

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

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

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

STAFF ABSENT: 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

1. File #14-09-S: Matthew Colton, c/o Steven Horne, PLS, P.O. Box 1544, Sanford, Maine.

Chair Tarbox called for a representative to present the project.

Steven Horne, PLS, representing the applicant gave an overview of the project. He also told the Board that the previous request for commercial uses has been dropped, but the applicants would like to construct a four-unit residential building.

Chair Tarbox asked staff if they had anything to add to the public hearing; they did not.

Chair Tarbox asked if anyone present wanted to speak in favor of the proposal; no one did.

Chair Tarbox asked if anyone present wanted to speak against the proposal; again, no one did.

Chair Tarbox closed the public hearing.

2. File #01-10-RU: Global Tower Partners & Omnipoint Communications, c/o Maureen Hopkins, ATC Realty, 190 U.S. Route 1, PMB #358, Falmouth, Maine.

Chair Tarbox called for a representative to present the project.

Jon Springer, representing the applicant, gave a brief overview of the project. Mr. Springer explained the steps that have been taken to get before the Planning Board for approval. He then went on to describe the project.

Brian Grossman, Prince Lobel, representing T-Mobile Northeast, LLC (formerly Omnipoint) described the radio frequency radius, and showed the Board where there was a lack of coverage in Sanford.

Jon Springer mentioned there was an issue brought up by the Sanford Water District. The district was concerned about whether the tower and/or its operations would interfere with the district's relay. The applicant hired an independent radio frequency engineer, who provided a letter stating there would be no interference with the district's operations caused by the tower.

Mr. Springer also told Chair Tarbox that he had a descriptive narrative stating why this project met the conditional use requirements in the ordinance that he would present to the Board in the work session following the meeting.

Chair Tarbox asked if anyone present would like to speak in favor of the application; there was no one.

Chair Tarbox asked if anyone present would like to speak against the application; again, there was no one.

Chair Tarbox closed the public hearing.

III. NEW BUSINESS

Following the work session, the Planning Board reopened the meeting to take action on File #01-10-RU.

1. File #01-10-RU: Global Tower Partners & Omnipoint Communications, c/o Maureen Hopkins, ATC Realty, 190 U.S. Route 1, PMB #358, Falmouth, Maine.

Chair Tarbox called the voting meeting to order.

Chair Tarbox called for a motion.

Staff member Gulnac asked the Board to include "A preconstruction meeting be scheduled with the town engineer" for item #4 under the recommended motion in his project summary report.

Chair Tarbox asked Mr. Gulnac if he included the letter from the water district and AutoCAD in his recommended motion. Mr. Gulnac stated the AutoCAD was included, but the letter was not. Chair Tarbox made note that the letter from the water district needed to be included in the motion.

There was discussion on the additional items needing to be included in the recommended motion.

Board member Morse made a motion that the Planning Board find that application File #01-10-RU Global Towers Conditional Use has been prepared in accordance with requirements of the Sanford land use code and has made a positive finding of the items in Section 280-66 (see attached) and with the following conditions recommend approval:

- a) Prior to the issuance of a building permit for the site the applicant shall supply three (3) copies of construction plans for the tower signed and sealed by a P.E. to the town and that the construction plans must be approved by the town engineer and the CEO.
- b) A digital copy of the site plan prepared in accordance with town specifications and approved by the town engineer is provided.
- c) Any and all outstanding application review fees are paid.
- d) A letter from the water district is provided that they accept the opinion that there will be no interference with their radio link.
- e) A preconstruction meeting needs to be scheduled with the town engineer.

Board member Vermette seconded the motion.

A vote was taken, and the motion passed 7-0.

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES

There were no minutes ready for approval.

VI. PLANNING DIRECTOR'S REPORT

There was no report for tonight's meeting.

VII. ADJOURN

The meeting adjourned at 7:51 PM. A work session immediately followed. Once work session discussion was completed for file #01-10-RU and the Board was satisfied with the proposal, Chair Tarbox reopened the voting meeting and the Board took action (see above under New Business). The work session meeting resumed following the voting meeting adjournment.

Attachment to April 7, 2010 Minutes

Finding of Facts for Public Hearing Item #1 File #14-09-S: Colton Developmental Subdivision

The Planning Board did not take action on this item.

Finding of Facts for Public Hearing Item #2 File #01-10-RU: Global Towers Communication Tower

The Planning Board did not take action on this item under public hearing section.

Finding of Facts for New Business Item #1 File #01-10-RU: Global Towers Communication Tower

- The applicant has provided proof of permission to utilize the property as proposed and therefore has standing to submit the application.
- The application has been referred to the Planning Board by the Town Council by a consent order in which an agreement was reached concerning the use and the dimensional requirements and directed that the application be reviewed by the Planning Board as a permitted conditional use as any other transmittal tower.
- The Planning Board has scheduled the required public hearing and noticed same within the required ten (10) days of the meeting.
- The application has been reviewed by the town engineer.
- The applicant is requesting that the requirement to provide detailed signed and sealed engineering plans for the actual tower construction be made a condition of the issuance of a building permit rather than of site plan approval.
- The Planning Board has reviewed and made the following positive findings:
 - a) 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;

- b) 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;
 - c) The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;
 - d) The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;
 - e) 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;
 - f) 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;
 - g) 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
 - h) If located in the Shoreland Overlay Zone the proposed use (i) will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; (ii) will conserve shoreland vegetation; (iii) will conserve visual points of access to waters as viewed from public facilities; (iv) will conserve actual points of access to waters; (v) will conserve natural beauty and (vi) will avoid problems associated with flood plain development and use. **The property is not located within the shoreland zone.**
- A public hearing was held on April 7, 2010 at which no one from the public spoke either for or against the application.