

SANFORD PLANNING BOARD MINUTES
MEETING December 1, 2010 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

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

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)

This meeting was not recorded. All information was taken from notes and reports.

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

- 1. File #11-10-T: Mark & Megan Lucier, 955 Main Street, Sanford, Maine.** This is a continuation of the November 17, 2010 public hearing.

Chair Tarbox asked for a representative to present the project.

The major topic of discussion was parking. After review of the site plan provided by Dr. Lucier, it was determined that adequate off-street parking would be provided for his current and expanded practices.

Chair Tarbox closed the public hearing and called for a motion.

Board member Morse made a motion that the Planning Board accepts the finding of facts (see attached) and, after consideration of the public comments and those of that staff, find that the adjustment to the zone boundary line to include tax map K31 lot 17, also known as 15 West Elm Street, from SFR (Single Family Residential) to OR (Office Residential) zone.

Board member Mongeau seconded the motion.

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

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

- 1. File #13-10-W: Arista Development, c/o Curt Neufeld, Sitelines P.A., 8 Cumberland Street, Brunswick, Maine.**

Chair Tarbox called for a representative to present the application.

Discussion took place on clarifying what the Board is actually voting on tonight.

Chair Tarbox asked the members if they are ready to take a vote. Board members McAdam and Vermette had reservations.

Board member McAdam was unsure about the project being consistent with the comprehensive plan. He quoted references about residential uses from the comprehensive plan.

Board member Vermette felt that, in a broad sense, the project was inconsistent with the comprehensive plan.

Chair Tarbox called for a motion.

Board member Morse made a motion that the Planning Board has reviewed the request by Arista Development, File #13-10-W, to submit a contract zone application to allow retail use in the General Residential zone on lots 75, 76, & 77 of tax map K28 under Section 280-38A of the Town of Sanford Zoning Code and find that the request is not inconsistent with the Comprehensive Plan.

Board member Vermette seconded the motion.

A vote was taken and the motion passed 4-3, with Board members Herlihy, Mongeau, and McAdam voting against.

V. APPROVAL OF MINUTES – October 6, 2010; October 20, 2010; November 3, 2010; and November 17, 2010

October 6, 2010

Chair Tarbox called for a motion to approve the minutes as written.

A motion was made and seconded.

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

October 20, 2010 – November 17, 2010

These minutes were not ready for approval.

VI. PLANNING DIRECTOR'S REPORT

There was no report for tonight's meeting.

VII. ADJOURN

A motion was made and seconded to adjourn the meeting.

Attachment to December 1, 2010 Minutes

*Finding of Facts for Public Hearing Item #1
File #11-10-T: Lucier Zone Change Request*

- The Lucier's own the structure at 955 Main Street in which they operate a successful dentistry office and residence.
- Their business has grown such that they need additional space. They have a purchase and sale agreement on the property adjacent to them at 15 West Elm Street.

- The property is in the SFR zone. It is currently divided into three (3) residential units (nonconforming).
- The property is in disrepair and power has been shut off.
- The Lucier's sought permits to convert the West Elm Street property into mixed use combining both residential and office so that they could expand their business and maintain their presence in the downtown area of Sanford.
- The Planning Director reviewed the situation and advised that the Lucier's request a zone boundary adjustment which would add tax map K31 lot 17 to the OR zone. This is the same zone as tax map K31 lot 18.
- The proposed uses would not alter the outside appearance of the structure; in fact, considering the quality of the work the Lucier's have accomplished on the Main Street property, the end result would greatly enhance the look and quality of the neighborhood.
- The proposed adjustment would be in compliance with the Comprehensive Plan and Downtown Development Plan in that it would attract and maintain the character of the neighborhood and encourage investments in the area.
- A public hearing was held on November 17, 2010. During the hearing questions arose concerning parking on West Elm Street. Both the CEO and the Planner indicated that the applicant had indicated that the proposed improvements would provide adequate on-site parking for staff and clients.
- Attached to this report are the following:
 - Email letter from the applicant describing the proposed activity
 - A PDF of sketch plats of the existing conditions and the proposed improvements identifying the parking and traffic patterns
- The Planner confirms his request for the Planning Board to forward the applicant's request for a change in the zone for the property at 15 West Elm Street from SFR to Office Residential. The applicant's proposal will provide adequate off-street parking so the proposed change in use for the property will not contribute to the parking problems on West Elm Street.

*Finding of Facts for Old Business Item #1
File #13-10-W: Walgreens Contract Zone*

- The applicant has demonstrated that they have the right to submit the request for a compliance review under the provisions of a contract.
- The proposal is to combine the seven (7) parcels identified into two (2) parcels, one of which will contain a redesigned (3,000 sf) York County Federal Credit Union and the other to contain a new (14,250 sf) Walgreens. Both structures will include drive-thru windows.
- The CEO submitted a memo itemizing a comparison of the zoning requirements and the proposed contract zone submitted by Arista. Upon any site plan approval granted by the Planning Board, these differences would be included in the contract and constitute the zone change(s) approved. A thorough comparison between the CEO's report and Attachment A of the applicant's submittal is required.
- Attachment B of the report includes a description of how the proposed activity (retail) is consistent with the goals and objectives of the Town's Comprehensive plan. The applicant has presented information on the specific goals as identified in Part C Chapter 6.
- The Planning Board has conducted public hearings during which presentations by representatives of the Downtown Legacy expressed an opinion that, due to some of the proposed design elements of the development, they felt that the proposed development was not consistent with the goals and objectives of the Comprehensive Plan.
- The staff of the Growth Council testified that the introduction of investment into the downtown at a time when there was little if any development was in-and-of itself demonstration that the proposal was consistent with the goals and objectives of the Comprehensive Plan.
- The applicant had presented in their application references from the comprehensive plan supporting the proposal that the change of use from residential to retail for the properties in question was consistent with the comprehensive plan.

- The Planner indicated that the question in front of the Board was to determine if the change in use was not inconsistent with the comprehensive plan. The questions concerning the design elements and the specifics of the construction would be reviewed during the site plan application process. The first step in that was to permit the applicant to submit an application under the provisions of the contract zone process since technically the Planning Board could not take jurisdiction of an application for a use not permitted by the zoning ordinance.