

SANFORD PLANNING BOARD MINUTES
MEETING March 19, 2008 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Chair
Kelly Tarbox, Vice Chair
Joseph Herlihy
Bryan Chabot
Gary Morse

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, P.E., Assistant Engineer
Barbara Bucklin, Administrative Assistant

STAFF ABSENT: None

I. CALL TO ORDER

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

II. PUBLIC HEARING

1. **File #999-08-T(1): The Planning Board will hear comments** on a proposal to amend the General Code for the Town of Sanford, Chapter 280 – Zoning, [History: Adopted by the Town of Sanford 11-21-1995, as amended through 11-18-2003 with subsequent amendments where applicable] to make the Town’s code compliant with the State of Maine regulations concerning child care.

Chair Hardison asked staff member James Gulnac, Planning Director, to give an overview of the changes.

Mr. Gulnac is asking to revise how the Town defines family childcare, childcare, etc. to be consistent with state regulations by deleting references to daycare centers and nursery schools, and daycare homes by replacing these terms with the general term of childcare provider, which is a personal facility that has received a certificate from DHHS, and then break this definition down.

Mr. Gulnac explained the breakdown of the classes of childcare provider. He then also explained the procedure for this proposal to the daycare providers in attendance.

Chair Hardison asked if any Board members had questions for Mr. Gulnac; there were none.

Chair Hardison asked if anyone present wished to speak in favor of the proposal; there was no one. Chair Hardison asked if anyone present wished to speak against the proposal.

Karen Gould wanted to make a comment in favor of the proposal. Ms. Gould runs a small nursery school in her home. She is licensed to take eight children by the state, but can only have six children per the town. Ms. Gould thinks the proposal would be good because more children in the town could be provided for in a safe environment.

Chair Hardison asked if anyone else wished to speak either for or against the proposal. There was no one.

Chair Hardison closed the public hearing and moved the item for discussion at the April 2nd Planning Board work session.

2. **File #04-07-S: Patterson Companies, LLC, c/o Eric Williams, PE, Stantec Consulting Services, Inc., 22 Free Street, Suite 205, Portland, Maine.**

Chair Hardison called for a representative to present the project.

Eric Williams, representing the applicant, gave a brief overview of the project and identified the waiver items: overhead utilities, phosphorus stormwater treatment, and to allow lot access from the higher traffic road (which is High Street). Mr. Williams also informed the Board that a waiver request to provide sidewalks was no longer being asked.

Chair Hardison asked if there were any comments from staff.

Mr. Gulnac stated his project summary report Findings of Fact item #4 would need to be revised: change twelve (12) dwelling units to fourteen (14), and asked the Board to withdraw the waiver request for sidewalks.

Mr. Gulnac also explained the waiver request for lot access. He told the Board there is an existing driveway on High Street right now, and this would also be used for the shared driveway proposed in the application. The applicant was not requesting a new curb cut.

Staff member Casserly explained the phosphorous issue.

Vice Chair Tarbox asked if it was possible to have some buffer zone regarding the phosphorus issue. Discussion took place on buffers.

Staff member Andreson stated the applicant provided additional information on TSS removals and infiltration and felt that what the applicant proposed was acceptable. Chair Hardison confirmed with Mr. Andreson that, based on the information provided by the applicant, a waiver was warranted.

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

Chair Hardison asked if any Board members wanted to comment.

Board member Herlihy had a question regarding the waiver of lot access. Discussion took place on the correct wording that should be used for approving the waiver.

Chair Hardison closed the public hearing.

Chair Hardison asked if there was any further discussion from staff. There was none. Chair Hardison asked if the outstanding item in the CEO's memo had been addressed, and if all items in the engineer's report were addressed. Mr. Casserly stated the outstanding items had been addressed.

Chair Hardison asked Board members if there were any more questions or comments; there were none.

Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board confirm the findings of fact (see attached) and find that application file #04-07-S, Corner Village Subdivision, Patterson Companies, LLC for a preliminary major subdivision is approved with the following conditions:

- a. The following waivers are approved:
 1. A waiver from the requirement to have utilities underground;
 2. A waiver to meet the requirement for phosphorus; and
 3. A waiver of the restriction of having the parent lot having access on street with higher traffic (Section 275-41.A.2, formerly Article 12.2.A.2).
- b. The applicant will pay all outstanding application review fees;
- c. That the applicant has six months from the approval to submit an application for final;
- d. That the final application will reference the revised ordinance sections in Chapter 275, Subdivision of Land of the Town of Sanford General Code.
- e. Any other conditions as required by the Planning Board.

Vice Chair Tarbox seconded the motion.

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

3. **File #12-07-S: Charles Plante & Ronald Bougie, c/o Steve Horne, PLS, Middle Branch, LLC, Professional Land Surveyors, PO Box 618, Alfred, Maine.**

Chair Hardison called for a representative to present the project.

Steve Horne, representing the applicant, overviewed the changes done since the work session.

Chair Hardison asked if staff had any comments.

Michael Casserly, Assistant Engineer, stated there was an agreement with the applicant on the issues the applicant has not turned into the town yet. Mr. Casserly informed the Board on the changes the applicant and he were working on: 24" trees shown on plan, easements, and agreement worked out with Oakdale Cemetery, etc.

Staff member Gulnac told the Board that the applicant has asked to leave the issue of stormwater basin as an open item for discussion going into final review.

Mr. Casserly asked the Board if they wanted to have the issue of sight distance addressed before final. Chair Hardison confirmed with the applicant that the first three items in Mr. Casserly's memo dated 3/13/08 needed to be addressed before submitting a final application. These items were a cost estimate, sight distance, and DEP stormwater permit and engineering issues.

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

Chair Hardison closed the public hearing.

Chair Hardison asked if there was any further discussion from the Board. Staff member Gulnac asked the Board to make reference to the outstanding items in the motion under condition number 5.

Mr. Casserly wanted to know if the Board wanted to locate the 24" trees on the plan and let the applicant know which trees the Board wanted to keep. Vice Chair Tarbox said the applicant agreed that they were going to keep all 24" trees identified on the plan.

Chair Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board confirm the findings of fact (see attached) and find that application file #12-07-S, Ethan's Way Subdivision, Plante & Bougie, for a preliminary major subdivision is approved with the following conditions:

- a. The following waivers are approved:
 1. A waiver from Article 12.2.C.2e, which requires two points of entry for a road serving more than 15 units;
 2. A waiver from the requirement in Article 12.2.C.2.h, which limits a single access road (dead end road) to a length of 1,500 feet;
- b. The applicant will pay all outstanding application review fees;
- c. The applicant has six months from the approval to submit an application for final;
- d. The final application will reference and conform to the revised ordinance sections in Chapter 275, Subdivision of Land of the Town of Sanford General Code; and
- e. Compliance with items #1-3 (see attached) in Mr. Casserly's memo dated 3/13/08 relating to a cost estimate, sight distance, and DEP stormwater permit and engineering issues.

Board member Chabot seconded the motion.

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

III. NEW BUSINESS

1. Discussion Item: Rubb, Inc., 1 Rubb Lane, Sanford, Maine.

Chair Hardison asked staff member Gulnac to update the Board.

Staff member Gulnac explained that the applicant was in the process a Phase II report, and Planning Board review and approval is required as part of the process for a CDBG grant. Mr. Gulnac told the Board that Rubb, Inc. has applied through the Town of Sanford to the State of Maine Community Development Grant program for a Business Assistance Grant for \$250,000.00 gap financing as part of a \$1.5 million dollar expansion of their business.

Chair Hardison asked if there were any questions from the Board; there were none.

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 Rubb, Inc. has received a grant award of \$250,000 from the Business Assistance Grant Program as gap financing for a \$1.5 million expansion project.

Board member Morse seconded the motion.

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

IV. OLD BUSINESS – None

V. APPROVAL OF MINUTES: January 9, 2008 and February 20, 2008

Minutes were not available for vote at tonight's meeting.

VI. PLANNING DIRECTOR'S REPORT***

- 1. Application submission requirements** – Planning Director Gulnac explained the process for new applications.

VII. ADJOURN

The meeting adjourned at 8:37 PM.

***Items discussed not on agenda:

- Mr. Gulnac gave handouts on upcoming workshops to the Board, and explained other handouts the Board received before the meeting.
- The Board discussed the memo from Assistant Engineer Casserly regarding updates on existing, operational mineral extraction facilities in Sanford.

Grondin – on target

Haybrook – proceeding okay

Goldmark – doing activities on site that were not approved. The Town of North Berwick is watching the activities going on closely.

Discussion took place on what action the assistant engineer is to take regarding noncompliance.

Board member Herlihy made a motion to give the assistant engineer authority to place a cease and desist order on the Goldmark, LLC Mineral Extraction facility.

Board member Morse seconded the motion.

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

The Board would like to find out what the applicant intends to do (operation changes and activities) at the location.

- Mr. Andreson informed the Board that he will be discussing the topic of performance guarantees for subdivisions at a future meeting.

Attachment to March 19, 2008 Minutes

*Findings of Fact for Public Hearing Item #2
File #04-07-S: Corner Village*

- 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 November 14, 2007 meeting.
- The site is located within the Growth Area as designated in the Town's Comprehensive Plan.
- The application would be classified as a major subdivision by definition. This results from the applicant's request to consider development at the maximum build-out permitted by the RD zone. This results in the potential for fourteen (14) dwelling units. Any development of greater than ten dwelling units is classified as major.
- The applicant has requested the following waivers:
 - a. A waiver from the requirement to install sidewalks within a subdivision in growth areas;
 - b. A waiver from the requirement to have utilities underground;
 - c. A waiver to meet the requirement for phosphorus; and
 - d. A waiver of the restriction of having the parent lot having access on street with higher traffic (Section 275-41.A.2, formerly Article 12.2.A.2).
- A number of assumptions are required for the review of the application:
 - a. That the section of Ruston Street from High Street to the point where the street has been formally accepted by the Town of Sanford will in fact become a "public right-of-way";
 - b. That any approval includes the understanding that duplexes may be constructed on the individual parcels; and
 - c. That in addition to the Town Engineer's review and approval, the same will be required from both the water and sewer districts.
- The applicant did appear at the November 14, 2007 Site Plan Review Committee meeting. The SPRC recommended the application to the Planning Board with comments.
- The applicant appeared at the Planning Board work session of February 20, 2008 and subject to review by staff of some minor issues was scheduled for approval as a preliminary major subdivision at the March voting meeting.
- Staff has reviewed those issues with the applicant and is satisfied that the plans have been revised sufficiently for approval as a preliminary development subject to all the requirements of the ordinance.

*Findings of Fact for Public Hearing Item #3
File #12-07-S: Ethan's Way*

- The applicant has provided proof of ownership and therefore has standing to submit the application.
- The applicant is requesting two (2) waivers:
 - a. A waiver from Article 12.2.C.2e, which requires two points of entry for a road serving more than 15 units.
 - b. A waiver from the requirement in Article 12.2.C.2h, which limits a single access road (dead end road) to a length of 1,500 feet.
- The Planning Board indicated during the Article 5 review that they would grant the waivers.
- The application was reviewed by the Site Plan Review Committee on December 19, 2007. It was referred to the Planning Board pending compliance with recommendations from staff.
- The application has been scheduled for the February 6, 2008 Planning Board workshop pending confirmation from the Town Engineer that the revised plans comply with the request from the SPRC.
- The Planning Board, after reviewing the application in the February 6 work session, scheduled the matter for a vote at the March 19, 2008 meeting.
- Staff has reviewed those issues with the applicant and is satisfied that the plans have been revised sufficiently for approval as a preliminary development subject to all the requirements of the ordinance for submission as a final application.

Engineer's Memo

Memo To: James Q. Gulnac, Planning Director

From: Michael J. Casserly
Assistant Town Engineer



Date: March 13, 2008

RE: Ethan's Way Subdivision (AKA Jellerson Heights), RR Zone
File 12-07-S for 3/19/08 Preliminary Approval Voting meeting

I have reviewed the referenced project with the following comments:

1. **Cost Estimate:** The cost estimate has not been forwarded; however, I understand it is close to completion. This will be used to evaluate the required Performance Guarantee. The Applicant should inform the Board what method of Guarantee will be used (letter of credit or other).
2. **Sight Distance:** I have communicated with the Applicant that the sight distance and overall traffic safety at the intersection of Ethan's Way and Jellerson Road needs to be confirmed on a document stamped by a licensed professional engineer. The Applicant should confirm that this is forthcoming.
3. **DEP Stormwater Permit and Engineering Issues:** The Applicant is waiting for the Maine DEP Stormwater Permit to finalize the detention pond outlet design. For the proposed design, the pond outlet contains a 62± foot wide rip rap spillway that allows stormwater to outlet at a controlled rate into a vegetated buffer area. Staff finds this acceptable if Maine DEP agrees to it. Other than the receipt of the sight distance verification from the P.E., cost estimate, and receipt of the DEP Stormwater Permit, all other engineering issues have been addressed.
4. **Oakdale Cemetery:** I contacted the chairman of the Oakdale Cemetery Board of Trustees. As expected, the Trustees have no objection to the project.
5. **24-inch trees** have been provided on the revised subdivision plan, per the Board's wishes. The Applicant's narrative states that one old 36-inch pine is proposed for removal.
6. **Easements:** Several easements have been shown on the subdivision plan. We find that the general form of the easements is acceptable. The stormwater detention pond area is shown in a hatched area on Lots 2 and 3 in a "blanket" easement form, with notes identified to describe the important details. Also, the notice of Deed Restrictions for the Limited Disturbance Buffer on Lot 89-3 needs to be clarified. At the time of this writing, I am still working with Middle Branch to refine some of the notes; however, Mr. Horne has agreed to make the necessary revisions.

With the understanding that the remaining revisions can and will be made, I recommend Preliminary Approval for this application.

Findings of Fact for New Business Item #1

Discussion Item: Rubb, Inc.

- Rubb, Inc. received approval as a minor amendment to an approved site plan on November 10, 2003.

- The Town of Sanford submitted an application to the State of Maine CDBG Business Assistance program for \$250,000.00.
- The application was approved and the Town Council authorized this on July 31, 2007.
- As part of the Phase II application process the Planning Board is asked to review the project and provide documentation of this review.
- This public hearing is consistent with Planning Board procedures for CDBG grants for projects which do not require formal Planning Board action.