

SANFORD PLANNING BOARD MINUTES
MEETING November 12, 2008 – 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: None

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 HEARINGS

1. File #01-08-S: Melissa & Christopher Burr, 10 Freemont Street, Sanford, Maine.

Chair Hardison called for a representative to present the application.

Melissa Burr, applicant, gave a brief overview of the application.

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 staff members had anything to add.

Mike Casserly, Assistant Town Engineer, informed the Board that there will be an easement for the new lot, and the deed will be recorded. Mr. Casserly stated all issues have been addressed and he recommends approval.

Chair Hardison closed the public hearing.

Chair Hardison asked if Board members had any questions. No one did.

Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board accept the Findings of Fact (see attached) and find application file #01-08-S, Melissa and Christopher Burr, tax map 29, lot 33 requesting approval to amend the Tibbetts Park Subdivision of 1908 has been prepared and reviewed under the developmental subdivision guidelines of the Sanford Code and provisions of Title 30-A M.R.S.A. Section 4404 and subject to the conditions listed below, grant approval:

- a) The applicant will provide the Planning Board with two (2) mylars of the plan for signature.
- b) The applicant will file the signed plan with the York County Registry of Deeds within 90 days of this approval. Failure to file the plan within this time period could result in the approval being declared null and void.
- c) The applicant will provide the Planning Department with one (1) of the signed mylars with proof of filing at the county and six (6) paper copies of the same plan.
- d) The applicant will pay a map filing fee of \$100.00 (2lots @ \$50.00 per lot).
- e) The applicant will pay any outstanding review escrow costs.
- f) Any development on the lots is subject to any and all code and permit requirements. No permits should be issued until the conditions outlined above have been met.

Vice Chair Tarbox seconded the motion.

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

2. File #999-08-T(5): Town of Sanford, c/o James Gulnac, Director of Planning & Community Development.

Chair Hardison read the article summary.

James Gulnac, Director of Planning & Community Development, informed the Board that they had a copy of the latest edition of the ordinance. This included changes from the last meeting of the subcommittee.

Mr. Gulnac reminded the Board that their action, if any taken, was to review the ordinance and make a recommendation to the Town Council.

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.

Board member Morse, a member of the abuse clinic subcommittee, asked Mr. Gulnac if the town's attorney clarified if the town could exempt non-profits. Mr. Gulnac said it was his understanding that the way the ordinance was written in the draft would be the guidelines for any new applicants. If this was further defined, the ordinance could be understood as discriminatory.

Chair Hardison asked what the difference was between the two headings: Mental Health and Abuse Clinics and Outpatient addiction treatment clinic. Mr. Gulnac said the second heading, Outpatient addiction treatment clinic was a broader definition and more explanatory, but both definitions were substantively the same, and this definition contained a reference to the Mental Health and Abuse Clinics classification.

It was decided by the Planning Board that action on each of the four suggested proposed items in the Planning Director's project summary report (definition, location, site plan review process, and recommendation to the Town Council) should be taken.

Action taken on the four items is as follow:

- a) Proposed definition: This was discussed above.
- *The proposed definition was accepted as written by consensus of the Planning Board.*
- b) Proposed location: Mr. Gulnac read the proposed location to the Board.

- *The proposed location was accepted as written by consensus of the Planning Board.*

- c) Site plan review process: The process was explained. The first step would be to go through the SPRC. It would then follow the conditional use process already in place for Planning Board review once the application has been determined it meets the basic eligibilities.

- *The review process was accepted as written by consensus of the Planning Board.*

- d) Recommendation to the Town Council.
-*Recommendation was made as a motion.*

Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board recommend the ordinance as drafted to the Town Council.

Board member Vermette seconded the motion.

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

III. NEW BUSINESS

1. **File #31-08-W: Priority Group LLC, c/o Wes Thames, 2 Main Street, Suite 200, Topsham, Maine.**

Chair Hardison described the location of the proposed project. He reminded everyone that this is a contract zone request. Chair Hardison outlined what the Board could do tonight.

James Gulnac, Director of Planning & Community Development, showed the Board the exact location of the project, and described the changes to the entryways and the land transfers that would need to be done to construct an access road.

Mr. Gulnac said this proposal at this location would qualify as a contract zone, but he recommends a zone change for this area instead. Chair Hardison said the first thing the Board needed to do was to see if the zone change should be considered.

Chair Hardison asked Charlie Andreson, Town Engineer/Public Works Director, if MDOT would impose a moratorium once the roundabout was completed.

Staff member Andreson said his understanding is that MDOT will be imposing a 5-year moratorium on the areas subject to the roundabout construction at the point of its completion. Chair Hardison asked if there would be any chance for a waiver of the moratorium. Mr. Andreson doesn't believe MDOT will allow any changes.

Discussion took place on the moratorium and impact fees from the developer for this new project.

Chair Hardison asked for comments or opinions from Board members regarding zone change versus contract zone.

Staff member Gulnac outlined the CC zone area in comparison with the SB zone for the Board so Board members could see the area that would be affected if moving forward with the zone change.

Staff member Gulnac stated he feels that the contract zone application is consistent with the growth plan outlined in the town's comprehensive plan. He also feels that changing the current CC zone at the Route 109/4 intersection to the SB zone would also be following the comprehensive growth plan.

Consensus of the Board was to look into rezoning the entire CC zone to SB zone at this intersection as opposed to moving forward with the contract zone application.

Chair Hardison asked the Board to review the concept of the application to see if they feel the project is consistent with the comprehensive plan for either process – zone change or contract zone review.

Consensus of the Board was that the project is consistent with the comprehensive plan.

Chair Hardison called for a representative to present the application.

Wes Thames briefly outlined the subdivision, talked about the constraints of the project – timeline of roadway changes, showed road openings/access points to the project, and described the type of businesses that would be located on the new lots.

Chair Hardison asked the Board if they had any questions or comments.

Chair Hardison asked Mr. Andreson if another proposed project located across the street would be subject to the moratorium. Mr. Andreson said the project would not be, and explained why it wouldn't be.

Discussion centered on the type of approval needed by the Board in order to allow the applicant to begin roadwork with MDOT without approving the project.

Consensus of the Board was they were okay with giving conditional approval to Mr. Andreson's letter regarding access points so the applicant can begin working with the contractor doing the work on the roundabout.

Chair Hardison called for a motion. It was decided that the Board would vote on two items – one for the consistency of the project with the comprehensive plan, and one for the agreement made between the developer and Mr. Andreson for road construction.

Board member Morse made a motion that the Planning Board find that application file #31-08-W is consistent with the comprehensive plan and direct the Planning Director to prepare the necessary paperwork to advertise for zone change under Article IV Section 280-14 Amendments of the Town of Sanford Municipal Code and find the location for access points referenced in Mr. Andreson's 11/12/08 letter (attached) as acceptable.

Vice Chair Tarbox seconded the motion.

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

IV. OLD BUSINESS – None

V. APPROVAL OF MINUTES – August 27, 2008, September 17, 2008, and October 15, 2008

Chair Hardison called for approval of the minutes.

August 27, 2008

Board member Kleinrock made a motion to accept the minutes of June 30th as written.

Board member Vermette seconded the motion.

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

September 17, 2008

These minutes were not available for this meeting.

October 15, 2008

These minutes were not available for this meeting.

VI. PLANNING DIRECTOR'S REPORT

James Gulnac, Director of Planning & Community Development, requested that the report be tabled to a later date.

The Board agreed to table the report until the December meeting.

VII. ADJOURN

The meeting adjourned at 8:02 PM.

Attachment November 12, 2008 Minutes

Finding of Facts for Public Hearing Item #1

File #01-08-S: Burr Subdivision

- The applicants have established proof that they own the subject property.
- The applicants have requested waivers of the submittal requirements for a minor subdivision and asked that the application be reviewed as a minor change to a previously approved subdivision. For the purposes of review by the Site Plan Review Committee it was assumed that the waiver request will be granted. The Planning Board has also agreed to the waiver.
- The Planning Board has found that:
 - a. the size of the proposed building is comparable to the size of residential structures on abutting lots, and
 - b. the building's placement on the lot with respect to front and side lot lines is similar to the existing pattern of existing developed lots.
- The final plan has been reviewed by staff and found to be in conformance with the submission requirements established by the board.

Findings of Fact for Public Hearing Item #2

File #999-08-T(5): Mental Health & Abuse Clinics

- Recommendation to the Town Council was made.

Findings of Fact for New Business Item #1

File #31-08-W: Priority Group, LLC Contract Zone

Town of Sanford, Maine
Department of Public Works
Town Hall
919 Main Street, Sanford, Maine 04073
Tel. (207) 324-9135 Fax. (207) 324-9133

November 12, 2008

James Q. Gulnac
Planning Director
917 Main Street
Sanford, Maine 04073

RE: Priority Group LLC
Development Proposal
Rte 4 and Rte 109

Dear Jim:

Following up on my meeting with Jim Howard and Wes Thames of Priority Group LLC (Developer) and our discussions at our staff meeting on November 11, 2008, I am offering these comments on the access points for the subdivision and site plans for the project.

The Developer has presented preliminary plans of the proposed project. The timeline for the project review and construction is complicated by the current MDOT construction contract for the Roundabout at the intersection of Rtes. 4 and 109. As a result the Developer will have to accomplish modifications to Rtes. 4 and 109 in conjunction with the completion of the Roundabout, or will be subject to MDOT's 5 year moratorium. In an effort to meet that deadline, the Developer has met with MDOT and the Town's staff to work out the details for the access and egress to the site.

I have agreed to work with the Developer to the extent that I can support their proposed access and egress to the Planning Board. Last week I reviewed their proposal with Steve Landry and Al Godfrey, representing MDOT, and with the Developer. The plans that I reviewed, entitled "Preliminary Subdivision Plan Proposed Development Route 4 and Route 109, Sanford, Maine", dated 09-17-08, have proposed driveway entrances that would be acceptable to me and to MDOT.

If possible, the Planning Board's confirmation that these locations are acceptable would facilitate the Developer moving forward with design, specifications and construction of the improvements in coordination with MDOT's project to avoid the moratorium.

All the other aspects of their project would be subject to our continued review when formal project review commences. Please let me know if you have any questions, or if you need more information.

Sincerely,



Charles J. Andreson, P.E., AICP
Town Engineer / Director of Public Works

CC: Mark Green, Town Manager
Steve Landry, MDOT