

SANFORD PLANNING BOARD MINUTES
MEETING March 3, 2010 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Robert Hardison, Vice Chair
John McAdam
David Mongeau
Gregory Vermette
Gary Morse, Secretary

MEMBERS ABSENT: Joseph Herlihy (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 (w/notice)
Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

Chair Tarbox 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 #15-09-W: DMK Development, d/b/a Tractor Supply Co., c/o Stephen Bradstreet, PE, Oak Engineers, 400 Commercial Street, Suite 400, Portland, Maine.

Staff member Gulnac informed the Board that the Planning Department has received a letter from Lisa Vickers, Maine DEP, confirming that a DEP permit has been issued for this project, but still needs a signature for finalization of DEP approval. This letter has been accepted by the engineering department as meeting the criteria for having a DEP permit in place for final approval by the Planning Board.

Chair Tarbox called for a motion.

Board member Morse made a motion that the Planning Board accept the letter confirming DEP approval and the finding of facts (see attached) and find that the final major site plan contained in File #15-09-W, DMK Development-Sanford, LLC has been prepared in compliance with Article XVII Site Plan of the Town of Sanford municipal code, Section 280-38, Contract Zone and Title 30-A M.R.S.A. Section 4404 and subject to the conditions listed below grants preliminary approval:

- a) The Town Council has approved the contract and the zone change;
- b) The applicant has obtained any and all required state and federal permits prior to submitting for final approval;
- c) The applicant will file the contract zone at the York County Registry of Deeds;

- d) The applicant will schedule a pre-construction meeting with the town engineer and, at that meeting, set up the site visit to coordinate the identification of which trees will be removed along the street frontages; and
- e) All review fees have been paid.

Vice Chair Hardison seconded the motion.

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

2. **File #999-08-T(7): The Planning Director is requesting** final draft ordinance change recommendations that include some revisions and additions to Chapter 280 Zoning of the Town Municipal Code. The changes include the addition of definitions for “material recycling operations”, the permitted locations/zones and review guidelines.

Chair Tarbox called for a representative to present the project.

Staff member Gulnac stated that at the last meeting this item was separated out and tow lots was removed. The new report contains a suggested definition for material reuse directly from the NAICS definitions, and would recommend the activity be considered a conditional use permitted with review in the IB zone. Mr. Gulnac said Mike Casserly, Assistant Engineer, and Shirley Sheesley, CEO had done a lot of work on this. Mr. Gulnac also said the ordinance definition has been expanded considerably to clarify the use. Mr. Gulnac further explained the ordinance change request, and the next steps of the process for the ordinance change.

Chair Tarbox asked staff member Casserly if he had anything else to add. Mr. Casserly stated that he felt that Mr. Gulnac covered everything that was discussed.

Chair Tarbox asked staff member Sheesley if she had anything to add. Ms. Sheesley wanted to add that the town could also issue a business license along with the state. Discussion took place.

Chair Tarbox asked if Board members had any questions.

Vice Chair Hardison asked Mr. Gulnac about incidental waste. Vice Chair Hardison said the ordinance explains what it is, but doesn't state what happens to it or set any limit on it, etc. Discussion took place.

It was decided that a line should be added to the definition stating that the handling of incidental waste would be addressed in a business' operation manual.

Board member Mongeau asked staff member Casserly if the engineering department knew of an existing definition for incidental waste. Mr. Casserly said he was not aware of any. Board member Mongeau wanted to make sure the handling of incidental waste was addressed in a way that an applicant would be sure to see it. Chair Tarbox said she didn't see any reason why the handling couldn't be addressed in both the definitions section of the ordinance and the applicant's operation manual.

Chair Tarbox asked if there was any further discussion; there were none.

Chair Tarbox called for a motion.

Vice Chair Hardison asked if the motion should include the entire reading of the definition. Staff member Gulnac said it would be ok to reference the definition as written in his report.

Vice Chair Hardison made a motion that the Planning Board accept the finding of facts (see attached) and, after consideration of the public comments and those of the staff, find that the requested changes listed below to amend the Zoning Ordinance of the Town of Sanford is consistent with the goals and objectives of the comprehensive plan and recommend that the changes be forwarded to the Town Council for their review and adoption.

Under Article II, Section 280-5 Definitions:

ADD:

Materials Re-use Facility: (NAICS 562920A) A yard, field, or other outside area used to store, dismantle, recycle, separate, or otherwise handle and properly dispose of wood, debris, typical construction and demolition materials, scrap and junk lumber, and waste materials, provided by equipment of various types and classifications. Major components of this activity may be to process the waste material to produce a recycled by-product for profit, and to provide a service for accepting legal disposal items for transportation to legal final disposal destinations. A Materials Re-use Facility shall operate and abide by an approved Operations Manual. This use may be considered as an accessory use or may be a stand alone business. Materials Re-use Facility activities shall not include acceptance of soluble solid materials, bio-degradable materials, or municipal solid waste, and does not include activities applicable to garbage dumps, solid or liquid waste dumps, burning facilities, sanitary landfills, or automobile graveyards and unlicensed junkyard facilities as defined by Maine state statutes.

The Town of Sanford considers the permit issued by the State of Maine to have met the municipal license (or permit) requirements; limited material reuse, recycling or transfer activities that are defined as junkyard activities by Maine state statutes.

Incidental Waste: Items which are not permitted to be accepted by solid waste or material re-use facilities but which incidentally or accidentally appear in loads of otherwise acceptable materials received by the facilities.

Vice Chair Hardison also added to the definition of incidental waste: "handling of the incidental waste will be addressed in the operations manual."

Under Zoning 280 Attachment 1; Table of Land Uses, Section VI, Commercial & Industrial Uses:

ADD:

Use Materials Re-use Facility (NAICS #562929A): CU (Conditional Use), PR (Permitted with Planning Board Review) in the IB (Industrial Business) zone.

Board member Morse seconded the motion.

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

- 3. File #06-09-R: North Country Land, Inc., c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chair Tarbox moved this item from the work session items. Chair Tarbox felt that the changes that were being requested at this time did not affect the actual approval of the operation. The changes were recording the new owners of the operation and to clarify the water quality monitoring. Staff member Gulnac read what was referred to as an addendum to the operations manual to the rest of the Board members.

The Board members agreed with Chair Tarbox's findings.

Vice Chair Hardison made a motion that the Planning Board accept and approve the updating of the operating manual to include the new owner and any clarifications that have been made relative to the water quality plan; and to extend the permit to operate for five years from March 3, 2010.

Board member Vermette seconded the motion.

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

V. APPROVAL OF MINUTES – June 17, 2009, Amended; January 6, 2010; January 13, 2010; January 20, 2010; and February 3, 2010

Chair Tarbox called for approval of the minutes.

June 17, 2009, Amended

Board member Morse made a motion to accept the minutes as amended.

Board member Vermette seconded the motion.

A vote was taken, and the motion passed 5-0. (Board member McAdam was not on the Board in June)

January 6, 2010

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

Board member Vermette seconded the motion

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

January 13, 2010

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

Board member Vermette seconded the motion.

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

January 20, 2010

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

Board member Vermette seconded the motion.

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

February 3, 2010

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

Board member Vermette seconded the motion.

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

VI. PLANNING DIRECTOR'S REPORT

The Planning Director asked to move item number 5, file #999-10-T(2), from the work session discussion to the Planning Director's Report section on the agenda; and then requested the item be tabled.

James Gulnac, Planning Director, said he will discuss the item at a later date.

File #999-10-T(2) was tabled.

VII. ADJOURN

The meeting adjourned at 7:56 PM. A work session immediately followed.

Attachment to March 3, 2010 Minutes

*Finding of Facts for Old Business Item #1
File #15-09-W: Tractor Supply Co. Final*

- The applicant has provided proof of right title and or interest and has standing to make the application.
- The Planning Board has reviewed the contract zone application and found that it was consistent with the Comprehensive Plan and the growth plan for the Town of Sanford. A public hearing for the consideration of the zone change for the contract zone has been scheduled for January 13, 2010. The request for the zone change will be forwarded to the Town Council for their consideration.
- The major development has been reviewed by the Site Plan Review Committee and was forwarded to the Planning Board for their consideration.
- The Planning Board agreed to schedule a special meeting to hold a public hearing and a work session on January 13, 2010 and, pending the review of the materials submitted, schedule the application for a vote on January 20, 2010.
- No one from the public spoke at the public hearing.
- The applicant has applied for a Site Law of Development amendment to the existing DEP permit. Verification of this approval will be required for final Planning Board approval; it is not required for preliminary approval.
- The applicant has applied to the FAA for a permit to development within the Sanford Regional Airport's glide/approach lanes. Verification of this approval will be required for final Planning Board approval; it is not required for preliminary approval.
- The proposed project is the construction of a 19,097 SF building and a 15,400 SF fenced, outside storage area from which the Tractor Supply Co. will operate their retail business.
- Access to the site will be from Cyro Road directly and from Route 109 (Main Street) via an easement from the adjacent parcel (Lot 24).
- The review of this application has required consideration of a number of issues which, while they impact the application, are not directly part of the preliminary major site plan review.
- The preliminary review can be conditioned upon the final approvals from both the DEP and FAA, and while some of the conditions of these approvals may impact the design and construction on the site, those details may not yet be available.
- The review of a contract zone application by the Planning Board is made with the assumption that the differences between the requirements of the existing zone and the proposed project will become considered in the Contract. Both the CEO and the town engineer will detail these items in their reports and confirmed as included in the proposed contract with the Town of Sanford.
- Any approval of the preliminary site plan by the Planning Board will include as a condition the approval of the zone change and the contract by the Town Council.
- The Town Council has approved the contract and the zone change.
- Any approval should also include a condition that any and all review escrow costs have been paid.
- A public hearing was held on January 13, 2010 at which time no one spoke either for or against the application.

Finding of Facts for Old Business Item #2
File #999-08-T(7): Material Recycling Operations

- The Planning Board has held public hearings to receive public comment on the proposed ordinance revisions.
- As a result of these reviews by the Planning Board, comments (if any) from the public, and recommendations from staff the Planning Board is recommending the following revisions to the proposed changes to the Town Council.

Materials Re-use Facility: (To be placed in Ordinance definitions)

Materials Re-use Facility: (NAICS 562920A) A yard, field, or other outside area used to store, dismantle, recycle, separate, or otherwise handle and properly dispose of wood, debris, typical construction and demolition materials, scrap and junk lumber, and waste materials, provided by equipment of various types and classifications. Major components of this activity may be to process the waste material to produce a recycled by-product for profit, and to provide a service for accepting legal disposal items for transportation to legal final disposal destinations. A Material Re-use Facility shall operate and abide by an approved Operations Manual. This use may be considered as an accessory use or may be a stand alone business. Materials Re-use Facility activities shall not include acceptance of soluble solid materials, bio-degradable materials, or municipal solid waste, and does not include activities applicable to garbage dumps, solid or liquid waste dumps, burning facilities, sanitary landfills, or automobile graveyards and unlicensed junkyard facilities as defined by Maine state statutes.

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Finding of Facts for Old Business Item #3
File #06-09-R: Hay Brook Mineral Amendment

There was no finding of facts for this item.