

SANFORD PLANNING BOARD MINUTES
MEETING February 20, 2008 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Robert Hardison, Chair
Kelly Tarbox, Vice Chair
Joseph Herlihy
Bryan Chabot
Gregory Vermette
Gary Morse

MEMBERS ABSENT: Margaret Kleinrock (w/notice)

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 7:30 P.M.

II. PUBLIC HEARING – None

III. NEW BUSINESS

1. File #38-06-R: Oxford Aviation, d/b/a Sanford Jet Division of Oxford Aviation, c/o Mark Johnson, SMRT, Inc., PO Box 618, Portland, Maine.

Chair Hardison asked staff member Gulnac to update the Board.

Staff member Gulnac explained that the Oxford Aviation project was up for phase II funding, and the state level was looking for reaffirmation of the Planning Board's original approval of the Oxford Aviation project.

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

Chair Hardison called for a motion.

Board member Morse made a motion that the Planning Board find that application File #38-06-R, a final major site plan to construct a building of approximately 100,000 square feet and related site improvements on property located on Kostis Lane in the Airport Development Zone previously approved by this Board has not substantially changed and that the applicant has applied for and received a second (2nd) CDBG Economic Development Grant. The Board also grants a two (2) year extension of the approval to permit the applicant time to complete all the state and federal requirements.

Board member Vermette seconded the motion.

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

2. Discussion Item: Kennebunk Savings Bank asking Board how they should proceed with an application.

Chair Hardison informed all attending that Board member Herlihy was recusing himself from this discussion as Mr. Herlihy is an owner of the property being discussed.

Chair Hardison briefly overviewed the history of the location.

Staff member Gulnac asked the Board how it would like to proceed with this application since the application is a conditional use, and under the ordinance, the Planning Board has review and approval authority for conditional use applications.

Chair Hardison asked if there were any questions from the Board.

Board member Vermette asked staff member Gulnac if there were any concerns when the location was previously used as a drive-thru that would cause the Board to question the drive-thru use at this location again. Mr. Gulnac replied there were no issues that he was aware of.

Board member Morse asked if this project would interfere with the new exit at the SIS expansion location. Staff member Andreson stated he did not believe this drive-thru would have any impact with the SIS project.

Vice Chair Tarbox wanted to know if approving this would set precedence if the Board allowed use of the drive-thru again. Staff member Gulnac stated he did not believe allowing the drive-thru would set precedence because the drive-thru was used for a bank before, but the change of use to a different type of drive-thru facility causing different traffic patterns would need more review.

Chair Hardison called for a motion, and outlined the two motions the Board had to choose from.

Vice Chair Tarbox made a motion that the Board approves the request for the drive-thru bank proposal subject to staff review.

Board member Morse seconded the motion.

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

IV. OLD BUSINESS

- 1. File #24-07-S: Michael H. Dubois, d/b/a AMD Enterprises, Inc., c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale.**

Chair Hardison called for a representative to present the project.

John Hutchins, representing the applicant, overviewed the project.

Staff member Casserly explained the changes requested since the work session meeting, and informed the Board that the stormwater and homeowners documents are cross referenced on the property deeds and on the plan.

Staff members were satisfied with the plan, and there were no questions or comments from Board members.

Staff member Casserly stated there was a waiver request and wanted to make sure the Board would include the waiver in the motion.

Board member Morse made a motion that the Planning Board accept the findings of fact (see attached) and find that an application for a preliminary major subdivision to create a 10-lot

residential subdivision, to be known as Maynard Oaks, on tax map R19, lot 49 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 will comply with Article VII, Section 275-24 and Article IX Inspections and Enforcement;
- b. That the applicant will pay any outstanding review fee expenses prior to the signing of the approved subdivision plan; and
- c. Any additional conditions imposed by the Board.

Board member Vermette seconded the motion.

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

V. APPROVAL OF MINUTES: October 17, 2007, November 7, 2007, November 28, 2007, and January 9, 2008.

Chair Hardison called for a motion to approve the minutes.

Board member Morse made a motion to approve the minutes of October 17, 2007, November 7, 2007, and November 28, 2007 as written (the minutes for January 9, 2008 were not available for tonight's meeting).

Board member Vermette seconded the motion.

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

VI. PLANNING DIRECTOR'S REPORT

There was no Planning Director's report for tonight's meeting.

VII. ADJOURN

The meeting adjourned at 7:50 PM.

*****Non-agenda item:**

Benjamin Williams, Martel Properties High Street Project, has submitted an extension of approval request. Staff member Gulnac explained the reasons for the request to the Board.

Chair Hardison called for a motion.

Board member Herlihy made a motion that the Planning Board grant a one year extension to Martel Properties, LLC, regarding the site plan known as Martel Properties, file #34-06-R.

Board member Vermette seconded the motion.

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

Attachment to February 20, 2008 Minutes

*Findings of Fact for Old Business Item #1
File #24-07-S: Maynard Oaks*

- The applicant has provided documentation which establishes his right to present the application.

- The application was reviewed as an Article 5. As a result of additional information from that review, the application has been revised from a 12-lot subdivision into a 10-lot subdivision. The road design has been altered as well.
- The application has been prepared using Articles 8 (Final Major Subdivision) & 11 (Performance Standards) and Section 16.4 (Residential Cluster Development Standards) as guidelines.
- The applicant has requested a waiver from Section 16.4.5.c: Buffering. “A *cluster development must be buffered from a street or road, other than the street or road serving individual lots in the development, by a distance equal to two times the normal minimum setbacks required for that zone.*” The applicant has proposed a 75’ buffer along both State Route 99 and Whichers Mill Road. Route 99 is classified as an arterial with a front yard setback of 75’ and the setback from Whichers Mill is 40’.
- The applicant is proposing that this subdivision be reviewed as a ‘cluster subdivision’.
- The use of individual subsurface septic systems is proposed.
- The applicant has indicated that they feel the proposed development will not require a full MDEP permit. A permit by rule may be required for the disturbance of wetlands by subsequent property owners. This notation should be added to the plans and to the individual deeds.
- All houses in this subdivision will employ individual fire suppression systems for fire protection.
- The applicant has presented a revised application which incorporates the comments of the SPRC.
- The Planning Board has held a work session and scheduled the application for a vote as a final major subdivision.
- The Board discussed the issue of the buffers on lots 5, 6 and 7 and determined that a final decision would be made at final.
- It was also determined that the archeological study and its findings would also be reviewed at final.
- Additional comments as presented by the Town Engineers and made as either Findings of Fact or conditions of approval.