

**SANFORD PLANNING BOARD MINUTES**  
**MEETING May 21, 2008 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Robert Hardison, Chair  
Kelly Tarbox, Vice Chair  
Joseph Herlihy  
Margaret Kleinrock  
Bryan Chabot  
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, P.E., Assistant Engineer

**STAFF ABSENT:** Barbara Bucklin, Administrative Assistant (w/notice)

\*\*\*\*\*

**I. CALL TO ORDER**

Chairman Hardison called the meeting to order at 7:31 P.M.

**II. PUBLIC HEARING**

1. **File #29-07-R: Mike Haberski**, Anderson Livingston Engineers, Suite 401 Cottage Place, 43311 US Route 1, York, Maine.

Chair Hardison called for a representative to present the project.

Bill Anderson, Anderson-Livingston Engineers, representing the applicant described where the project was going to be located, and briefly overviewed the project.

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

Chair Hardison asked staff if there were any remaining issues.

Staff member Casserly reviewed his memo dated May 14, 2008. Mr. Casserly stated his comment (item #10) about additional FAA review was a misunderstanding, and has confirmed with both the applicant and Evan McDougal, Airport Manager that original project height was going to be followed.

Mr. Casserly then said that items #8 – Sewer District Note, 9 – Compaction Criteria, & 11 – Obstruction Lighting, which were discussed in work session, are requested to be completed before final approval. The applicant agreed to Mr. Casserly's request and said that some changes have already been done.

Chair Hardison asked if staff member Gulnac had any comments.

Mr. Gulnac asked the Board to be specific as to the items needed for the approval, such as the FAA & DEP requirements, so staff can review the information submitted by the applicant for final approval and make sure everything is in order for the applicant can receive final

approval. Mr. Gulnac also reminded the applicant they would be receiving an invoice for engineering services provided during the project review.

Chair Hardison asked staff member Casserly what he would need as conditions of approval other than FAA approval and DEP approval. Mr. Casserly said he would need the applicant to address items 1-9 and 11 in his report (dated May 14<sup>th</sup>), and the applicant indicated they would address these items.

Discussion took place on the building height and if the airport would be obstructed by this project. Everyone was in agreement that the obstruction is the hill behind the new building.

Chair Hardison clarified that the approval going forward would be for phase I of the project, which is the hotel building and associated site work and utilities, only. All other commercial sites on this property would need a separate approval.

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. There were none.

Chair Hardison called for a motion.

Board member Vermette made a motion that the Planning Board accept the finding of facts (see attached) and find an application for a preliminary major site plan to construct Phase I of a multi-phase project has been prepared in compliance with the Town of Sanford Zoning Ordinance Section 280-53 and Article XVII Section 4401 et seq. and subject to the conditions listed below grant approval:

- a) The approval is for preliminary approval of Phase I.
- b) Before an application for final approval may considered complete for review by the Planning Board, all state permits required (DEP & FAA) must be issued.
- c) The applicant agrees with any and all recommendations from the Town Engineers, which are items #1-9 and 11 in Michael Casserly's memo dated 5/14/08.

Vice Chair Tarbox seconded the motion.

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

**2. File #18-07-S: Birchwood Land Management, Inc., c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chair Hardison called for a representative to present the project.

Dana Libby, Corner Post Land Surveying, representing the applicant briefly overviewed the project. Mr. Libby addressed Mike Casserly's concern about the snowmobile trail. Mr. Libby stated he has spoken to the snowmobile club and the trail would be located. Discussion took place.

Staff member Andreson wanted to clarify where the trail would be relocated. Discussion took place.

Mr. Casserly commented about a flood regulation in the ordinance, and that these would be enforced. Mr. Libby replied that this was a statement that needed to be added to the deeds.

Staff member Gulnac stated that his comments were procedural. He said the application was noticed as preliminary, but if the Board felt the application was ready for final approval, final approval could be granted as well.

Vice Chair Tarbox confirmed that the flood plain regulation statement was going to be in the deeds and on the plan.

Mr. Gulnac stated the project was a phased development. Discussion took place on what was being approved tonight. It was determined that all phases were being approved tonight, but that developing the property was going to be done in phases.

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 stated that the Board would be voting on preliminary approval first.

Chair Hardison confirmed with Mr. Casserly that there were no conditions necessary for preliminary approval.

Board member Kleinrock made a motion that the Planning Board accept the finding of facts (see attached) and find an application for a preliminary major subdivision approval to create a 13-lot residential subdivision, to be known as Cedar Woods with a proposed road to be called Wilderness Way, file #18-07-S has been prepared in accordance with Article 7 and subject to the conditions below is approved:

- a) The approval is for six months from the approval date.
- b) The applicant will pay all outstanding review fees.
- c) Any additional conditions imposed by the Planning Board.

Board member Morse seconded the motion.

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

Chair Hardison noted that the applicant was also requesting final approval and asked the Board if they had sufficient opportunity to review the application as a final and if any questions they may have had were answered.

The Board had no concerns with the application and agreed to consider the applicant's request for final approval.

Staff member Gulnac suggested to the Board to approve the application and request the Planning Office hold the signed mylars until outstanding review fees were paid. The applicant agreed to this request.

Chair Hardison called for a motion.

Board member Vermette made a motion that the Planning Board after hearing the testimony of the applicant, reports from the staff and comments from the public find that the applicant has satisfied all the requirements so that application file #18-07-S, Birchwood Management may be considered as a final major subdivision.

The Planning Board accepts the findings of fact (see attached) and finds an application for a final major subdivision approval to create a 13-lot residential subdivision, to be known as

Cedar Woods with a proposed road to be called Wilderness Way, file #18-07-S has been prepared in accordance with Article 8 and all standards in Title 30-A MRSA section 4404 and subject to the conditions below is approved:

- a) The applicant will pay all outstanding planning review fees.
- b) The applicant must record the signed mylar at the York County registry of deeds within ninety (90) days of the date upon which the plan is approved or the plan be deemed null and void.
- c) The applicant agrees to the provisions of Articles 10 & 11.
- d) The applicant will provide the planning office with a copy of the recorded mylar and 6 paper copies of the same.
- e) No construction permits are to be issued until the conditions of this approval are satisfied.
- f) Any other conditions that the Planning Board may impose.
- g) Signed mylars not to be released until a check is received for outstanding review fees, which the applicant has stated to be May 22, 2008.

Vice Chair Tarbox seconded the motion.

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

### **III. NEW BUSINESS**

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

Chair Hardison called for a representative to present the project.

Dana Libby, Corner Post Land Surveying, representing the applicant gave a brief overview of the project.

Chair Hardison asked if staff members had any comments regarding the application.

Staff member Casserly informed the Board the only additional item he had requested to be provided has been done by the applicant and there were no outstanding engineering issues.

Staff member Andreson agreed with Mr. Casserly.

Staff member Gulnac asked for the condition regarding the holding of the signed mylars until a check for outstanding review fees have been received by the applicant. The Board and the applicant agreed to this.

Chair Hardison called for a motion.

Board member Vermette made a motion that he Planning Board accept the finding of facts (see attached) and find an application for a final 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 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) That the final application is to be prepared as provided for in Article VII Section 275-23 and Section 275-24; and
- d) The applicant will pay all outstanding review costs. The mylars are to be held by the planning office until payment has been received.

Vice chair Tarbox seconded the motion.

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

**2. File #04-07-S: Patterson Companies, LLC, c/o Eric Williams, PE, Land Use Consultants, Inc., 2 Christensen Lane, Kennebunk, Maine.**

Chair Hardison called for a representative to present the project.

Eric Williams, Stantec, representing the applicant, gave a brief overview of the project.

Chair Hardison asked if staff members had any comments regarding the application.

Staff member Casserly concurred with Mr. Williams that all engineering items have been addressed.

Neither staff member Andreson nor staff member Gulnac had comments.

Chair Hardison asked if Board members had any questions for staff.

Board member Kleinrock asked if the Board needed to discuss the waivers. Staff member Gulnac stated the waivers were granted during preliminary review.

Chair Hardison 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 for a final major subdivision approval for a six (6) lot subdivision of tax map R12, lot 53 located in the RD zone, file #04-07-S, has been prepared in accordance with the Town of Sanford's subdivision ordinance Article VII and that all standards of Title 30-A M.R.S.A. Section 4404 have been satisfied and subject to the conditions listed below grant approval:

- a) That all outstanding planning review fees have been paid;
- b) That the applicant will file the signed mylar at the York County Registry of Deeds within ninety (90) days of the approval date. Failure to file in a timely manner could result in the approval being declared null and void.
- c) The applicant will provide the Planning Office with a signed mylar with proof of filing and six (6) paper copies of same.
- d) The applicant will comply with the requirements of Article VIII prior to the issuance of any construction permits.
- e) No construction permits are to be issued until all conditions of the approval have been satisfied.

Board member Vermette seconded the motion.

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

**3. File #04-08-S: Shawn Young, c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chair Hardison called for a representative to present the application.

Dana Libby, Corner Post Land Surveying, Inc., representing the applicant overviewed the project, and asked for a waiver request of the 1,500' for the private way to uniquely design the subdivision as energy efficient so the homes can have good access to the sun, and to avoid the wetlands on the site.

Chair Hardison noted that a site visit took place earlier in the week, and the only issue is the length of the cul-de-sac, which is proposed to be 2,200 feet.

Staff member Andreson was concerned about keeping the infrastructure as short as possible due to the long-term maintenance, budget costs, repairing and maintaining the road. Mr. Andreson encouraged the Board to adhere to the length restrictions in the ordinance when possible and to only grant waiver requests on road lengths when absolutely necessary.

Discussion took place on the waiver request. A decision was made, and the consensus of the Board was to grant the applicant the waiver to allow the cul-de-sac to be greater than 1,500'. The Board did place a condition on the waiver, and that was if the road could be constructed shorter in length, the applicant is instructed to do so.

The applicant was also granted one year from May 21, 2008 to submit a preliminary major subdivision application.

#### **IV. OLD BUSINESS – None**

#### **V. APPROVAL OF MINUTES: March 19, 2008 and April 16, 2008**

Chair Hardison called for approval of the minutes.

##### March 19, 2008

Board member Morse made a motion to accept the minutes of March 19<sup>th</sup> as written.

Vice Chair Tarbox seconded the motion.

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

##### April 16, 2008

Board member Kleinrock made a motion to accept the minutes of April 16<sup>th</sup> as written.

Board member Herlihy seconded the motion.

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

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

Mr. Gulnac asked the Board to consider allowing retail use in the Industrial Business (IB) zone. He spoke of a specific parcel, on the corner of Smada Drive and Rte. 109.

Chair Hardison explained to the Board where the location was and the types of business that have been located at this location recently. Chair Hardison also informed the Board that the properties across the Rte. 109 are located in the Airport Development zone and allow retail use.

Discussion took place as to how the Board wanted to proceed.

The Board decided to discuss it during the June meeting, and hold a public hearing during the July meeting.

## **VII. ADJOURN**

The meeting adjourned at 9:01 PM.

### **Attachment to May 21, 2008 Minutes**

#### *Findings of Fact for Public Hearing Item #1*

##### *File #29-07-R: Comfort Suites*

- The applicant has negotiated a transfer of ownership of land between themselves and the Town of Sanford and has established that they have a right to submit the application as presented.
- The applicant appeared before the Planning Board on May 7, 2008 and presented the proposal. At that meeting agreement was reached on the following:
  1. Any approval granted at this time is for preliminary approval of Phase 1 which consists of a 75-unit motel and the associated site work and utilities.
  2. Final approval of Phase 1 will not be considered until all required state and federal permits have been issued.
  3. The Airport Manager, per Section 280-53G, has reviewed the project and supports the application as presented. The required permit application has been submitted to the FAA and approval is expected.
  4. The applicant will coordinate the emergency management, fire protection, and public safety plans with the Planning Director as required in Section 280-53G.(2) (a)[1] [2] &[3].
  5. The applicant has submitted a traffic analysis and has agreed to a \$28,670.00 traffic impact fee.
  6. The applicant has presented a letter dated April 16, 2008 from Mike Hanson which indicates that there is capacity for a 71 room motel at 8000 gallons per day. The flow is based upon the motel rooms and other amenities such as a pool, lounges and health center. The approval is for Phase I only and any change in the approved plans will require additional review and approval.

#### *Findings of Fact for Public Hearing Item #2*

##### *File #18-07-S: Cedar Woods*

- It is noted that this application is reviewed under the "old" ordinance reference identification.
- The Planning Director can only formally accept the application as a preliminary application; however it has been advertised as both a preliminary and final application.
- The Planning Board has the authority to deem the application complete for and consider it as a final.
- The applicant has provided documentation which establishes his right to present the application.
- The application has been reviewed under Article 5 and was recommended forward. The applicant has not requested any waivers.
- The applicant is proposing to develop the project in two (2) phases with the first phase being the parcels accessing from Bernier Road.
- The use of individual subsurface septic systems is proposed.
- The use of individual wells and public water supply is proposed
- The issue of identifying the areas within the various lots that can be disturbed has been resolved and deeds provided.

*Findings of Fact for New Business 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 provided 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 the 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.
- A public hearing was held on April 16, 2008. No one from the public spoke either for or against the project.
- Mr. Herlihy inquired if the proposed road was proposed to become a town road. Mike Casserly responded yes and that it was being designed to town specifications.
- The Planning Board granted preliminary approval on April 16, 2008.
- The Planner recommends final approval subject to the Town Engineer's certification that the applicant has complied with the issues raised in their report of March 27, 2008 and any subsequent matters.

*Findings of Fact for New Business Item #2  
File #04-07-S: Corner Village Subdivision*

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- The application was deemed complete for the purposes of review by the Planning Board as a final application.
- The site is located within the Growth Area as designated in the Town's Comprehensive Plan.
- The application would be classified as a major subdivision by definition. This results from the applicant's request to consider that development at the maximum build-out permitted by the RD zone. This results in the potential for fourteen (14) dwelling units. Any development of greater than ten dwelling units is classified as major.
- The applicant has requested and was granted at preliminary the following waivers:
  - a. A waiver from the requirement to have access from the street with the less traffic congestion where an arterial is involved;
  - b. A waiver from the requirement to have utilities underground; and
  - c. A waiver from the requirement for a phosphorous buffer.
- The applicant is no longer requesting a waiver of installing sidewalks.
- The application received preliminary approval on March 19, 2008. A copy of the confirmation of decision is on file.
- Staff has reviewed the submittal and is satisfied that the plans have been revised as requested and approval as a final major subdivision is in order subject to all the requirements of the ordinance.