The invert in the existing manhole shall be constructed to accept the flow from the new 8 inch pipe connection. All sewer work is to be at the applicant's expense. Upon completion, the new sewer within the ROW for Industrial Drive shall become the property of the SSD. These changes are to be added to the site plan and noted thereon.
 - c) The sign near the entrance drive must conform to the Town ordinance as determined by the Code Enforcement Officer.
 - d) The entry drive shall have the center line striped, and directional arrows shall be painted on the finished driveway surface. This striping and the arrows shall be added to the site plan.
 - e) The entry drive shall be posted no parking from Eagle Drive to the rear parking area.
 - f) The stormwater infiltration basin between Eagle Drive and the front parking area shall be relocated away from Eagle Drive to permit the establishment of the 25-foot wide "Street Line Landscaped Area". This area shall be planted with red maples and blueberry plants, or other species acceptable to the Planning Board.
 - g) The outlet from the storm drain infiltration basin is to road side ditch on Eagle Drive, but a driveway culvert will have to be installed on an adjacent down gradient driveway for the storm water to drain to an existing cross culvert. The installation of this culvert should be referenced on the plans and shall be installed by the applicant as part of their drainage infrastructure.
 - h) A detail of the paved driveway and parking areas should be included with the plans.
 - i) A 'Stop' sign shall be installed on the driveway at Eagle Drive, requiring clients exiting the site to stop before entering Eagle Drive.
 - j) A detail of the gravel perimeter drive should be included with the plans.
 - k) 'No Parking or Standing' signs along the frontage of Eagle Drive shall be placed by the applicant. These signs shall conform to the standards of the Manual of Uniform Traffic Control Devices.
 - l) Onsite lighting shall be maintained for security throughout the night time hours or as otherwise agreed to with the Sanford Police Department.
 - m) Road Impact Fees will be paid when building permits are applied for.

- n) No medical or pharmaceutical wastes will be disposed of into the sewer systems.
- o) Fencing shall be erected along the side property lines from Eagle Drive to the limits of the disturbed areas. Fencing shall resemble the fencing installed at the northerly side line of the Wal-Mart /Lowe's commercial site on Rte 109.