

SANFORD PLANNING BOARD MINUTES
MEETING November 4, 2009 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

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

MEMBERS ABSENT: David Mongeau (w/notice)

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

STAFF ABSENT: Charles Andreson, P.E., AICP, Town Engineer
Barbara Bucklin, Administrative Assistant

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

There were no public hearing items.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

- 1. File #13-09-S: Mattson Development, c/o Stephen Bradstreet, PE, Oak Engineers, 400 Commercial Street, Suite 404, Portland, Maine.**

Chair Hardison called for a representative to present the application.

Steve Bradstreet, representing the applicant, overviewed the revisions that were made to the project per staff recommendations.

Chair Hardison asked staff members if they had any comments.

Staff member Gulnac said that he has provided the Board with his report dated October 21, 2009 and asked the Board to include they accept the changes presented tonight in their motion as well as the original comments.

Chair Hardison asked staff member Casserly if he was satisfied with the applicant's revisions; Mr. Casserly stated he was.

Chair Hardison asked Board members if they had any questions or concerns.

Vice Chair Tarbox asked if the note regarding easements and an access road into the primary lot (referred to as the Sprague lot) could be read since the Board did not receive a copy of the note for tonight's meeting. Mr. Bradstreet read the note, and everyone was satisfied.

Vice Chair Tarbox asked if the issue of outstanding fees has also been resolved; it was.

Chair Hardison asked if there were any additional questions or concerns; there were none.

Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board accept the Finding of Facts (see attached), with the additional information given tonight, and find that a revised minor subdivision application prepared by Oak Engineers, LLC has been prepared in accordance with the submission requirements of Article VIII of Chapter 275 Subdivision of Land of the Town of Sanford Land use codes and grants approval subject to the following conditions:

- a) The applicant will present two (2) mylars of the subdivision for the Planning Board to sign.
- b) The applicant will file the subdivision plan at the York County Registry of Deeds within 90 days of this approval. Failure to file the plans within the time period could result in the approval being declared null and void.
- c) The applicant will provide one (1) signed mylar with proof of filing at the Registry of Deeds and six (6) copies with same to the Planning office.
- d) The applicant will pay a \$100.00 (2 lots @ \$50.00 per lot) map filing fee.
- e) All outstanding review fees will be paid.
- f) That no building permits will be issued for the properties without site plan approval from the Planning Board.

Board member Vermette seconded the motion.

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

V. APPROVAL OF MINUTES

There were no minutes available for approval.

VI. PLANNING DIRECTOR'S REPORT

There was no report for tonight's meeting.

VII. ADJOURN

The meeting adjourned at 7:40 PM. A work session immediately followed.

Attachment to November 4, 2009 Minutes

Finding of Facts for Old Business Item #1 File #13-09-S: So. ME Commerce Center Amendment

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- The property was the subject of a previous application, file #45-06-R, which was granted approval on May 16, 2007. The finding of facts from that action is referenced here and need to be updated, specifically #8: *The applicant met with the Board at the May 2, 2007 work*

session meeting to discuss the traffic movement surrounding the project. The following was agreed and made part of any approval:

- a. Each of the proposed parcels will stand alone and individual site plan review will be required. At that time each will be evaluated for the traffic volume generated by the proposed activity. Based upon that evaluation, the developer of the site will be asked to participate in the traffic impact fee program.*
 - b. When further use of the "Sprague" site is presented, it too will be evaluated for traffic impact based upon the proposed activity.*
 - c. No cross traffic between the proposed four (4) lots and the "Sprague" site is proposed or required.*
- The applicant presented the project to the Planning Board at a public hearing held on October 7, 2009. The applicant indicated that because of the economic situation they had revised their opinion of access to the property and were therefore requesting the amendments to the previous approved subdivision: a. To increase the size of lot 24-1 as shown on the plan; and b. To execute an easement agreement to permit the developer of lot 24-1 to access the property from the adjacent property also fronting on Route 109 (Main Street).
 - After a presentation by the applicant the Chair opened the hearing to the public. No one came forward to speak either for or against the application.
 - Staff pointed out that all other conditions of the previous approval would still be in effect including the conditions of any permits granted.
 - It was also noted that approval of the request to amend the subdivision did not include any site plan approval and that prior to any construction permits being issued, formal site plan approval would be required. It was also requested by staff that notes be added to the amended subdivision plan itemizing these conditions.
 - The Chairman of the Board, after hearing the presentation from the applicant and the comments from staff, polled the Board and it was agreed that the application could be scheduled in two weeks for a vote assuming that the minor changes requested by staff and agreed to by the applicant would be made in sufficient time for staff to review prior to the meeting.
 - Should an applicant for the revised property wish to construct and operate an activity which was considered as retail they would be required to submit an application under the contract zone provisions of the Sanford Zoning Ordinance.