

**SANFORD PLANNING BOARD MINUTES**  
**MEETING April 16, 2014 – 7:00 P.M.**  
**City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** John McAdam, Chair  
Kelly Tarbox, Vice Chair  
Lela Harrison, Secretary  
Robert Hardison  
Joshua Howe  
Richard Bergeron  
Lenny Horr

**MEMBERS ABSENT:** None

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Michael Casserly, P.E., Interim City Engineer

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair McAdam called the meeting to order at 7:00 P.M.

**II. PUBLIC HEARINGS**

- 1. File #03-14-RU: Real Estate Holdings, LLC, c/o Shawn Frank, PE, Sebago Technics, 75 John Roberts Road, Suite 1A, South Portland, Maine.**

Chair McAdam called for a representative to present the project.

Chair McAdam stated he owns property that abuts the proposal and will let other Board members decide if Chair McAdam needed to step down for this application.

Shawn Moody, representing Moody's Collision Centers, said he had attended the Site Plan Review Committee (SPRC) meeting earlier in the day and discussed the proposal there so he wanted to know if the Board had any other questions or concerns. He explained the use will be the same as they are doing now but will be a new building, approximately in the same location, and will continue to use the two current driveways.

Chair McAdam asked Mr. Moody to give a brief overview of the proposal. Topics covered were parking, building design, building closer to Main Street to provide parking to the rear of the building, redo sidewalks and curbing, building use layout (office in the front of building, automotive work in the rear of the building), landscaping, utilities already in place, and the applicant has met with the design review committee.

Chair McAdam asked if there were any questions; there were not.

Chair McAdam asked if anyone from the public wanted to speak against this application; there was no one.

Chair McAdam asked if anyone from the public wanted to speak for this application; again, there was no one.

Chair McAdam closed the public hearing.

**The meeting moved into work session discussion on the public hearing item at 7:40 P.M.**

### III. NEW BUSINESS

1. **File #05-14-P: Carrie Webster Underwood, c/o Brad Lodge, PLS, Middle Branch, LLC, P.O. Box 617, Alfred, Maine.**

Brad Lodge, representing the applicant, gave a brief overview of the application. The property is located on Route 109, is 4 acres in size, and is in the rural residential zone. The private way is being proposed to provide frontage and access to a new lot being created. The private way is going to use the current curb cut currently being used for a driveway.

James Gulnac, Planning Director informed the Board that although part of the property is within the shoreland zone, a shoreland permit is not required because no work will be within the 75 foot shoreland buffer.

Board member Bergeron asked if there was going to be any damage done to the work the state did to Route 109; Mr. Lodge replied the existing driveway entrance will be used and culverts are already in place and will not need to be redone.

Board member Tarbox asked where the drive to access the back lot was going to be since it appeared to her that both hammer-head ends were dedicated to snow storage. Mr. Lodge said that once the driveway is built the snow would just be pushed to the side. There is a note on the plan that addresses this concern.

Staff member Gulnac said since this application is not a public hearing it would be up to the chair on how to proceed.

Chair McAdam asked if anyone present wished to speak.

Maryann Clancy, an abutter at 224 Main Street, recognizes the right of the property owner to develop her property but had some concerns. Her first concern regarded lot size of the two parcels. Ms. Clancy wanted to know if the total acreage of a parcel subtracts land that may be below the normal high-water line of the Mousam River or any other wetlands on the property. She was also unclear if the private way plan was counted toward the lot area.

Ms. Clancy's second concern was the frontage requirement. She wanted to know if the private way runs along the front lot line of parcel B on the plan. She then commented about:

- storm runoff: no new culverts were placed when Route 109 improvements were done so she was concerned of backflow created by the proposal
- asked the Board if they could place a construction schedule on the project, something possibly limited to daily work hours
- vegetation and landscape buffering
- asked if snow storage could be in a different location

Chair McAdam asked if Mike Casserly, Interim City Engineer had any comments.

Staff member Casserly said the applicant stated there were no open drainage courses, floodplains, wetland boundaries, stands of trees, major trees, and other important natural features, with a description of such features to be retained in the application. Staff member Casserly stated he did have a conversation with Mr. Lodge about drainage close to the private way. He also feels that, along with his comments, the buffering concern needs to be addressed by the applicant as well.

Mr. Lodge responded by saying he discussed the wetland situation with Shirley Sheesley, Codes Enforcement Officer (CEO). The wetlands located on the property are not deductible wetlands so they are not a factor in the lot size.

He discussed the frontage issue with Ms. Sheesley as well. The frontage is being obtained by the private way, and this has been done in the past with other private way approvals.

Board member Tarbox confirmed with staff member Gulnac that the minimum lot size in the Rural Residential zone is 80,000 sf. She then asked if a non-conforming lot was being created. Mr. Gulnac stated he would have to defer the question to the CEO. Discussion followed on this question.

After the discussion, there was still some uncertainty regarding the proposed lot sizes. Some Board members felt it would be better to get clarification from the CEO before making a decision on the application.

Board member Tarbox made a motion to table the application until the lot size question was clarified by the CEO.

Board member Hardison seconded the motion.

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

The project was tabled until the next Planning Board meeting on May 7.

**The Board reconvened after the work session discussion at 8:18 P.M. to take action on the following item.**

- 2. File #03-14-RU: Real Estate Holdings, LLC, c/o Shawn Frank, PE, Sebago Technics, 75 John Roberts Road, Suite 1A, South Portland, Maine.**

After the work session, Chair McAdam called for a motion.

Board member Tarbox put on record that the Planning Board confirmed the Planning Board Chair has no financial interest in this application and may vote on this application.

Board member Tarbox then added to the finding of facts that the driveways are approved as shown on the plan and the Planning Board accepts the reports from both the Site Plan Review Committee and the Design Review Committee approving this project. Further, Board member Tarbox recommends the Planning Board confirm the recommendations as Finding of Facts (see attached) and grant minor site plan and shoreland permit to File #03-14-RU: Real Estate Holdings, LLC, for a minor site plan has been prepared in compliance with the requirements of the Sanford land use codes and the regulations of the State of Maine subject to the conditions as follows:

1. The applicant has paid any and all outstanding review fees.
2. The applicant complies with any and all building and fire safety codes.
3. The applicant schedules a pre-con meeting with the city engineer and pays any required engineering review escrow fees and performance guarantee fees.
4. The applicant complies with the traffic impact ordinance.
5. The applicant will coordinate any utility work in Main Street with MDOT.
6. Additionally, the Board grants a waiver of the 35% impervious cover rule referencing Section 272-2-2.1B Watershed Performance Standards and that staff can review the Permit by Rule when it is received at the office.

Board member Hardison seconded the motion.

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

**IV. OLD BUSINESS**

There were no old business items.

**V. APPROVAL OF MINUTES – April 2, 2014**

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

Board member Bergeron seconded the motion.

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

**VI. PLANNING DIRECTOR’S REPORT**

The Planning Director’s report was not discussed.

**VII. ADJOURN**

The meeting adjourned at 7:40 PM to go into work session. After the work session, the meeting adjourned at 8:25 P.M.

**Attachment to April 16, 2014 Minutes**

*Finding of Facts for New Business Item #1  
File #03-14-R: Moody’s Collision Center*

- The applicant has provided proof of ownership and has standing to make the application.
- The subject property falls within the Urban Zone and the mandatory Design Standard Springvale review overlay.
- Under the North American Industry Classification System, body shop, automotive has a number of 811121. The use is permitted in the Urban Zone.
- The project is classified as a minor project as the square footage of 13,732 is less than 30,000 s.f. (Section 272-1-4 Site Plan Review ordinance).
- Section 272-1-7 B of the Site Plan Review Ordinance itemizes the requirements for a minor development.
- The applicant has met with the design review committee and received their recommendation for approval (see attached report).
- The driveways are approved as shown on the plan.
- The Planning Board accepts the reports from both the Site Plan Review Committee and the Design Review Committee approving this project.