

**SANFORD PLANNING BOARD MINUTES**  
**MEETING August 15, 2007 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Charles Andreson, P.E., AICP, Town Engineer  
Barbara Bucklin, Administrative Assistant

**STAFF ABSENT:** Michael Casserly, Assistant Engineer

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**I. CALL TO ORDER**

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

**II. PUBLIC HEARING**

1. **File #19-07-T: Adam Blaikie & Assoc., LLC, c/o John Caramihalis**, 1293 Main Street, Sanford, Maine.

Chairperson Hardison called for a representative to present the project. Chair Hardison explained the process that would be followed for this application.

John Caramihalis, Adam Blaikie & Assoc., LLC, showed a diagram of the front elevation (looking at building from Main St. towards Patco) of the proposed building, Ponderosa Pines. Mr. Caramihalis also explained the access way for this project, and handed Board members a letter from an abutter (Bonanza Restaurant owner).

Bill Keefer, Sanford Housing Authority, gave a handout to Board members and explained how the tax credit program, sponsored by Maine Housing Authority, is awarded. The program awards tax credits for 55+ affordable housing unit complexes. Mr. Keefer also described the bonuses creating this type of housing brings to a community.

Mr. Caramihalis described what he feels the benefits of creating a secondary roadway would be.

Chairperson Hardison informed all present that any vote the Board may make tonight is for the zone change only, not the project. The project would be presented in another process if the zone change is passed by the Town Council. Mr. Hardison also wanted to inform everyone present that if the zone change passes and is changed from SFR to SB and the proposed project does not happen, the property in question is now zoned SB and other SB zoned projects will now be allowed.

Chairperson Hardison asked if anyone present wished to speak in favor of the application; there was no one. Chairperson Hardison asked if anyone present wished to speak against the application.

Michelle Sprague, an abutter on Farview Drive, stated she was happy with the quietness of the neighborhood. She feels that increasing the population of the neighborhood is not appropriate due to the increase of traffic flow that would create a safety issue.

Neil O'Regan, 35 Westview Drive, is opposed due to: the impact this project would have to his family and property, the project changing the character of the neighborhood, and the decrease value of property of 'single family' homes. Mr. O'Regan, while building his home, was told by the contractor that only single family homes would be built in the area.

Maxine Kit, an abutter on Curtis Lake Drive, stated the neighborhood was in agreement of having single family homes in the area. Her biggest oppositions are the entrance/exit on Westview Drive, traffic flow, not in keeping with the neighborhood, and decrease of property values.

Al Pollard, an abutter on Curtis Lake Drive, stated the area was developed as single family and would like to keep it this way. Mr. Pollard felt that the zone change would open up the area to other businesses and the project is out of character to the neighborhood.

Jodi Lebarski, an abutter on Farview Drive, stated she is concerned with the social/cultural implications that changing the zone would have on a single family zoned area. She would also like to know how the Sanford Housing Authority would prevent extended family from moving in with relatives living in the complex.

Jackie Maurice, an abutter on Farview Drive, likes the closeness of the neighborhood and is concerned with the safety issue caused by excess traffic and an increase of rescue vehicles coming to this facility.

Lewis Fink, an abutter on Curtis Lake Drive, liked the neighborhood because it was a 'family' neighborhood. Mr. Fink feels that the zone change is not appropriate and the facility should not be allowed in this neighborhood. He also feels that if a new road is needed, it can be built without the zone change taking place.

Mike Patterson, an abutting land owner, stated he is not for, but not against, the project. Mr. Patterson feels that if the zone change goes through, he may request a zone change for his property located behind Bonanza, also. He also feels that if creating this project is about providing a service, maybe the facility could be built without the additional road to address the safety concerns.

Katie O'Regan, 35 Westview Drive, stated the facility would be directly across from her house, and she doesn't want to see it. Her family bought the property because it was in the single family residential zone.

Chairperson Hardison asked if anyone else wanted to speak in opposition of the application; no one else spoke. Chairperson Hardison asked if staff had any other comments; staff did not.

Chairperson Hardison asked if anyone had any additional comments. Ms. O'Regan stated she had letters from abutters that were unable to attend the meeting but were opposed to the project. Chairperson Hardison asked her to hand the letters to Mr. Gulnac so he could make them part of the file.

It was suggested that Mr. Gulnac read all the correspondence that was handed out tonight. Mr. Gulnac proceeded to read 4 letters: 1 from Bonanza (in favor of), 1 from the Clough's (against), 1 from Ms. Hazen (against), 1 from the Pare's (against).

Chairperson Hardison closed the public hearing, and reopened the public hearing to allow Mr. Caramihalis to respond to the abutters' concerns.

Mr. Caramihalis stated he understood the concerns of abutters and wrote down all the names and concerns of those who spoke tonight. He then went on to address the traffic concerns.

Chairperson Hardison closed the public hearing. Chairperson Hardison asked the Board members if they wanted to vote and make their recommendation tonight or if they wanted to gather more information and postpone the vote on a recommendation until October.

The concerns of the Board members were as follows:

- Board member Vermette felt more information was needed and would like to postpone until the next workshop.
- Board member Herlihy stated the neighbors are opposed but was concerned that the neighbors didn't know enough about the project to be opposed to it. Mr. Herlihy felt that if the neighbors knew more about the project and were still opposed he would be in favor to recommend against the zone change.
- Board member Kleinrock would like to see how this zone change interacts with the residential district.
- Board member Tarbox felt this request was similar to the request on Main Street in Springvale. The issue is not the proposed project but the change in zoning that would not only allow this project, but a list of other projects as well.
- Board member Morse was not opposed to a follow-up workshop, but is ready to vote tonight.

Discussion took place on whether or not to postpone until the next workshop.

Staff member Gulnac went over the options the Board had: making a recommendation tonight, postponing the application and scheduling it for a vote at the next workshop meeting, or recommend the request come in as a contract zone application.

Chairperson Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board recommend to the Town Council to not approve the zone change request.

Board member Herlihy felt that he did not know enough about the project to make a decision. Discussion took place on what the vote was for tonight. Chairperson Hardison stated the proposed project was dependant on the zone change and the details of the project would be a separate process.

Board member Morse seconded the motion.

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

2. **File #02-07-S: Alvin & Wendyann Boston, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chairperson Hardison called for a representative to present the project.

John Hutchins, representing the applicant, briefly overviewed the project and identified the changes that were made.

Chairperson Hardison asked if anyone present wished to speak in favor of the application; there was no one. Chairperson Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chairperson Hardison asked if staff had any questions or comments.

Staff member Andreson referenced the August 10 engineer review memo and stated that the stormwater easements have been resolved and the water pressure issue was okay and felt that preliminary approval was in order. Mr. Andreson stated the remaining issue of the stormwater management infiltration system easements on lot 12 was more of a policy issue for the Board.

Staff member Gulnac stated the applicant was going to request final approval at this meeting and that is the reason for referencing final approval in Mr. Casserly's memo, but the applicant is no longer requesting final approval tonight. Mr. Hutchins confirmed this statement.

Discussion took place on the remaining easement issue. Chairperson Hardison asked if there were any other issues or concerns the Board should discuss along with the lot 12 easement issue.

Mr. Andreson stated that there was a stormwater waiver being requested, but it was minor and staff did not object to the request. More discussion took place.

Vice Chairperson Tarbox asked about lots 28C & D being shown, but are not part of, the subdivision. Staff member Gulnac stated that it was decided that these lots would be identified, but remain as individual lots. Mr. Hutchins said there was a note on the plan that explained what was happening with these two lots.

More discussion took place on the lot 12 easement issue.

Chairperson Hardison asked if there were any other questions or concerns besides the lot 12 issue.

Chairperson Hardison closed the public hearing and called for a motion.

Board member Herlihy made a motion that the Planning Board accept the findings of fact (see attached) and find an application for a preliminary major subdivision to create a 12-lot residential subdivision, to be known as Boston Station, with a road on an 8.88 acre property located on Mount Hope Road in Sanford (Tax Map R11, Lot 28B, Residential Development zone) 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. That the applicant has six (6) months from the date of this approval to submit an application for final major subdivision;
- b. That the final application is to be prepared as provided for in Article 8 and Article 13 as well as Title 30-A M.R.S.A. Section 4404;
- c. That the applicant will pay any outstanding review fee expenses.

Chairperson Hardison added that the applicant's proposals for a deed restriction and waiver request have been agreed to with the motion.

Board member Vermette seconded the motion.

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

**3. File #17-07-R: North Country Land, Inc., c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chairperson Hardison explained how this item was going to be heard. A public hearing would be done first, and then the Board would go into a work session to discuss some outstanding items, and then reconvene for a vote.

Chairperson Hardison called for a representative to present the project.

Dana Libby, PLS, representing the applicant, described some of the changes that have been done since the last meeting.

Chairperson Hardison asked if anyone present wished to speak in favor of the application, or provide input or comments.

Roland Dubois, an Alfred resident who lives across from the entrance to the existing gravel pit, told the Board that he has issues with trucks entering the gravel pit early in the morning. Mr. Dubois was not sure if the trucks were gravel trucks or logging trucks.

Mr. Herlihy informed Mr. Dubois that the logging issue was discussed at the last work session meeting and the applicant agreed to discontinue the logging operation.

Chairperson Hardison invited Mr. Dubois to participate in the work session meeting.

Chairperson Hardison asked if anyone else had comments regarding this application.

David Houle, representing Apache Campground, said he is neither for nor against the proposal, but if Mr. Houle had any issues with the existing gravel pit, Stone Farm Gravel, he would address them to Mr. Robert Libby (North Country Land, Inc.) and Mr. Libby would address and resolve the problems.

Chairperson Hardison asked if anyone else wished to speak; there were none.

Chairperson Hardison closed the public hearing.

(Chairperson Hardison moved on with the remaining items on the agenda before going into work session.)

Chairperson Hardison reconvened the meeting at 10:00 PM.

Staff member Gulnac stated to the Board that the motion should revise item #7 under the findings of fact. This came about as a result of the discussion at the work session meeting.

Chairperson Hardison asked Board members if there were any other questions or comments. No one had anything to add.

Chairperson Hardison called for a motion.

Vice Chairperson Tarbox made a motion that the Planning Board accept the findings of fact as amended at the August 15, 2007 work session meeting (see attached) and find that application file #17-07-R, a request for approval of a major site plan for mineral extraction has been prepared in accordance with Section 16.6 of the zoning ordinance and Section 17.6 – Procedures for Major Developments and, subject to the conditions listed below, grant approval:

- a. The Operations Manual as amended by discussion at the August 15, 2007 work session and is approved by the engineer is made part of this approval;
- b. That the applicant will provide six (6) complete sets of the approved plans to the Planning Department for certification (distribution of the certified plans: Planning, Engineering, CEO, Assessor, Town of Alfred and Applicant);
- c. A performance bond/letter of credit in an amount approved by the Town Engineer for a five (5) year period is provided;
- d. That a reclamation plan will be in effect and that, at a minimum, the applicant will provide an activity report April 30<sup>th</sup> and October 30<sup>th</sup> each year to the town engineer, who will conduct an inspection to verify the report. The applicant will be responsible for maintaining an adequate inspection escrow with the engineering department;
- e. The applicant needs to provide verification of the transfer of the conservation property to the Mousam Valley Land Trust within 6 months of this approval;
- f. No permit to operate this facility shall be issued until all the conditions of the approval have been satisfied, with the exception of the transfer of property;
- g. Any changes to the approved plan will require review and approval by the Planning Board; and
- h. Any failure on part of the applicant or any subsequent owners to comply with the conditions of this approval will result in the immediate cessation of the operation.

Board member Vermette seconded the motion.

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

**III. NEW BUSINESS – None**

**IV. OLD BUSINESS – None**

**V. APPROVAL OF MINUTES: July 11, 2007 and July 25, 2007**

Chairperson Hardison called for approval of the minutes.

July 11, 2007

Chairperson Hardison asked Board member Kleinrock if the minutes were ready for approval.

Board member Kleinrock stated the minutes were fine.

Board member Vermette made a motion to approve the minutes as is.

Vice Chairperson Tarbox seconded the motion.

A vote was taken, and the motion to approve the minutes as written passed 6-0.

July 25, 2007

Chairperson Hardison called for a motion to accept and approve the minutes.

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

Vice Chairperson Tarbox seconded the motion.

A vote was taken, and the motion to approve the minutes as written passed 6-0.

## **VI. PLANNING DIRECTOR'S REPORT**

Staff member Gulnac informed the Board that Brian Davies has asked for an extension of his site plan approval.

The Board decided they would vote to grant the extension regarding File #0R15/098B-04-S.

Board member Herlihy made a motion to grant the applicant a 3-year extension on his application.

Board member Vermette seconded the motion.

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

## **VII. ADJOURN**

The meeting adjourned at 8:59 PM to go into work session. The voting meeting was reconvened at 10:00 PM, and this part of the meeting adjourned at 10:05 PM for the evening.

### **Attachment to August 15, 2007 Minutes**

#### *Findings of Fact for Public Hearing Item #3 File #02-07-S: Boston Station*

- The project is classified as a major subdivision.
- The applicant has provided information establishing that they have standing to submit the application.
- The project was reviewed under Article 5, and first accepted in March of 2006. The six (6) month period expired September 1, 2006. An extension of the Article 5 review was granted by the Planning board on December 20, 2006.
- The application was deemed complete and scheduled for the February 7, 2007 Site Plan Review Committee meeting.
- The application was tabled by the SPRC pending the submittal of additional information concerning the sewer and stormwater management.
- The applicant has notified the Town of North Berwick as requested. The Planner confirmed this by phone.
- The applicant indicated that their stormwater permit from DEP had been approved.
- The Site Plan Review Committee has forwarded the project, with their recommendations, to the Planning Board.
- The Planner found the application to be complete on July 17, 2007 and scheduled it for the August 1, 2007 Planning Board Work Session.
- The Town and/or the Planning Board/Department of North Berwick should be sent a notice for the August 1, 2007 meeting.
- The applicant presented the project to the Planning Board on August 1, 2007 and after review determined that all review conditions had been satisfied and directed that the application be scheduled for a public hearing and vote at the August 15, 2007 meeting.

#### *Findings of Fact for Public Hearing Item #3 File #17-07-R: Hay Brook Mineral*

- The applicant has established proof of ownership and therefore has standing to make the application.
- Mineral extraction is permitted with review in the RMU zone.

- The application is classified as a major development and will require review and approval from the Planning Board.
- The application has been prepared in conformance with the requirements of the Sanford Ordinances, Section 16.6 – Mineral Extraction and Section 17.6 – Procedures for Major Developments.
- The applicant has submitted the required plans to the numerous outside agencies for their review and in some cases, permitting of the proposed operation.
- The proposed mineral extraction operation will be the second such operation by this applicant in the same general area and will utilize some of the same roads for access, specifically what has been referred to as the “haul road”. This road crosses Hay Brook and enters into Alfred before connecting to Route 4. The Town of Alfred has been a participant in the review of the project.
- The Planning Board has considered the request by the Town of Alfred to require that the control gate for “haul road” be located close to Route 4 (in the Town of Alfred) and the arguments of the applicant and supports the location as shown on the final plans submitted as revised by discussion at the August 15, 2007 meeting. There will be a temporary gate at the location shown on the plans with a sign showing ‘open’ or ‘closed’ at the Route 4 location. The situation will be monitored and if it is not working the issue will be reconsidered.
- The plans include a note, map and reference to property that is to be transferred (donated) to the Sanford-Springvale Mousam Way Land Trust. The applicant needs to provide verification of the land transfer.
- The applicant indicated that there will only be two front loaders operating between both sites, Hay Brook and Stone Farm. This limits the number of trucks per day.
- The applicant indicated that when the mineral extraction operation at Stone Farm is completed, the entrance to the “haul road” from Bernier Road would be closed. The area will be loamed and seeded and trees of sufficient age will be planted as a buffer.
- The applicant confirmed that there were no plans to sell water rights for the property.