

SANFORD PLANNING BOARD MINUTES
MEETING May 16, 2007 – 7:30 P.M.
Town Hall Annex Third Floor Chambers
AMENDED
Amended with Corrections

MEMBERS PRESENT: Robert Hardison, Chairman
William Noon, Vice Chairman
Joseph Herlihy (Arrived at 7:42 PM)
Margaret Kleinrock, Secretary
Gregory Vermette
Gary Morse
Kelly Tarbox

MEMBERS ABSENT: None

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Michael Casserly, Assistant Engineer

STAFF ABSENT: Charles Andreson, P.E., AICP, Town Engineer (w/notice)
Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

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

II. PUBLIC HEARING

1. File #08-07-S: Martin & Nikki Riley, 620 Main Street, Springvale, Maine.

Chairman Hardison called for a representative to present the project.

Martin Riley, owner, gave a brief overview of the project.

Chairman Hardison asked if staff had any comments.

Staff member Casserly stated that Charlie Andreson, Town Engineer, had reviewed the curb cut and driveway separation and were found to be acceptable, and that Mr. Andreson had no other concerns.

Chairman Hardison asked staff member Gulnac if he had any comments, and Mr. Gulnac stated he had no other comments other than what the Board had in his report.

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

Eugene Driscoll, an abutter, stated he was opposed to the application because he didn't feel Mr. Riley was abiding the zoning ordinance requirements by demolishing part of the Riley's house in order to create this new lot.

Chairman Hardison asked if anyone else was in opposition to this application. There was no one.

Chairman Hardison closed the public hearing.

Chairman Hardison asked if Board members had any questions or comments.

Mr. Riley wanted to clarify what Mr. Driscoll had stated about demolishing his house. Mr. Riley stated the garage and portions of the house he was demolishing were completely dilapidated and unlivable.

Chairman Hardison asked if there were any questions or comments from the Board.

Board member Kleinrock asked if the lots met the minimum requirements of the zoning ordinance. Chairman Hardison confirmed the lots did meet the requirements for a developmental subdivision.

Chairman Hardison overviewed the application to the Board, and then called for a motion.

Board member Vermette made a motion that the Planning Board accept the findings of fact (see attached) and find that the developmental project plan application to divide tax map K20, lot 14 into two residential lots each below the required minimum of 10,000 square feet permitted is approved with the following conditions:

- a. The applicant will provide the Planning Board with two (2) mylars of the plan for signature.
- b. The applicant will file the signed plan with the York County Registry of Deeds within 90 days of this approval. Failure to file the plan within this time period could result in the approval being declared null and void.
- c. The applicant will provide the Planning Department with one (1) of the signed mylars with proof of filing at the county and six (6) paper copies of the same plan.
- d. The applicant will pay a map filing fee of \$100.00 (2lots @ \$50.00 per lot).
- e. Any development on the lots is subject to any and all code and permit requirements. No permits should be issued until the conditions outlined above have been met.

Board member Tarbox seconded the motion.

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

2. **File #06-07-S: Shawn Young, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chairman Hardison called for a representative to present the project.

John Hutchins, Corner Post Land Surveying, Inc., representing the applicant gave an overview of the project.

Chairman Hardison asked if staff had any comments.

Staff member Casserly stated his previous issues have been addressed and considers the project ready to go.

Chairman Hardison asked staff member Gulnac if Mr. Gulnac had any comments. Mr. Gulnac did not.

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

Chairman Hardison closed the public hearing.

Chairman Hardison asked if any Board members had questions; no one did.

Chairman Hardison called for a motion.

Board member Morse made a motion that the Planning Board accept the findings of fact (see attached) and find an application for a two (2) lot minor subdivision with private way for property the applicant owns located on Sacapee Road has been prepared in accordance with the requirements of Title 30-A M.R.S.A. Section 4404 and Articles 6 & 9 of the Sanford Subdivision Ordinance and grant final approval subject to the following conditions:

- a. The applicant will provide two (2) mylars for signature by the Planning Board;
- b. The applicant will file the approved subdivision plan in the County Registry of Deeds within 90 days of this approval. Failure to file the plan within this time limit could result in the approval being declared null and void;
- c. The applicant will provide a copy of the signed mylar with proof of filing plus six (6) paper copies of same to the Planning Department;
- d. The applicant will pay \$150.00 (3 lots @ \$50.00 per lot) for the map filing fee; and
- e. No construction permits will be issued until all the conditions outlined above have been completed.

Board member Vermette seconded the motion.

Chairman Hardison pointed out that there were two waivers being requested, and these waivers were listed in the findings of fact and were approved in the motion.

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

III. NEW BUSINESS – None

IV. OLD BUSINESS

1. **File #45-06-R: Southern Maine Commerce Center, LLC., c/o Buck Consulting Group, PO Box 1367, Camden, Maine.**

Chairman Hardison called for a representative to present the application.

Paul Avery, Oak Engineers, representing the applicant, stated he had no further issues to present to the Board, and then gave a brief overview of the project.

Chairman Hardison asked if staff had any comments.

Staff member Casserly reminded the Board and the applicant that when the individual lots come before the Town for development, the property owners would be required to participate in the traffic impact fee program.

Chairman Hardison asked if staff member Gulnac had any questions. Mr. Gulnac did not. Chairman Hardison asked if Board members had any questions; no one did.

Chairman Hardison called for a motion.

Board member Vermette made a motion that the Planning Board accept the findings of fact (see attached) and find that a final major site plan with minor subdivision application prepared

by Oak Engineers, LLC has been prepared in accordance with the submission requirements of Section 17.7 of the Sanford Zoning Ordinance and Article 6 of the Subdivision Ordinance and Title 30-A M.R.S.A. Section 4404 and grant approval of both subject to the following conditions:

- a. The applicant will present two (2) mylars of the subdivision for the Planning Board to sign;
- b. The applicant will file the subdivision plan at the York County Registry of Deeds within 90 days of this approval. Failure to file the plans within the time period could result in the approval being declared null and void;
- c. The applicant will provide one (1) signed mylar with proof of filing at the Registry of Deeds and six (6) paper copies with same to the Planning Office;
- d. The applicant will pay a \$200.00 (4 lots @ \$50.00 per lot) map filing fee;
- e. The applicant will provide six (6) sets of the site plan to the Planning Department for certification by the Planning Director;
- f. The applicant will coordinate with the Public Works Director for a pre-construction meeting, if required;
- g. Per Section 17.10 of the Sanford Site Plan requirements, construction on the site plan(s) must begin within one (1) year of this approval date. If construction does not begin within one year the approval may be declared null and void. The applicant or future property owner may request in writing an extension of the approval period.

Board member Tarbox asked if the future traffic impact fee participation should be included as part of the motion.

Chairman Hardison stated that by accepting the findings of fact as part of the motion, this statement has already been added as part of the approval.

Staff member Gulnac agreed, but added that the Board could add to the motion if they chose to.

Chairman Hardison clarified that the future participation in the traffic impact fee by the property owners for new development approval is part of the motion.

Staff member Gulnac also informed the applicant that the 1-year requirement was standard per the ordinance, but if the situation changes, the applicant should submit a letter to extend the 1-year period.

Board member Morse seconded the motion.

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

2. **File #48-06-R: Arenhall Corporation, c/o Lewis Chamberlain, PE, Attar Engineering, Inc., 1284 State Road, Eliot, Maine.**

Chairman Hardison called for a representative to present the project.

Lewis Chamberlain, Attar Engineering, representing the applicant gave an overview of the project. Mr. Chamberlain informed the Board that the applicant has reviewed the findings of fact and the proposed motion in Mr. Gulnac's project summary report and the applicant was in agreement to what was being proposed.

Chairman Hardison asked if there were any further comments from the staff.

Staff member Casserly stated that Mr. Hall has agreed to the amount set for the traffic impact fee program, and all engineering issues have been addressed.

Chairman Hardison stated there is also a requirement stated in the findings of fact (attached) regarding connection to town sewer at some point in time.

Chairman Hardison called for a motion.

Board member Vermette made a motion that the Planning Board accept the findings of fact (see attached) and find that a final major site plan application prepared by ATTAR Engineers, referenced above has been prepared in accordance with the submission requirements of Section 17.7 of the Sanford Zoning Ordinance and, under the authority of Section 17.3.a, grant final approval subject to the following conditions:

- a. The applicant has agreed that should public sewer become available in Rte 109 they will be responsible to connect to the system at their cost and within six months;
- b. The applicant has agreed that should the adjacent parcel (Tax Map R18, lot 49B) be developed, they would discontinue direct access to Route 109 and enter the common access way at approximately Station 5+00, Site Plan Sheet 1, on what is now land of the abutter. The applicant has expressed a wish to not have his future access located past (or south of) Station 5+00, which is adjacent to the cemetery;
- c. The Planning Board will condition the development of tax map R18, lot 49B with a requirement that they provide a deeded access easement to Arenhall Corp.
- d. The applicant has agreed to contribute \$6,438.00 to a traffic impact fund; payment to be made in full at the time of the issuance of the first Certificate of Occupancy;
- e. Construction must commence within one (1) year and a Certificate of Occupancy issued within three (3) years or this approval shall be declared null and void;
- f. The applicant will provide six (6) copies of the approved site plan for certification by the Planning Director;
- g. No construction permits shall be issued until the site plan has been certified by the Planning Director;
- h. No construction permits will be issued until the Director of Public Works provides verification that a pre-construction meeting has been held and any and all fees/guarantees have been agreed to and paid.
- i. Any and all development on-site and included in this approval shall be subject to any and all required construction and building code permits.

Staff member Gulnac wanted to make sure the Board and applicant understood that, under item a in the conditions of approval, the applicant has six (6) months to connect to the sewer once sewer services become available.

Board member Morse seconded the motion.

Board member Tarbox stated there was a sentence left out in item b when the motion was read. She wanted to make sure this line was included as a condition – the applicant would discontinue direct access to Route 109 and enter the common access way at approximately Station 5+00.

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

V. APPROVAL OF MINUTES: March 21, 2007 and April 18, 2007

Chairman Hardison called for approval for minutes.

March 21, 2007

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

Board member Vermette made a motion to approve the minutes.

Vice Chairman Noon seconded the motion.

A vote was taken, and the motion to approve as written passed 7-0.

April 18, 2007

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

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

Board member Morse seconded the motion.

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

VI. PLANNING DIRECTOR'S REPORT

James Gulnac stated there were only two items he wanted to mention:

- 1) Mini-town meeting was tomorrow night (May 17, 2007) being held in the Chambers
- 2) Town meeting was being held on Tuesday, May 21, 2007.

VII. ADJOURN

The meeting adjourned at 8:00 PM.

Attachment to May 16, 2007 Minutes

Findings of Fact for Public Hearing Item #1

File #08-07-S: Martin Riley Developmental Subdivision

- It has been directed that developmental applications be prepared using a minor application format. The Planner has reviewed the submission and the information provided and determined that there is sufficient information for review.
- The town's assessing records indicate that the applicants are the owners of the subject property and therefore have standing to submit the application.
- The applicant provided testimony that they complied with the conditions outlined in Section 11.3.6.2.a of the Sanford Zoning Ordinance.
- The project has been reviewed and forwarded to the Planning Board by the SPRC with a recommendation to approve.
- No abutters appeared to make public comment at the Planning Board work session on May 2, 2007. The Board reviewed the information and determined the applicant had complied with the conditions of the ordinance, Sections 11.3.6.1 & 11.3.6.2.
- The Planning Board scheduled the application for a vote at the May 16, 2007 meeting. A public hearing is required.

Findings of Fact for Public Hearing Item #2

File #06-07-S: Brook Hill Lane

- The applicant has provided proof of ownership of the property in question and has standing to make the application.

- The applicant has appeared before the SPRC and responded to their concerns. The SPRC referred the application to the Planning Board.
- The applicant has provided a letter from his well driller as requested by the Engineer.
- The applicant has responded to the concerns of the Town Engineer.
- The application was reviewed by the Planning Board at the May 2, 2007 work session.
- At the May 2, 2007 work session, the Board discussed the waivers and granted the waivers requested by the applicant for:
 - a. Hydro geological evaluation and a high intensity soil survey (these are optional for the Planning Board anyway).
 - b. The requirement for independent/private trash pick-up. The applicant could continue what he is currently doing.

*Findings of Fact for Old Business Item #1
File #45-06-R: Southern Maine Commerce Center*

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- The application includes a minor subdivision and a major site plan. It has been determined that the application will be reviewed as a major development. Under Section 17.3.a of the Zoning Ordinance, the Planning Board is the reviewing authority after the SPRC has reviewed the application and made its recommendations.
- This application is part of the overall plan by the applicant to retrofit the “old Vishay Sprague” building and develop the total parcel under the general heading of “Southern Maine Commerce Center”.
- It is the intent of the applicant to obtain the minor subdivision and overall site plan approval for the four (4) parcels with each lot developed to the maximum impervious coverage permitted. The developer intends to market the sites with the buyers responsible to establish the final site details within the parameters established by this site plan when approved. Those buyers would be required to obtain any and all construction permits and be subject to staff administrative review of the individual site plans. The individual site developers would also be required to participate in the traffic impact program.
- Any approval of this application will be subject to the terms and conditions of a MDEP permit.
- At their April 18, 2007 Voting Meeting, the Planning Board tabled the application to permit the applicant the time to acquire the signed DEP permit. The Board also requested further information on the impact of traffic if and when the ‘Sprague building’ was reused.
- The applicant met with staff and the Board chairman to discuss the outstanding issues. The applicant will come prepared with a brief and informative presentation that will explain how the future development of the site will impact the traffic pattern in the area and specifically on Route 109 (Main Street) and Jagger Mill Road.
- The applicant met with the Board at the May 2, 2007 work session meeting to discuss the traffic movement surrounding the project. The following was agreed:
 - a. Each of the proposed parcels will stand alone and individual site plan review will be required. At that time each will be evaluated for the traffic volume generated by the proposed activity. Based upon that evaluation the developer of the site will be asked to participate in the traffic impact fee program.
 - b. When further use of the “Sprague” site is presented, it too will be evaluated for traffic impact based upon the proposed activity.
 - c. No cross traffic between the proposed four (4) lots and the “Sprague” site is proposed or required.

*Findings of Fact for Old Business #2
File #48-06-R: Arenhall Storage Facility*

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- The applicant has appeared before the SPRC and responded to their concerns.
- The site will connect to public water.
- The applicant is proposing to utilize subsurface disposal systems for sewer.
- The applicant has agreed that should public sewer become available in Rte 109 they will be responsible to connect to the system. To accomplish this, they will construct a force main on-site and make a space allocation for a pump station.
- The project will require a MDEP Stormwater Permit. The applicant has provided verification of the issuance of a permit.
- The applicant has presented the project to the Airport Manager who has responded and indicated that the proposal is consistent with the Airport Master plan for the area. The applicant was advised to monitor any tower heights.
- Should the adjacent parcel (Tax Map R18, lot 49B) be developed, the applicant has agreed to discontinue direct access to Route 109 and enter the common access way at approximately Station 5+00, Site Plan Sheet 1, on what is now land of the abutter. The applicant has expressed a wish to not have his future access located past (or south of) Station 5+00, which is adjacent to the cemetery. The developer would provide a deeded easement for the common access way to Arenhall Corp.
- The applicant presented revised plans with a cover letter dated March 12, 2007 including a Stormwater Management Study with a latest date of February 19, 2007 and a Site Plan of eleven (11) sheets with a latest revision date of March 9, 2007.
- The applicant has proposed that they contribute to the Town's proposed traffic impact fee program with a contribution of \$6,438.00, assuming that the program was implemented within one year. This amount was determined by the following formula: *75% of proposed peak traffic [.75 x 49 = 37] times \$174.00 [Cost per trip for the Rt109/Rt4 intersection improvement project].*
- The impact fee proposal was discussed and the Board agreed to the amount. They further agreed that, while they were not supportive of any time limitation, they would suggest that payment in full be made at the time of the issuance of a Certificate of Occupancy.