

SANFORD PLANNING BOARD MINUTES
MEETING December 4, 2013 – 7:00 P.M.
City Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Chair
John McAdam, Vice Chair
Joshua Howe
Richard Bergeron
Kelly Tarbox, Secretary

MEMBERS ABSENT: Matthew Treadwell (w/notice)
Lela Harrison (w/notice)

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

STAFF ABSENT: None

I. CALL TO ORDER

Chair Hardison called the meeting to order at 7:00 P.M. Chair Hardison stated that since public hearing items #2 and #3 are on the same topic, comments during the public hearing will be combined.

II. PUBLIC HEARINGS

- 1. File #09-13-R: Grondin Enterprises, c/o Ronald & Sylvia Grondin, 22 Smada Drive, Sanford.**

Chair Hardison called for a representative to present the project.

Staff member Gulnac briefly updated the Board: the applicant originally submitted the application as a minor change to an existing site plan, but the CEO determined that the request needed Planning Board approval due to conditions placed on their original approval.

Ron Grondin, applicant stated they are taking an area they are renting and would like to expand their business to include a car rental service as well as used car sales. They would not be changing the area, plans or doing any site work unless required to by the Board. Mr. Grondin described the location of the office and what other occupants are in the building at this time.

Chair Hardison asked Mr. Grondin if the uses of the property are going to change the battery exchange business and if Mr. Grondin was going to conduct any other type of business. Mr. Grondin replied that the only other type of business was going to be the car rental and possibly the used car sales. Mr. Grondin explained the reason for the used car sales request.

Board member Tarbox asked Mr. Grondin how many parking spaces there were. Mr. Grondin said there are five spaces right now and they were requesting an additional four spaces.

Staff member Gulnac asked if a used car sales business needed to have a place to do car repairs. Mr. Grondin said any major repairs would be sent to another shop; but something minor such as changing light bulbs would be done on-site.

Chair Hardison said the scope of his original approval for a mobile battery exchange would change since Mr. Grondin is looking for extra parking spaces, approval for used car sales, car rental, and a place to do minor repairs. Mr. Grondin stated that some of the cars that would be towed to this new site wouldn't be worth repairing and would go straight to a junk yard.

Chair Hardison asked if there were any other questions from the Board.

Board member Tarbox asked if the current condition of no outside storage of disabled vehicles would still be followed; Mr. Grondin replied it would be. Board member Tarbox asked Mr. Grondin if he had some storage space to house disabled vehicles at his new location. He replied that he had some inside storage space and there was another lot he uses to store disabled vehicles.

Staff member Gulnac said in Mr. Grondin's approval for his former location, Mr. Grondin provided a written list of conditions of operations to the Board. Mr. Gulnac thought the Board would need to decide if Mr. Grondin would be responsible for updating this list. Board member Tarbox believed the previous list was more specific to the site.

Chair Hardison said the main point is if the Planning Board grants approval, they have a clear understanding of what the scope of the business is going to be to make sure appropriate parking is in place, etc.

Chair Hardison asked if Board members had any other questions; there were none.

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

Chair Hardison asked if anyone present would like to speak in opposition of the application; again, there was no one.

Chair Hardison closed the public hearing.

Chair Hardison said the application will move to work session discussion after the remainder of the public hearings was complete.

- 2. File #10-13-W: VC Properties, LLC, d/b/a Mariner Tower, Christopher Ciolfi, P.O. Box 2600, Kennebunkport.**

Chair Hardison asked staff member Gulnac for opening remarks.

Staff member Gulnac said the applicant appeared before the site plan review committee meeting earlier in the day with the understanding that any decision made in the morning would be dependent upon the Planning Board finding the project consistent with the comprehensive plan.

Chair Hardison called for a representative to present the project.

Chris Ciolfi, Mariner Tower, introduced other team members then proceeded to say changes have been made to the original submittal due to comments made in the morning's meeting and handed the items out.

Chris Ciolfi presented the application for consistency review. Mr. Ciolfi referenced a section of the comprehensive plan that refers to the need of public safety. Mariner Tower has offered space on the tower and within the compound free of charge to the city to improve the city's

facilities. The proposed tower will be used by AT&T and other wireless carriers, as well. Mr. Ciolfi explained how public facilities would be enhanced by using the tower.

Mr. Ciolfi asked if he should present the site plan portion of the application now; Chair Hardison stated that Mr. Ciolfi should present all information now since it seemed that all public present were interested in the tower proposal.

Staff member Gulnac believed that a key component in the consistency proposal is the reason why this specific location was selected as opposed to other locations. Chair Hardison pointed out that the application will not be considered until the Board determines the project is consistent with the comprehensive plan; if the Board finds the project is not consistent, the site plan application cannot go forward.

Mr. Ciolfi overviewed the site plan portion of the application. He reviewed:

- Radio frequency coverage maps that showed why this particular location was chosen
- Location of the tower on the property and tote road location
- Electric and telephone utilities will be provided to the tower location, but no sewer and water
- Gated front entrance to the property
- Proposing a 160' tower overlay area and explained the reason for the request (staff member Gulnac explained that the 160' area is crucial because this is the area that the contract zone is referring to)
- The road opening will have a track pad and a paved apron, the gate will have a knock box for emergency services
- The steps that will be taken to protect the wetland area along the existing tote road
- The compound area, parking for technicians, and fencing for security purposes
- Construction of the tower
- The handling of storm water
- Erosion control

Mr. Ciolfi finished his presentation by stating he believes they are in compliance with the ordinance and the ordinance allows this use as a conditional use in the RR zone.

Chair Hardison asked if there were any questions from Board members.

Staff member Gulnac said during the morning meeting the applicant presented additional reports that he thought should be presented to the Planning Board as well.

Mr. Ciolfi told the Board they also have to go through multiple federal reviews, such as does the project impact endangered species, historic properties, or navigation; and are there any Native American rights on the property. He also provided the Board copies of their memo responding to the city engineer's comments, copy of tax map with approximate location, calculation discussion impervious coverage and disturbance prepared by the applicant's engineer, a draft checklist for National Environmental Policy Act review.

Mr. Ciolfi stated the report for NEPA has been initiated but can sometimes take a while to receive the results so they would ask if the project moves forward tonight, that the final approval be subject to receiving this report or a conditional approval. He also explained the following:

- If the tower would be a hazard to navigation
- Proposed estimate for a removal bond
- What the proposed tower will look like
- Submission of engineer-stamped tower design plans
- Final drainage report

- Site lighting
- Sight lines, hydrant locations, and calculations were added to the plans and stamped by a professional engineer
- Added lot coverage, setbacks, etc. to plan

Chair Hardison asked the Board if there were any questions before the public hearing.

Member Tarbox asked the following questions:

- if the top of the tower would be visible from Hanson's Ridge Road. *Mr. Ciolfi responded this would be one area that the top would be visible from.*
- if the 160' overlay area would allow other towers to be located within this area. *Staff member Gulnac replied it would not, it would allow for collocation only.*
- if this neighborhood is addressed in the conservation plan that has been adopted by the city. *Staff member Gulnac replied this area was not a specific site identified, and the NEPA reports will address this issue. Discussion followed.*

Board member Bergeron asked if AT&T owned a tower on Mt. Hope. Mr. Ciolfi replied that AT&T does not own a tower on Mt. Hope but they are collocated on a tower. Board member Bergeron asked if any signal strength studies were done on the Mt. Hope site to determine if the Springvale site was needed; Mr. Ciolfi said studies have been done and proceeded to show the Board the signal study that was done and explained the coverage area and strengths. Discussion followed.

Chair Hardison asked if there were any further questions by the Board; there were not.

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

Chair Hardison asked if anyone present would like to speak in opposition of the application.

Mary Ann Hill, 105 Oak Street said the culvert is in her yard and she is worried about the water, so she would like to be informed of what they are doing. Mr. Ciolfi said the applicant is working with the engineer to keep the water from flowing on her property. Ms. Hill then asked about cancer from radiation; Mr. Ciolfi said this is a federal issue and suggested she go to the FCC website to get information on this issue, but the tower will be well below the federal standard.

Jace Clarke, property owner on Hanson's Ridge Road said his biggest issue is the mixed signal regarding the conservation plan. Mr. Clarke said if you look at the entire section, not just the property in question, allowing the tower would go against the plan. He also believes aesthetics was included in the conservation plan, and if the tower will block views from Hanson's Ridge Road this would go against the plan as well. Mr. Clarke then asked if AT&T was the only carrier with issues in this area regarding the safety issue and wondered if AT&T or the town would be the real benefactor (in reference to Mr. Ciolfi's comments about offering space on the tower and within the compound to the city to enhance public facilities in the area free of charge).

Merrell Clarke, an abutter asked to see a picture of what the tower was going to look like and if the tower was going to have any lights on top like the towers on Mt. Hope. Mr. Ciolfi replied there would not be any lights on this tower. Chair Hardison replied one of the reasons for the lights on the Mt. Hope towers is they are within what is considered a navigation path, and Mr. Ciolfi added the height of the towers on Mt. Hope is also a reason for the lights.

Mr. Clarke asked what the tower would look like when other carriers start adding their antennas to the tower in addition to the AT&T antenna. He then asked if this tower is

approved if it would open up the door to allowing other towers in the area. Chair Hardison replied that the application is for only one tower; if other carriers want to locate in this area they would be required to collocate on this tower. Discussion followed. Mr. Clarke then asked if other carriers have issues in this area or if it was only AT&T. Mr. Ciolfi said all carriers have similar issues in similar locations; a conversation then took place on whether or not rooftop locations could be used instead of constructing a tower, the need for tower coverage service, who would be allowed to add on once the tower is constructed, and the process a carrier goes through in order to get FCC approval to expand service locations.

Melanie Stuart, owner of 4 Roosevelt St. wanted to know what would happen once the tower's capacity is full. Chair Hardison summarized the history of what the Planning Board considered when reviewing locations in town to allow cell towers and explained they are very thorough during their review to make sure the need is there. Staff member Gulnac added to by saying during the process of the rezoning that is currently taking place, it was decided not to add additional tower overlay zones and instead keep cell towers as a contract zone review. This would allow each tower request to come through the city under full review and puts the cost of the research for the need on the applicant instead of the city.

Chair Hardison asked if anyone else wanted to comment; there was no one.

Chair Hardison closed the public hearing.

3. **File #10-13-W: VC Properties, LLC, d/b/a Mariner Tower, Christopher Ciolfi, P.O. Box 2600, Kennebunkport.**

The public hearing for this item was combined with the public hearing for comprehensive plan consistency review.

III. NEW BUSINESS

The meeting reconvened after work session discussions at 9:34 P.M.

1. **File #09-13-R: Grondin Enterprises, c/o Ronald & Sylvia Grondin, 22 Smada Drive, Sanford.**

After work session discussion, Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board table this application until the meeting in two weeks on December 18, 2013 pending a site visit scheduled for Friday December 6, 2013 at 7:30 A.M.

Vice Chair McAdam seconded the motion.

Chair Hardison asked if there was any further discussion; there was not.

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

2. **File #10-13-W: VC Properties, LLC, d/b/a Mariner Tower, Christopher Ciolfi, P.O. Box 2600, Kennebunkport.**

Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board, after hearing a presentation by the applicant and comments from public and staff, finds that the information presented in application File #10-13-W Mariner Tower Communications has established a finding of facts

and determined that the proposal is “not inconsistent” with the Comprehensive Plan of the City of Sanford and therefore is eligible to be submitted as a contract zone under Section 280-38 of the City Zoning Code.

Vice Chair McAdam seconded the motion.

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

- 3. File #10-13-W: VC Properties, LLC, d/b/a Mariner Tower, Christopher Ciolfi, P.O. Box 2600 Kennebunkport.**

Chair Hardison called for a motion.

Board member Tarbox made a motion to table the site plan application for Mariner Tower until the December 18, 2013 meeting.

Vice Chair McAdam seconded the motion.

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

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES – November 20, 2013

Chair Hardison asked Board member Tarbox if the minutes were ready for approval. She said the minutes looked ok.

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

Vice Chair McAdam seconded the motion.

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

The meeting then moved into work session discussions on all public hearing items at 8:27 P.M.

VI. PLANNING DIRECTOR’S REPORT

There was no Planning Director’s report for tonight’s meeting.

VII. ADJOURN

The meeting adjourned at 8:27 PM to go into work session. After the work session, the meeting adjourned at 9:37 P.M.