

**SANFORD PLANNING BOARD MINUTES**  
**MEETING November 28, 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  
Michael Casserly, Assistant Engineer  
Barbara Bucklin, Administrative Assistant

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chairperson Hardison called the meeting to order at 7:32 P.M.

**II. PUBLIC HEARING**

1. **File #26-07-S: L & H Development Corporation, c/o Dana Libby, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chairperson Hardison called for a representative to present the application.

John Hutchins, representing the applicant briefly reviewed the application.

Assistant engineer Casserly stated everything was in order. Mr. Casserly had requested a driveway to be moved away from a tree. The change has been made.

Staff member Gulnac recommended that the Board add to the motion that the Planning Board granted the waiver of preparing an Article 5 application.

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 Board members had any questions; they did not.

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

Board member Vermette made a motion that the Planning Board accept the findings of fact (see attached) and find that application file #26-07-S, minor subdivision, Pine Knoll Estates, prepared by Corner Post Land Surveying, Inc. has been prepared in conformance with the subdivision requirements of the Sanford Subdivision Ordinance and Title 30-A M.R.S.A. Sec 4404 and recommends approval of the application subject to the following conditions:

- a. The applicant is reminded that the signed mylar must be filed at the York County Registry of Deeds within 90 days of the date that the plan is approved and signed by the

Planning Board. Failure to file the plan in a timely manner could result in the approval being declared null and void;

- b. The applicant will provide a copy of the mylar for the project signed by the Planning Board and showing proof of filing at the county, and six (6) paper copies of the plans;
- c. That the applicant has paid all the required review fees and escrow;
- d. That the applicant will pay a filing fee of \$100.00 (\$50 x 2 lots);
- e. That no building permits should be issued until all conditions of this approval have been satisfied.
- f. The waiver of Article 5 is granted.

Vice Chairperson Tarbox seconded the motion.

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

2. **File #28-07-S: Cooke & Young, LLC, c/o Carl Beal**, Civil Consultants, PO Box 100, South Berwick, Maine.

Chairperson Hardison called for a representative to present the project.

Carl Beal, representing the applicant, described why the change was being done.

Neither staff nor Board members had any questions or comments for the applicant.

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 closed the public hearing and called for a motion.

Board member Vermette made a motion that the Planning Board accept the findings of fact (see attached) and find that application file #28-07-S, revision to a major subdivision, Payeur Farm Estates prepared by Civil Consultants, has been prepared in conformance with the subdivision requirements of the Sanford Subdivision Ordinance and Title 30-A M.R.S.A. Sec 4404 and recommend final approval of the application subject to the following conditions:

- a. The applicant is reminded that the signed mylar must be filed at the York County Registry of Deeds within 90 days of the date that the plan is approved and signed by the Planning Board. Failure to file the plan in a timely manner could result in the approval being declared null and void.
- b. The applicant will provide a copy of the mylar for the project signed by the Planning Board and showing proof of filing at the county, and six (6) paper copies of the plans.
- c. The request for a waiver of an Article 5 has been accepted.

Board member Morse seconded the motion.

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

3. **File #13-07-R: Rock Bottom Sand & Gravel, LLC, c/o Walter O. Woods**, Manager, 775 US Route 1, Suite 3, York, Maine.

Chairperson Hardison called for a representative to present the project.

Walter Woods, manager, overviewed the project and stated that he was still awaiting DEP approval for acceptance of the 2:1 slope. Mr. Woods also requested the amount of escrow for

inspections over the next five (5) years be lowered; he felt the amount requested was unreasonable.

Assistant engineer Casserly stated that Mr. Woods has provided an operations manual as requested and Mr. Casserly stated the manual was acceptable. Mr. Casserly reminded the Board that their approval would include approving crushing on site (Mr. Casserly read the section regarding crushing).

Staff member Gulnac stated he made an indication in his findings of fact on the project summary report that the Planning Board may wish to amend the findings. Mr. Gulnac requested that the Board make mention of any changes in the resolution, if the Board chooses to amend the findings.

Chairperson Hardison asked if there were any questions from the Board or staff.

Vice Chairperson Tarbox asked Mr. Gulnac to clarify what he was referring to. Mr. Gulnac explained that he made a reference in his project summary report under the Findings of Fact heading that the Board may wish to amend the findings; if the Board doesn't want/need to amend the findings then the Board should make a reference stating so in the motion so the reference can be removed.

Assistant Casserly reinforced the comment from Mr. Woods regarding approval from DEP for the 2:1 slope. Mr. Casserly stated that staff felt it necessary to have this approval in hand in order for the Board to vote unless the Board chose to do a conditional approval.

Discussion took place on the status of DEP approval. It was decided the applicant could continue to operate under the current DEP approval until DEP makes a decision on the new variance request and the decision is received and reviewed by the town.

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 there were any further questions from the Board.

Vice Chairperson Tarbox asked if the issue regarding the inspection escrow has been addressed.

Mr. Casserly informed the Board the amount to be paid by the applicant could be worked out in the preconstruction meeting. Mr. Casserly believes the amount can be under the \$4,000.00 in question.

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

Board member Vermette made a motion the Planning Board accept the findings of fact (see attached) and find that application file #13-07-S request for approval of an extension to 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 grants approval:

- a. The Operations Manual is made part of this approval;
- b. That the applicant will provide five (5) complete sets of the approved plans to the Planning Department for certification (distribution of the certified plans: Planning, Engineering, CEO, Assessor, and Applicant);

- c. The applicant will provide all review fees that are due to the Planning Department, and post an escrow with the Public Works Department for inspection fees;
- d. A performance bond/letter of credit in an amount approved by the town engineer for a five (5) year period is provided;
- e. The administrative approval is extended for sixty (60) days in order for the applicant to obtain the necessary DEP approval and provide copies to the town;
- f. That a reclamation plan will be in effect and that, at a minimum, the applicant will provide an activity report on April 30<sup>th</sup> and October 30<sup>th</sup> of 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;
- g. No permit to operate this facility shall be issued until all the conditions of the approval have been satisfied;
- h. Any changes to the approved plan will require review and approval by the Planning Board;
- i. 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.

Vice Chairperson Tarbox seconded the motion.

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

4. **File #22-07-S: R.J. Grondin & Sons, c/o Carl Beal, PE, Civil Consultants, PO Box 100, South Berwick, Maine.**

Chairperson Hardison called for a representative to present the project.

Larry Grondin, applicant, overviewed the application and explained the changes done as a result of work session meetings and multiple meetings with staff. Some issues that were addressed were access and cleaning up the site. Mr. Grondin then described the changes that were going to be done to the road.

Staff member Gulnac recommended that the Board change the listed fact in the project summary report regarding the fence to state that a fence would be in place by the end of year 2007; Chairperson Hardison stated this bullet item will be changed.

Assistant engineer Casserly asked Mr. Grondin to explain to the Board what type of fencing will be used. Mr. Grondin described how the fence will be built. Staff member Andreson asked Mr. Grondin if he was planning on doing maintenance on the fence while in operation. Mr. Grondin stated he would be maintaining the fence.

Chairperson Hardison asked if there were any other comments from the staff; there were none.

Chairperson Hardison commented on behalf of the neighbors that surveillance of the property would be maintained. The approvals for the continued activity on the north side would be authorized for two (2) years, but expectations were the north side would be closed sooner.

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 closed the public hearing and called for a motion.

Board member Vermette made a motion that the Planning Board accept the findings of fact (see attached) and find that application file #22-07-R, Grondin & Sons, requesting approval of an extension to 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 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, Police 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 for the “north” side and that it will be completed in twenty-four (24) months;
- e. That an extension of the extraction permit for the “south” side is approved for five (5) years;
- f. At a minimum, the applicant will provide an activity report on 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.
- g. No permit to operate this facility shall be issued until all the conditions of the approval have been satisfied;
- h. Any changes to the approved plan will require review and approval by the Planning Board;
- i. 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 Morse seconded the motion.

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

**5. File #25-07-R: Sanford Institution for Savings, c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chairperson Hardison recused himself from the discussion and turned the meeting over to Vice Chairperson Tarbox.

Vice Chairperson Tarbox called for a representative to present the project.

John Hutchins, Corner Post Land Surveying, Inc., representing the applicant briefly reviewed the application. Mr. Hutchins also informed the Board the applicant has changed the parking lot design as requested at the work session.

Vice Chairperson Tarbox asked if staff members had any questions or comments.

Staff member Gulnac reminded the Board that there were conditions added to the motion that were dependent on action from the Town Council, not the Planning Board.

Staff member Casserly referenced a stop sign and ‘No Left Turn’ sign shown on the plan at the new access point onto Main Street from the drive through. Mr. Casserly asked Mr. Hutchins if the applicant intended to agree to a ‘Right Turn Only’; Mr. Hutchins stated the applicant did intend to agree.

Board member Herlihy feels that the Board is setting precedence by restricting parking spaces. Mr. Gulnac explained that the applicant is negotiating some part of the town owned

lot with the Town, so the bank would then own the parking spaces in question. Therefore, there would not be any precedence set because the restrictions would be made by the applicant for private property.

Discussion regarding parking took place.

Staff member Casserly stated the DOT traffic movement has not yet been received.

Peter Hedrick, Gorrill Palmer, stated there is a DOT meeting set for early December, and the traffic movement approval would be issued within forty-five (45) days from this meeting.

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

Bernard Norman, a resident, is against the project because it eliminates too many parking spaces in the downtown, a Main Street entrance/exit, and the park located next to the bank. Mr. Norman feels the bank has other options rather than using up current vacant space downtown.

Steve Harvey, Brand Partners, indicated there were many studies done before deciding to expand at its current location. Mr. Harvey explained the reasons why the bank chose to build a new building in the proposed location.

Brian Derocher, Brand Partners, addressed the parking issue of the concerned resident.

Staff member Gulnac explained to Mr. Norman the changes being done in the downtown were part of a new development plan that was approved by the Town and replaced the development plan Mr. Norman was referring to.

Vice Chairperson Tarbox asked staff member Gulnac about the maintenance of the stairway that led to the lower level parking lot in the Mid-Town Mall. Mr. Gulnac informed the Board that it was the responsibility of the two property owners to maintain the stairway, and should continue to be discussed with the owners to properly maintain the stairway.

Vice Chairperson Tarbox closed the public hearing and called for a motion.

Board member Vermette made a motion that the Planning Board accept the findings of fact (see attached) and find that application file #25-07-S, SIS Bank, major site plan has been prepared in accordance with the requirements of Section 17.6 – Procedures for Major Developments of the Sanford Zoning Ordinance and, subject to the conditions itemized below, grant approval:

- a. That SIS Bank obtains ownership of the land for the project;
- b. That the zoning ordinance is amended to permit drive-thru activity in the DB zone;
- c. That the Planning Board accepts the request of the applicant concerning the assignment of parking spaces for the employees and the allotment of the spaces for the clients;
- d. That the applicant has successfully negotiated with the water district for connection and service for both potable water and fire protection supply;
- e. That the applicant has successfully negotiated with the sewer district for the connection of the sanitary sewer service and for the disposal of the collected stormwater;
- f. That the applicant has obtained any and all permits from any applicable state agencies;
- g. That after all conditions have been satisfied, the applicant will provide three (3) paper copies of the approved site plan for certification by the Planning Director and

distribution as follows: Planning Department, Engineering Department and developer. The applicant will also provide a digital copy of the approved plan.

- h. Prior to the issuance of any construction permits, the developer will meet with the Director of Public Works for a pre-construction meeting to coordinate the work and post any required performance guarantees;
- i. The applicant will pay any and all outstanding plan review escrow fees;
- j. Construction must commence within one (1) year of the final approval [date when all the conditions have been satisfied] and a certificate of occupancy issued within three (3) years. Failure to comply with these deadlines could result in the application being declared null and void.

Board member Morse seconded the motion.

A vote was taken, and the motion passed 5-0.

### III. NEW BUSINESS (For these items, the discussion and motion was read as one)

1. **File #999-07-T(4): A proposal to amend the Zoning Ordinance for the Town of Sanford**  
Section 2.2 – Definitions.
2. **File #999-07-T(5): A proposal to amend the Zoning Ordinance for the Town of Sanford**  
Section 11.15 – Table of Land Uses.
3. **File #999-07-T(6): A proposal to amend the Zoning Ordinance for the Town of Sanford**  
Section 15.4.2 – Curb Cut Limitations.

Chairperson Hardison read the items to open discussion.

Staff member Gulnac recommended that the Board vote on the items separately. Mr. Gulnac then stated that feedback had been received for item T(6) as a result of on-going meetings. A suggestion was made that instead of restricting direct access, the subcommittees would prefer a consideration for a 'Right Turn In' and a 'Right Turn Out' only as opposed to total restriction. This recommendation was made due to some existing facilities in the area.

Discussion on the recommended change took place.

Chairperson Hardison recommended making a motion for all three items at one time.

Board member Vermette made a motion that the Planning Board accept the findings of fact (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:

- a. Add to Section 2 Definitions: *Drive-up window, drive-up, or drive-through*: A portion of a business or a structure which allows the distribution of a product(s) through an access point to serve client(s) in motor vehicle(s);
- b. Amend Section 11.15V1.5a: add SB, UB, & DB as zones which allow "*financial institutions with a drive-through as a use permitted only with the issuance of a conditional use (CU) permit*;
- c. Add to Section 15.4.2 Curb Cut Limitations: *Drive-up window, drive-up, or drive-through when permitted as a use/or conditional use will be designed such that there will be no direct access (either entrance or exit) to streets listed in Section 15.3( note that Section 15.3 lists Routes 4, 109, 202, 11A and 224).*

Board member Morse seconded the motion.

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

#### **IV. OLD BUSINESS**

Staff member Gulnac requested that the meeting dates in January be changed to the second and fourth Wednesday in January due to the holiday.

The Board approved of this schedule change.

#### **V. APPROVAL OF MINUTES: October 17, 2007 and November 7, 2007**

The minutes were not available for vote.

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

Staff member Gulnac gave the Board an overview of December's schedule.

#### **VII. ADJOURN**

The meeting adjourned at 8:47 PM.

### **Attachment to November 28, 2007 Minutes**

#### *Findings of Fact for Public Hearing Item #1 File #26-07-S: Pine Knoll Estates*

- The applicant has provided evidence of ownership of the subject property and has standing to present the application.
- The applicant has requested a waiver of an Article 5 review. The Planner has forwarded the application as a minor subdivision subject to the Planning Board granting the waiver request.
- There are no other waivers requested.
- The plan should include a specific building envelope for lot #2.

#### *Findings of Fact for Public Hearing Item #2 File #28-07-S: Amendment to Payeur Farm Estates*

- The applicant has demonstrated that he is the owner of the subject property and therefore has standing to submit the application.
- The proposed revision to the subdivision does not create any non-conforming lots.
- The applicant has confirmed the lot identification with the Town Assessor.
- The applicant has requested a waiver of the requirement to submit an Article 5. The Planner recommends this waiver.

#### *Findings of Fact for Public Hearing Item #3 File #13-07-S: Rock Bottom Sand & Gravel*

- The applicant has established proof of ownership and therefore has standing to make the application.
- Mineral extraction is permitted with review in the RR 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 appeared before the Planning Board in work session on two separate occasions.
- The latest revision to the plans and the operations manual has been reviewed by the Town Engineer and is acceptable, including filling of steep gravel slopes with off-site material to achieve 2:1 slopes.
- An operations manual has been submitted which includes the restrictions and permitted activities on the site, including a limited amount of crushing/processing of the aforementioned off-site material used for filling.

*Findings of Fact for Public Hearing Item #4  
File #22-07-S: R.J. Grondin Mineral Extraction*

- The applicant has established his right to submit the application.
- Grondin & Sons has been operating a mineral extraction facility at this site continuously since their approval in 1991. That approval was granted for a 5 year period; however it was not until 2001 that the applicants were granted some revisions and an extension.
- Section 16.6.6 states in part that “no approval shall be issued for a period to exceed five (5) years, although such approval may be renewed for additional periods in the same manner”; staff has been encouraging the applicant to reapply for a renewal of the extension/reissue approved by the Planning Board on May 18, 2001.
- Section 16.6 – *Mineral Extractions Standards* shall be followed in the review of this application.
- With this application, the applicant has now met the requirements for a timely request for continuation of the mineral extraction activities.
- The applicant appeared before the Planning Board at the November 7, 2007 work session, which was a continuation of the August 1, 2007 work session.
- At this meeting, it was agreed that the “north” portion of the site would be granted an extension for two (2) years during which a complete restoration would take place.
- It was agreed that the construction of the barrier fence would be completed by the end of year 2007.
- The “south” side would be granted a full five (5) year extension of the mineral extraction permit.
- The plan will include an encumbrance on the property for the re-alignment of the road. The responsibility for the actual construction will be with the future property developer(s).
- There was agreement that aggressive site management would be required to ensure that the misuse of the property by ATVs and other trespassers would not continue.

*Findings of Fact for Public Hearing Item #5  
File #25-07-R: SIS Main Branch Expansion*

- The applicant will need to provide proof of ownership and/or some documentation that they will be able to obtain the use of the property currently owned by the Town.
- Any approvals will need to be conditioned upon the Town Council adopting the minor changes to the zoning ordinance concerning “drive thrus”.
- The applicant has been reviewed by the Site Plan Review Committee and received the recommendation to forward the application to the Planning Board for their review.
- The application was reviewed by the Planning Board at their November 7, 2007 work session. At that meeting, the Planning Board advised the applicant that supported the recommendation of the staff to relocate the remaining drive-way to a more central location along Main Street. The applicant submitted revised plans incorporating the Planning Boards recommendation.
- A MDOT permit may be required.

- The applicant has provided a narrative explaining the proposed parking arrangements where the bank staff will park in the under utilized lower parking lot and the bank customers will be able to use the dedicated spots (17) near the bank.
- Any action taken by the Planning Board is conditioned upon the successful transfer of ownership from the Town of Sanford of the necessary land and the revision to the zoning ordinance making drive through a permissible activity in the zone.

*Findings of Fact for New Business Items #1-3*

*File #999-07-T(4), File #999-07-T(5), File #999-07-T(6): Drive-thrus*

- The Planning Board scheduled a public hearing for November 7, 2007 to hear public comment on the proposed ordinance revisions.
- No one from the public appeared to make comment on the proposed changes.
- The Planning Board directed that the proposed ordinances be placed on the agenda of the November 28, 2007 meeting.