

SANFORD PLANNING BOARD MINUTES
MEETING April 16, 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
Bryan Chabot
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 7:31 P.M.

II. PUBLIC HEARING

1. **File #31-07-S: Mt. Hope Enterprises, LLC, c/o John Hutchins**, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.

John Hutchins, representing the applicant, overviewed the application.

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

Mike Casserly, Assistant Engineer, told the Board that he had worked with the applicant to resolve the issues for preliminary approval and progress towards final approval was made. He feels that the project is ready for preliminary approval as far as engineering issues were concerned.

James Gulnac, Planning Director, had no comments at this time.

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. He then asked if Board members had any comments.

Board member Herlihy asked if the road was going to remain private due to the engineering issues and the amount of wetlands in the area.

Mr. Casserly stated the applicant had made changes to the road design and the changes are acceptable. Discussion took place, and it was determined that the road was going to continue to be proposed as a public road, and a condition of preliminary approval was to have the road

profile design consistent with the requirements of the town engineer before final approval will be granted.

Chair Hardison asked if there were any other questions.

Board member Kleinrock asked if she would be allowed to vote since she wasn't here for the work session discussions. Chair Hardison stated she could vote as long as she felt she was informed enough to do so.

Chair Hardison asked if the request to have a note added to the plan and in each individual deed regarding life safety sprinkler made in the findings of fact was agreed to. Mr. Hutchins stated a note was on the plan, and if it was required to have it in the deeds it would be done. Discussion took place.

Chair Hardison asked if there were any other questions; there were none.

Chair Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board accept the finding of facts (see attached) and find an application for a preliminary major subdivision for a proposed 13-lot residential subdivision, to be called 'Hope Hill Subdivision', on property they own identified as tax map R8, lot 9A on Lebanon Street (State Route 202) has been prepared in compliance with the Town of Sanford Subdivision Ordinance and the State Subdivision law, found in Title 30-A M.R.S.A. Section 4401 et seq. and subject to the conditions listed below grant approval:

- a. The applicant will design the proposed cul-de-sac, wetland crossings, and roadway profile in compliance with the direction of the Town Engineer;
- b. The applicant will design the stormwater management system in compliance with the direction of the Town Engineer;
- c. The applicant has agreed in principle to the conditions of the Engineer's report of March 27, 2008;
- d. The applicant has twelve (12) months from the date of this approval to submit an application for a final major subdivision;
- e. That the final application is to be prepared as provided for in Article VII – Section 275-23 and Section 275-24; and
- f. The applicant will pay all outstanding review costs.

Board member Morse seconded the motion.

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

John Hutchins, as a citizen, wanted to thank Mike Casserly for his hard work reviewing this project, as Mike does with all projects, and Mr. Hutchins feels that Mr. Casserly's job is a thankless one. Mr. Hutchins appreciates Mr. Casserly's work and feels Mr. Casserly's review makes for better developments in the town.

2. File #03-08-R: River of Life Church, c/o Donald Hallene, PO Box 753, Alfred, Maine.

Chair Hardison called for a representative to present the project.

Kevin Monroe, on the Board of Directors for River of Life Church, stated they were hoping to make the location at 23 Washington Street their new home.

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

Mike Casserly, Assistant Engineer, addressed a comment made in his memo regarding a Town ordinance prohibiting a church being within a 300' radius of a bar. Mr. Casserly received confirmation from Major Gordon Littlefield, Sanford Police Department that the ordinance pertains only to state liquor agencies, not bars so this is a non-issue.

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 finding of facts (see attached) and find that an application from the River of Life Church, file #03-08-R, is consistent with the requirements of Article XVII Site Plan Review Section 280-102 Approval Criteria and grant approval with the following conditions:

- a. Per Section 280-105, if a certificate of occupancy is not issued within one year then this approval shall be null and void;
- b. The applicant will pay all outstanding review fees;
- c. The applicant will provide five (5) paper copies of the site plan to the Planning Office for certification of approval;
- d. Any additional conditions which the Planning Board may impose.

Board member Vermette seconded the motion.

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

III. NEW BUSINESS

1. **File #42-06-S: Frank Watson, c/o Kenneth Wood, PE, ATTAR Engineering, Inc., 1284 State Road, Eliot, Maine.**

Chair Hardison read the agenda item. He then asked if staff had any comments.

James Gulnac, Planning Director, stated the applicant was requesting a 60 day extension. Discussion took place on if the Board should change the extension to six (6) months. It was decided that the Board could change the requested time extension.

Chair Hardison called for a motion.

Board member Vermette made a motion that the Planning Board, after considering the request of the applicant, reviewing the reports from staff and confirming the finding of facts (see attached), recommend an extension of six months for the approval of the Article 5 submission granted on April 7, 2007.

Board member Morse seconded the motion.

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

2. **File #50-06-S: KGI Development, LLC, c/o Emi Gwin, WPIIDC, Inc.**

Chair Hardison read the agenda item. He then asked if staff had any comments.

James Gulnac explained the reason the applicant was requesting the extension.

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

Chair Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board, after considering the request of the applicant, reviewing the reports from staff and confirming the finding of facts (see attached), recommend an extension of one (1) year for the approval of the major site plan granted on April 18, 2007.

Discussion took place on the amount of time being extended.

Board member Vermette seconded the motion.

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

3. File #44-06-S: Richard Bergeron, PO Box 652, Springvale, Maine.

Chair Hardison read the agenda item.

James Gulnac, Planning Director, gave the history of Richard Bergeron's request for phasing. He suggested two options for the Board:

- Grant the request for phasing subject to Town staff approving subject to the conditions outlined in the approved plan; or
- Table the request to allow staff enough time to work with Mr. Bergeron to present the plan that would take place with staff approval.

Discussion took place to determine which option would be best for the Board.

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

Charles Andreson, Town Engineer, believes the plan delivered to the office today attempts to address the issues raised and the engineering group would be willing to work with the applicant to work out the details of the final plan.

Discussion took place on the details needed to be worked out, and if tabling the request would be best at this time. Consensus among the Board was to table the request at this time until staff has more time to review and approve the change. It was also determined that no public hearing is necessary.

Chair Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board table the request until such time as the applicant has submitted a plan in a timely manner and the staff have reviewed and approved the plan.

Vice Chair Tarbox seconded the motion.

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

4. File #999-08-T(2): Sanford Mill Road, CDBG Downtown Redevelopment Grant, Jeff Preble, PE, Wright Pierce and James Gulnac.

Chair Hardison read the agenda item.

James Gulnac, Planning Director, briefly updated the Board on the status of the grant.

Chair Hardison asked if the Board would see this item again. Mr. Gulnac stated only if the CDBG program requires a public hearing. Chair Hardison asked if the donated land would have the environmental assessments done through grant monies. Mr. Gulnac explained the process.

Chair Hardison asked if there were any other questions from the Board. There were none.

Chair Hardison called for a motion.

Board member Morse 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 proposed downtown redevelopment project is consistent with the goals and objectives of the Town's comprehensive plan and town ordinances and grant conceptual site plan approval.

Board member Vermette seconded the motion.

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

IV. OLD BUSINESS

1. **File #999-08-T(1): James Gulnac, Planning Director**, is requesting Planning Board approval of a proposal to amend the General Code for the Town of Sanford, Chapter 280 – Zoning, [History: Adopted by the Town of Sanford 11-21-1995, as amended through 11-18-2003 with subsequent amendments where applicable] to make the Town's code compliant with the State of Maine regulations concerning child care.

Board member Morse disclosed that he owns and operates a daycare but he receives no financial interest with this ordinance change. He asked for permission from the Board to participate in discussion and be allowed to vote. The Board granted Mr. Morse permission.

James Gulnac, Planning Director, went over the changes and clarified the changes being requested.

Discussion took place between Board members and Mr. Gulnac as to the changes that were being done to the Table of Land Uses and Definition sections of the ordinance.

Chair Hardison asked if there were any other questions or comments from the Board or staff; there were none.

Chair Hardison called for a motion.

Board member Herlihy 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. Reference should be made to discussion at tonight's meeting.

Under Article II, Section 280-5. Definitions:

Delete: **Day-Care Center or Nursery School and Day-Care Home** and any references to them in the ordinance including Section 208 Attachment 1 Table of land uses and replace them with the following:

- Add: **Child Care Provider:** A person or facility that has received a certificate from the Department of Health and Human Services. There are three (3) classes of child care providers:
- A. **Family Child Care:** An owner occupied residence licensed with the State of Maine that provides care and instruction for less than 13 children. For the purposes of local review this class is further divided into:
 - i. **Family Child Care**, by right accessory use; an owner occupied residence licensed with the State of Maine that provides care and instruction for less than nine (9) children;
 - ii. **Family Child Care**, permitted as a conditional use; an owner occupied residence licensed with the State of Maine that provides care and instruction for between nine (9) and twelve (12) children.
 - B. **Small Facility:** A facility licensed by the State of Maine that provides care and instruction for less than (13) children where the licensed provider does not live on the premises. This use is permitted with site plan review in all zones except the SFR.
 - C. **Child Care Center:** A facility licensed by the State of Maine that provides care and instruction for thirteen (13) and more children. The use is permitted with Planning Board review and approval as a principal conditional use in any zone except SFR, RR and RMU.

Vice Chair Tarbox seconded the motion.

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

V. APPROVAL OF MINUTES: January 9, 2008, February 20, 2008, and March 19, 2008

Chair Hardison called for approval of the minutes.

January 9, 2008

Board member Morse made a motion to accept the minutes of January 9th as written.

Board member Herlihy seconded the motion.

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

February 20, 2008

Board member Morse made a motion to accept the minutes of February 20th as written.

Board member Herlihy seconded the motion.

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

March 19, 2008

Minutes were not available for this meeting.

VI. PLANNING DIRECTOR'S REPORT

Mr. Gulnac gave the Board a breakdown of the codes office activities.

Mr. Gulnac then apologized to the Board for the lateness of the reports and asked the Board for assistance to establish some policies for a timeline of processing applications.

As a result of the discussion, a subcommittee was formed to work with the planning and engineering departments to establish a guideline for application review.

Mr. Gulnac brought up a complaint from an abutter to Dunkin Donuts Springvale location. The neighbor complained about the light illuminating from the site and the unfinished site work. It was determined that before the Board could do anything, they would need to wait to see the finished site work.

VII. ADJOURN

The meeting adjourned at 8:37 PM.

Attachment to April 16, 2008 Minutes

Findings of Fact for Public Hearing Item #1 File #31-07-S: Hope Hill Subdivision

- The applicant has provided documentation which establishes his right to present the application.
- The application was reviewed as an Article 5 with file #49-06-S by the Planning Board on August 1, 2007 when the Planning Board approved the submission of a formal subdivision application. The submission has been made in a timely manner. It is noted that the Article 5 submission applicant was Scott W. Arnold and this submission identifies the applicant as Mt. Hope Enterprises, LLC. Documentation has been included which identifies Scott W. Arnold as the registered agent for Mt. Hope Enterprises, LLC. The applicant has proved the necessary proof of ownership and the application has standing.
- Finding of Facts for the Article 5 included the following:
 - The use of individual subsurface septic systems is proposed.
 - The use of individual wells is proposed.
 - The proposed development will require a full MDEP permit.
 - The applicant has prepared a revised plan which proposes 13 residential lots accessed by a cul-de-sac.
- The cul-de-sac is proposed as a town road. The entrance of the cul-de-sac off Route 202 has been reviewed and approved by MDOT and Town Engineer. The primary difference is the entrance of the cul-de-sac onto State Highway 202 has been relocated to the southwest corner of the property where sight distances of 1000' and 750' exist.
- No waivers have been requested for the revised plan.
- The applicant has decided to utilize Life Safety Sprinkler Systems for fire protection. A note should be added to the plan and on each individual deed indicating this requirement.

Findings of Fact for Public Hearing Item #2 File #03-08-R: River of Life Church

- The applicant has provided documentation which establishes his right to present the application.
- The application for a church is classified by definition [Section 280-97A (4) (q)] as a major development.
- The applicant has requested, and for the purposes of placing the application into the formal review process, been granted a waiver of the requirements for a major site plan.
- The applicant has provided information concerning the availability of parking in the area surrounding 25 Washington Street. The applicant is seeking approval of the parking standards as permitted in Section 280-83 B.
- The application was considered by the SPRC on March 26, 2008 and the SPRC forwarded it to the Planning Board for their review.

- The Planning Board reviewed the application at the work session on April 2, 2008 and directed that the application be scheduled for a vote at the April 16, 2008 meeting.
- A public hearing is required.

*Findings of Fact for New Business Item #1
File #42-06-S: Berwick Street Heights*

- Article 8.1 states that an applicant may request an extension of the six (6) month time period to submit a final application.
- The applicant has submitted a written request for an extension.
- The applicant has standing to make the request.
- The applicant has indicated that the reason for the extension is that the applicant needed more time to design a plan which meets his goals within the challenges of the site.

*Findings of Fact for New Business Item #2
File #50-06-S: Wal-Mart/Lowes:*

- Section 17.10 (old code) of the Town of Sanford Zoning Ordinance states that an applicant may request an extension of the one (1) year time period to begin construction.
- The applicant has submitted a written request for an extension.
- The applicant has standing to make the request.
- The applicant has indicated that the reason for the extension is that the applicant needed more time to allow the ground to thaw prior to the start of construction.

*Findings of Fact for New Business Item #3
File #44-06-S: Rocky Ridge Phase II Amendment*

This item was tabled.

*Findings of Fact for New Business Item #4
File #999-08-T(2): Sanford Mill Road*

- The Town of Sanford has received an award from the State of Maine Office of Community Development Downtown Redevelopment Grant in the amount of \$500,000.00.
- The Town of Sanford has, by warrant article of the Town Meeting, pledged the necessary local cash match of \$125,000.00 in addition to funds to complete the whole project estimated at just over \$2 million.
- The total project consists of the construction of a roadway through the downtown mill complex, the development of a trail system along the Mousam River between Elm Street and the bridge in the mill area and a community garden complex.
- The Town is required to complete a Phase II application with the CDBG office and that process requires confirmation from the Planning Board that the proposed project is in conformance with the goals and objectives of the Town's comprehensive plan.
- Wright Pierce Engineers, the Town's consultant, after consultation with various Town officials and in consideration of both the desire to begin construction this spring and to meet all the necessary construction permits has divided the project into three (3) phases. They have prepared construction plans and documents for the road construction included in Phase I.
- These plans have been prepared in conformance with the Town of Sanford road construction requirements.
- The proposed road will be constructed on property which is currently in private ownership but will be donated to the town as part of the grant process. Before this transfer can be completed the property needs to have an environmental assessment completed.

- So that the consultant can begin the process of preparing bid documents and coordinate the environmental review, conceptual site plan review approval from the Planning Board is being requested.

Findings of Fact for Old Business Item #1

File #999-08-T(1): Child Care Ordinance Change

- The Planning Board held a public hearing on March 19, 2008 at which the Planning Director proposed changes to the definitions section of the zoning ordinance to bring those for child care in compliance with the State of Maine definitions. He also proposed some revisions to the Table of Land Uses where the revised definitions would apply.
- The Chair opened the hearing to the public:
 - a. Karen Gould spoke expressing concern about the care of children ages birth to five; they need a safe place to grow and learn. Ms. Gould spoke in favor of the proposed increase in children permitted.
 - b. No one else spoke.
- The Chair indicated that the Board was only taking public comment and directed that the matter be placed on the April 2, 2008 work session.
- The Planning Board held a work shop on April 2, 2008. The Planning Director presented a table which showed the current definitions and where they were permitted and the proposed changes and their impacts.
- As a result of discussions, the Board reached agreement on the proposed changes to the definitions. They recommended some revisions to the table showing where the day care would be permitted and the level of review required.
- A copy of the revised table is attached and made part of this report.
- As required by ordinance that the Planning Board has conducted a public hearing on the proposed changes to the zoning ordinance. They must, within 30 days following the public hearing, vote on the request and send the majority's opinion recommendation to the Town Council.