

SANFORD PLANNING BOARD MINUTES
MEETING August 27, 2008 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

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

MEMBERS ABSENT: Bryan Chabot

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

STAFF ABSENT: Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

1. **File #29-07-R: Michael Haberski, c/o William Anderson, Anderson Livingston Engineers, Suite 401 Cottage Place, 43311 US Route 1, York, Maine.**

Chair Hardison called for a representative to present the application.

Bill Anderson, Anderson Livingston Engineers, representing the applicant informed the Board that the issues brought up at the work session have been worked out with Mike Casserly, Assistant Engineer.

Chair Hardison asked if there were any questions or comments for the applicant.

Staff member Casserly stated that he concurred with Mr. Anderson and that the project was ready for approval from an engineering standpoint. Mr. Casserly also told the Board his memo included a recommendation that the Board add the following as an inclusion to their motion:

“A copy of the Avigation Easement filed at York County Registry of Deeds as part of this approval shall be reviewed and approved by the Town Engineer prior to issuance of any building permits. In addition, Note 17 on the Site Plan should include the proper book and page number references to the filed easement on all copies of the approved plan to be certified by the Town Planner.”

Chair Hardison asked the applicant if he was aware of this recommendation and Mr. Anderson said he was both aware of and okay with this inclusion to the motion.

Chair Hardison asked staff member Gulnac if he had anything to add to the discussion. Mr. Gulnac suggested to the Board that they add Mr. Casserly’s inclusion under condition #5 in the recommended motion section of Mr. Gulnac’s report.

Chair Hardison asked Board members if they had any questions or comments for the applicant. There were none.

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 and 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 #29-07-R for a final major site plan to construct Phase I of a multi-phase project consisting of a motel, and supportive site and utility work has been prepared in compliance with the Town of Sanford zoning ordinance Section 280-53 and Section 280-102 Approval criteria, and subject to the conditions listed below, grant approval:

- a) Before any permits are issued the applicant will attend a pre-construction meeting with the Director of Public Works.
- b) Any construction will comply with any and all state and federal requirements.
- c) The applicant understands and will comply with the conditions specified in Section 280-15 Duration of Site Plan approval.
- d) The applicant will pay any and all outstanding planning review fees.
- e) A copy of the Avigation Easement filed at York County Registry of Deeds as part of this approval shall be reviewed and approved by the Town Engineer prior to issuance of any building permits. In addition, Note 17 on the Site Plan should include the proper book and page number references to the filed easement on all copies of the approved plan to be certified by the Town Planner.

Board member Vermette seconded the motion.

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

2. **File #02-08-S: K&S Development, Inc., c/o Lester S. Berry, PE, Berry Huff McDonald Milligan, Inc., 28 State Street, Gorham, Maine.**

Chair Hardison called for a representative to present the project.

Les Berry, representing the applicant, described the changes that were done to address an abutter's concern.

Chair Hardison asked staff member Casserly if he had any comments.

Mr. Casserly, Assistant Engineer, concurred with Mr. Berry and feels the project is ready for final approval.

Charles Andreson, Town Engineer, clarified that the applicant was responsible for any damage to abutters' property.

James Gulnac, Planning Director, had no comments.

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 and 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 #02-08-S for K & S Development, Inc., PO Box 1937, Biddeford, Maine requesting approval for a minor subdivision (3 lots) with a private way (Kruz Lane) has been prepared in accordance with Chapter 275 Article 5 Minor Subdivision and the provisions of Title 30-A M.R.S.A. Section 4404 of the Sanford Code and, subject to the conditions listed below, grant approval:

- a) The applicant will provide two (2) mylars to the Planning Board for signature.
- b) The applicant has 90 days to file the signed mylar with the York County Registry of Deeds. Failure to meet this deadline could result in the approval be declared null and void.
- c) The applicant will provide one (1) copy of the signed mylar containing proof of filing at the York County Registry of Deeds and six (6) paper copies of same to the planning office.
- d) The approved plan will contain a clear reference to the fact that any work done in the road side ditch in front of Mrs. Williams property will be done by hand.
- e) Prior to the issuance of any construction permits the applicant will attend a pre-construction meeting with the town Engineer.
- f) No permits will be issued until all conditions of this approval have been satisfied.

Board member Kleinrock seconded the motion.

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

3. File #15-08-P: William Plante, c/o James S. Wright, Jr., PLS, Post Road Surveying, Inc., PO Box 1557, Wells, Maine.

Chair Hardison called for a representative to present the project.

Jim Wright, representing the applicant, gave a brief overview of the application and described changes that were done to address concerns raised at the work session.

Chair Hardison asked if the various concerns raised by the abutters in the neighborhood have been all clearly satisfied at this time.

Mike Casserly commented that the items the Board directed that the concerns relating to the project specifically have been addressed.

Chair Hardison asked if the question regarding the location of the building plus the location to the property have been addressed.

Both Mr. Gulnac and Mr. Casserly stated these items have been addressed to the best of their knowledge.

Charles Andreson said the applicant needed to include the street sign, but this item can be addressed in the preconstruction meeting.

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, and asked if there were any other questions or comments.

Staff member Gulnac reminded the Board there were waivers included in the findings of fact and in the motion that the Board had already granted

Chair Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and find application file #15-08-P, William Plante for approval to construct a private way, to be called Hunters Way, to create frontage and access a dwelling unit located above a detached garage owned by the applicant has been prepared in accordance with Chapter 280-85 Private Way 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 two (2) mylars to the Planning Board for signature.
- b) The applicant has 90 days to file the signed mylar with the York County Registry of Deeds. Failure to meet this deadline could result in the approval be declared null and void.
- c) The applicant will provide one (1) copy of the signed mylar containing proof of filing at the York County Registry of Deeds and six (6) paper copies of same to the planning office.
- d) The following waivers were agreed to:
 - i A waiver from Chapter 275-51C. (2) (h)[2] A dead end street shall be limited to a maximum of 15 dwellings.
 - ii A waiver from Chapter 280-85B.(3)(d) negative 2% grade.
 - iii A waiver from Chapter 280-51C.(3) Submission requirements "...but in no case shall be more than 50 feet to the inch".
- e) No certificate of occupancy would be issued until a letter from an engineer was received certifying that the road meet town standards and verification that the required monuments had been placed.
- f) Any additional conditions the Planning Board may wish to add.

Board member Vermette seconded the motion.

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

- 4. File #20-08-RU: Town of Sanford School Department, Kathi Medcalf, Director of Sanford Community Adult Education, c/o James Gulnac, Director of Planning & Community Development, 917 Main Street, Sanford, Maine.**

Chair Hardison called for a representative to present the project.

James Gulnac, on behalf of the school and town, stated the school department was looking for conditional use approval to continue the operation of the daycare of the adult education program for the school district. Mr. Gulnac then informed the Board that the town is in the process of splitting the lot so the daycare will be a separate lot, but the use as a daycare can only be done as a municipal use.

A question was asked about where the adult education classes will be held.

Chair Hardison stated he was concerned about the traffic pattern and parking once the lot was divided. Mr. Gulnac addressed Mr. Hardison's concern by informing him that the daycare lot would be stand alone and was large enough to handle drop-off/pick-up, and parking issues with the space provided for on the lot and with on-street parking.

Discussion took place.

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 and called for a motion.

Board member Morse made a motion that the Planning Board accept the findings of fact (see attached) and find that application File #20-08-RU, Town of Sanford/Sanford School District for a conditional use approval to operate a child care center, has been prepared in accordance with the requirements of Article XIV, Conditional Uses and subject to the conditions itemized below grant approval:

- a) The approval is granted subject to the operation as a child care center is run by the Sanford School District, specifically its Adult Education Program. Should the school or the Town of Sanford sell or give away the property the approval to operate the child care center is voided.
- b) Parking spaces for the employees is provided on site and visitor parking is permitted along the street.
- c) The applicant has obtained any and all permits and/or licenses from any applicable state agencies to operate a child care center.
- d) The applicant will provide three (3) paper copies of the approved site plan for certification by the Planning Director and distribution as follows: Planning Department, Engineering Department and school. Construction must commence within one (1) year of the final approval [date when all the conditions have been satisfied] and a certificate of occupancy issued within three (3) years. Failure to comply with these deadlines could result in the application being declared null and void.

Board member Vermette seconded the motion.

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

III. NEW BUSINESS

1. **File #10-08-P: Sean & Donna Horrigan, c/o Carl Beal, PE, Civil Consultants, PO Box 100, South Berwick, Maine.**

Chair Hardison called for a representative to present the project.

Carl Beal, representing the applicant, briefly overviewed the project.

Chair Hardison asked staff if there were any questions or comments.

Mike Casserly, assistant engineer, concurred with Mr. Beal that all issues were addressed. The applicant would also be providing GPS data to staff during construction. Mr. Casserly also requested that the difference between the vertical datum on the plan and the actual vertical datum required in the ordinance be noted.

Mr. Casserly also pointed out that there would be no lighting on the private way and he was fine with that.

Chair Hardison asked if staff members Gulnac and Andreson had any information to add; they did not. Chair Hardison then asked if Board members had any comments.

Vice Chair Tarbox asked if any action needed to be taken by the Board on Mike's comments. Mr. Andreson told the Board Mr. Casserly's comments were informational.

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 #10-08-P, Sean & Donna Horrigan, c/o Carl Beal, PE, Civil Consultants, PO Box 100, South Berwick requesting approval to construct a private way, to be known as Horrigan Way, on property owned by the applicants has been prepared in accordance with Chapter 280-85 Private Way 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 two (2) mylars to the Planning Board for signature.
- b) The applicant has 90 days to file the signed mylar with the York County Registry of Deeds. Failure to meet this deadline could result in the approval be declared null and void.
- c) The applicant will provide one (1) copy of the signed mylar containing proof of filing at the York County Registry of Deeds and six (6) paper copies of same to the planning office.
- d) No certificate of occupancy would be issued until a stamped letter from a professional engineer was received certifying that the road met town standards and a digital copy of the plan referencing Maine State Coordinates and proper vertical datum was provided to the town engineers to their satisfaction.

Board member Vermette seconded the motion.

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

IV. OLD BUSINESS – None

V. APPROVAL OF MINUTES – May 21, 2008, June 4, 2008, and June 30, 2008

Minutes were not available for tonight's meeting.

VI. PLANNING DIRECTOR'S REPORT - None

VII. ADJOURN

The meeting adjourned at 8:06 PM.

Attachment to August 27, 2008 Minutes

*Finding of Facts for Public Hearing Item #1
File #29-07-R: Comfort Suites Phase I*

- The applicant has satisfied the requirements of Section 280-53 Airport Development Zone. The transfer of land between the applicant and the Town of Sanford has been approved and the required documentation when executed should be made a part of this file.
- The applicant has negotiated a transfer of ownership of land between themselves and the Town of Sanford and has established that they have a right to submit the application as presented.
- The applicant appeared before the Planning Board on May 7, 2008 and presented the proposal. At that meeting agreement was reached on the following:

1. Any approval granted at this time is for preliminary approval of Phase 1 which consists of a 75-unit motel and the associated site work and utilities. This note is clearly marked on the plans.
 2. Final approval of Phase 1 will not be considered until all required state and federal permits have been issued. These items have been provided.
 3. The Airport Manager, per Section 280-53G, has reviewed the project and supports the application as presented. The required permit application has been submitted to the FAA and approval has been granted.
 4. The applicant has coordinated the emergency management, fire protection, and public safety plans with the Planning Director as required in Section 280-53G.(2) (a)[1] [2] &[3].
 5. The applicant has submitted a traffic analysis and has agreed to a \$28,670.00 traffic impact fee.
 6. The applicant has presented a letter dated April 16, 2008 from Mike Hanson which indicates that there is capacity for a 71 room motel at 8000 gallons per day. The flow is based upon the motel rooms and other amenities such as a pool, lounges and health center. The approval is for Phase I only and any change in the approved plans will require additional review and approval. This information is clearly noted on the plans (note 13). In addition any construction shown on the plan outside of Phase I will be marked as "Proposed".
- The application has received preliminary approval for Phase I.
 - Any approval granted should include the following conditions:
 1. Before any permits are issued the applicant will attend a pre-construction meeting with the Director of Public Works;
 2. Any construction will comply with any and all state and federal requirements;
 3. The Planning Board finds that the applicant has complied with Section 280-102 Approval criteria and standards;
 4. The applicant understands and will comply with the conditions specified in Section 280-15 Duration of Site Plan approval;
 5. The applicant will pay any and all outstanding planning review fees;
 6. Any additional conditions placed on the application by the Planning Board.

*Findings of Fact for Public Hearing Item #2
File #02-08-S: K&S Development/Kruz Lane*

- The applicant did meet with the Planning Director in a pre-application meeting as required.
- The applicant has provided verification of ownership and therefore has standing to submit the application.
- The applicant presented the plan at a Planning Board work session and the Planning Board was satisfied.
- The plan was ready for a vote and the Board scheduled the application for the August 27, 2008 meeting.

*Findings of Fact for Public Hearing Item #3
File #15-08-P: Hunters Way Private Way*

- The applicant did meet with the Planning Director in a pre-application meeting as required.
- The applicant has provided verification of ownership and therefore has standing to submit the application.
- The applicant presented the plan at a Planning Board work session and after discussion the Planning Board was satisfied that the plan was ready for a vote and scheduled the application for the August 27, 2008 meeting.
- The following waivers were agreed to:
 1. A waiver from Chapter 275-51C. (2) (h)[2] A dead end street shall be limited to a maximum of 15 dwellings.

2. A waiver from Chapter 280-85B.(3)(d) negative 2% grade.
3. A waiver from Chapter 280-51C.(3) Submission requirements "...but in no case shall be more than 50 feet to the inch".

Findings of Fact for Public Hearing Item #4

File #20-08-RU: Lincoln School Daycare Conditional Use

- The First Steps Child Care Center has provided direct support to the adult education program operating at the Lincoln School which is located immediately adjacent to this property. The adult education program is being relocated to the Anderson Learning Center located on Bradeen Street a few blocks away. This necessitated a change in the classification of the child care facility at the state level. They have obtained all the licenses required by the state.
- The move by the Adult education program has resulted in a change of ownership of the Lincoln school property from school to town. The parcel is to be divided into two separate pieces with the child care facility to be located on a stand alone parcel.
- The CEO has determined that in the Town of Sanford this activity is classified as a municipal activity and as such is an activity permitted with review.
- The recently revised regulations concerning child care activities as determined that family child care centers require review by the Planning Board under the conditional use criteria.
- No changes to the site are planned at this time although the site plan show does show a proposed circular entrance should the Town of Sanford in the future decide to make the improvements.
- Necessary parking for the staff will be provided on site as well as along the public streets.
- The application will require a public hearing.
- The Planning Board determined that the application conformed to the standards in Section 280-66 as itemized in the checklist below.

CHECKLIST Section 280-66. STANDARDS FOR CONDITIONAL USE APPROVAL

File # &

Name: 20-08-RU First Steps child care

Date: 08-27-08

	STANDARD	COMPLIES	DOES NOT	EXPLANATION
{1}	The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations;	OK		
{2}	The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;	OK		
{3}	The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;	OK		
{4}	The proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants;	OK		

Sanford Planning Board Meeting

Minutes August 27, 2008

Page 9

- | | | |
|-----|--|-----|
| {5} | The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties; | OK |
| {6} | The proposed location for the use has no peculiar physical characteristics due to its size shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties; | OK |
| {7} | The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and | OK |
| {8} | If located I the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve Shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use. | N/A |

Finding of Facts for New Business Item #1

File #10-08-P: Horrigan Way

- The applicant did meet with the Planning Director in a pre-application meeting as required.
- The applicant has provided verification of ownership and therefore has standing to submit the application.
- The applicant presented the plan at a Planning Board work session and after discussion the Planning Board was satisfied that the plan was ready for a vote and scheduled the application for the August 27, 2008 meeting.
- A waiver from Planning Board policy to provide an electronic copy of the plan able to tie to the State Coordinate system is granted subject to the applicant providing the plan during the construction phase.