

SANFORD PLANNING BOARD MINUTES
MEETING February 20, 2013 – 7:00 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT Robert Hardison, Chair
 John McAdam, Vice Chair
 Richard Bergeron
 David Mongeau, Secretary
 Lela Harrison
 Matthew Treadwell

MEMBERS ABSENT: Kelly Tarbox (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
 Charles Andreson, P.E., AICP, Town Engineer
 Michael Casserly, P.E., Assistant Engineer
 John Stoll, Planning Assistant Intern

STAFF ABSENT: None

I. CALL TO ORDER

Chair Hardison called the meeting to order at 7:00 P.M. He then stated that the applicant for Beaver Hill Estates has withdrawn his request for a work session meeting tonight and instead requested a vote on the application, which is scheduled for March 20, 2013.

II. PUBLIC HEARINGS

There were no public hearing items.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

1. **File #20-12-R: Grondin Aggregates, LLC, c/o Shawn Frank, P.E., Sebago Technics, Inc.,** 75 John Roberts Road, Suite 1A, South Portland, Maine.

Chair Hardison said the public hearing on this item is closed and informed everyone that the abutters' petition submitted at the previous meeting was forwarded to the city manager to present to the city council for action, if necessary.

Chair Hardison continued to say there would be no public comment for either of the mineral extraction applications, the Board will be working through their review and will vote for each application separately, but the discussion will be simultaneous as it was for the public hearing.

Chair Hardison confirmed the following:

- ME Department of Transportation (DOT); ME Department of Environmental Protection (DEP); and Army Corps of Engineers (ACOE) have thoroughly reviewed the projects in detail and issued the necessary permits for the projects
- the Sanford Water District has approved the groundwater monitoring system and the placement of an extra well

- York County Soil Conservation Department is involved and considers the city review and DEP review are adequate

James Gulnac, Planning Director wanted to remind everyone that the DEP and ACOE reviews included all the endangered species and habitats even though a separate permit is not given for each specific review and that there were no shoreland zoning issues with the proposals.

Chair Hardison asked Board members if they had any questions regarding the outside agencies' reviews; there were none.

Chair Hardison asked Mike Casserly, Assistant Engineer if there were any open issues with his reviews of the project. Staff member Casserly responded there were no outstanding issues, a performance guarantee has been established, and the only thing remaining was the 2:1 slope waiver request. Discussion took place.

Chair Hardison moved onto the conditions of approval. He confirmed that there was a new condition, which is the outstanding issue of the DEP waiver request of 2:1 slopes and if this request is not approved the slopes go back to 2.5:1. The plans would be changed to reflect this as well.

The next topic Chair Hardison confirmed with staff member Casserly was the waiver requests:

- the marking of major trees
- the plan scales

Chair Hardison discussed the topic of Twombly Road usage on a daily basis; both applicants agreed that they would not be using this road unless the project being worked on was most easily accessed via Twombly Road. Staff member Casserly recommended this statement as a condition of approval. Discussion took place on whether or not other roads should be included in this condition of approval.

Chair Hardison's next item was the fuel pad concern brought up by an abutter at a previous meeting. Staff member Casserly contacted professionals working with DEP on whether or not installing concrete fuel pads should be included as a condition of approval. The DEP professionals felt that what the applicants have proposed for spill prevention, groundwater monitoring, and other precautions were sufficient and Mr. Casserly explained why. It was determined that there would not be a requirement to place concrete fuel pads in the pit areas.

The operations manual was the next discussion. Chair Hardison confirmed with Mr. Casserly that both applicants understood that what was outlined in the manual is the way the pits would be operated. Discussion took place on the following:

- provisions for annual inspection reporting
- the waivers and conditions are consistent with the city's ordinances
- noise level distance

Chair Hardison spoke about the haul road. The engineering, environmental, and remediation plans were reviewed and approved by outside agencies. The conditions placed on these approvals were from these agencies. Chair Hardison addressed a concern raised at the public hearing regarding drainage in the area of the haul road curb cut. Staff member Casserly said that after reviewing the grades on the plans it was determined that drainage was not an issue.

Chair Hardison asked if there were any other questions, concerns or issues from the public hearing that should be addressed; there were none.

Staff member Gulnac informed the Board that both applicants and the city engineers have an agreement for an acceptable traffic impact fee.

Chair Hardison read through each item on a review checklist used in the review for major developments to get confirmation from staff that each item has been either approved by the city, permitted by another agency, or is not applicable (checklist attached under Finding of Facts).

Chair Hardison asked if there were any other questions or concerns by the Board; there were not.

Chair Hardison explained how the voting would be done for these two projects and some of the differences within each project's finding of facts.

Chair Hardison called for a motion. Before a motion was made, discussion took place on the additional conditions/waivers for major tree recognition, change of scale on the plan, the restriction of Twombly Road being used by the trucks, and the DEP slope waiver approval being placed on the city's approval.

Board member Mongeau made a motion that the Planning Board accept the Finding of Facts (see attached) and find that application File #20-12-R, Grondin Aggregates LLC, requesting approval of a major site plan for mineral extraction has been prepared in accordance with Article II, Section 272-2-25, Site Plan Review, Mineral Extraction Standards of the Code of the City of Sanford and Article I, Site Plan review and subject to the conditions listed below grant a five year operations permit:

1. The operations manual is made part of this approval and the applicant agrees to comply with the conditions as outlined in the manual.
 2. The applicant agrees as per Section 272-2-39 Noise control to comply with Chapter 178, Noise of the City Code.
 3. 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).
 4. A performance bond/letter of credit in an amount approved by the city engineer for a five (5) year period is provided (the instrument may be for a one year period, but must be renewable).
 5. That a reclamation plan will be in effect and that at a minimum the applicant will provide an activity report on April 30th and October 30th each year to the city 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.
 6. The Department of Environmental Protection Permit is made part of this approval.
 7. Any changes to the approved plan including conditions outlined in the manual will require review and approval by the Planning Board.
 8. Any failure on part of the applicant or any subsequent owners to comply with the conditions of this approval could result in the immediate cessation of the operation.
 9. No permit to operate this facility shall be issued until all the conditions of the approval have been satisfied.
 10. Any additional conditions required by the Planning Board:
 - a) Waiver from needing to locate major trees on site
 - b) Waiver from changing the scale on the engineering plan
 - c) Restriction on Twombly Road being used to transport to or from the operation unless needed to supply a job off Twombly Road
 - d) Unless DEP approves request, slope will remain 2.5:1.
2. **File #21-12-R: Genest Concrete Works, Inc., c/o Shawn Frank, P.E., Sebago Technics, Inc., 75 John Roberts Road, Suite 1A, South Portland, Maine.**

Discussion for this item was combined with Old Business Item #1: File #20-12-R. This item was also voted on before File #20-12-R: Grondin Aggregates.

Chair Hardison called for a motion.

Board member Mongeau made a motion that the Planning Board accept the Finding of Facts (see attached) and find that application File #21-12-R, Genest Concrete Works, Inc., requesting approval of a major site plan for mineral extraction has been prepared in accordance with Article I, Section 272-1-8 and Article II, Section 272-2-25 Site Plan Review Ordinance Developments and subject to the conditions listed below grant a five year operations permit:

1. The operations manual is made part of this approval and the applicant agrees to comply with the conditions as outlined in the manual.
2. The applicant agrees as per Section 272-2-39 Noise control to comply with Chapter 178, Noise of the City Code.
3. 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).
4. A performance bond/letter of credit in an amount approved by the city engineer for a five (5) year period is provided (the instrument may be for a one year period, but must be renewable).
5. That a reclamation plan will be in effect and that at a minimum the applicant will provide an activity report on April 30th and October 30th each year to the city 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.
6. The Department of Environmental Protection Permit is made part of this approval.
7. Any changes to the approved plan including conditions outlined in the manual will require review and approval by the Planning Board.
8. Any failure on part of the applicant or any subsequent owners to comply with the conditions of this approval could result in the immediate cessation of the operation.
9. No permit to operate this facility shall be issued until all the conditions of the approval have been satisfied.
10. Any additional conditions required by the Planning Board:
 - a) Waiver from needing to locate major trees on site
 - b) Waiver from changing the scale on the engineering plan
 - c) Restriction on Twombly Road being used to transport to or from the operation unless needed to supply a job off Twombly Road
 - d) Unless DEP approves request, slope will remain 2.5:1.

Board member Treadwell seconded the motion.

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

V. APPROVAL OF MINUTES

There were no minutes for approval.

VI. PLANNING DIRECTOR'S REPORT

1. Discussion on enforcement of Planning Board conditions of approval

Staff member Gulnac explained the process he would now be taking when he forwards his report to the Board, which is he would now be supplying the checklist with his report as a guideline for the Board to use as an aid in the approval of applications. Discussion took place on the following:

- Denial of applications

- Compliance with the comprehensive plan vs. the city's ordinances.

2. Discussion on status of subdivision approvals which are beyond their expiration date

No discussion was had on this topic.

3. Update on updates to the Comprehensive Plan and Land Use Ordinances

Staff member Gulnac briefed the Board on why the updates to both the comprehensive plan and ordinances are being done, explained the process he would like to use to accomplish these updates, and outlined the timeframe in which he would like to have these updates completed and voted on by the city council.

VII. ADJOURN

The meeting adjourned at 8:05 PM to go into work session.

Attachment to February 20, 2013 Minutes

There are no Public Hearing Items

There are no New Business Items

Finding of Facts for Old Business Item #1

File #20-12-R: Grondin Aggregates, LLC

- The applicant has provided proof of ownership of the property in question and has standing to make the application.
- The application was reviewed by the planner and classified as a conditional use major site plan. [Section 280-91-Mineral Extraction & Article XIV]. The application requires review by the Planning Board subject to the comments from the Site Plan Review Committee.
- The applicant has requested and been granted a waiver for the size of the scale to be used in the presentation due to large area covered by the application.
- The applicant has provided proof of review by and permits from the MDOT, ACOE and MDEP.
- The application has been scheduled for both Site Plan Review Committee and Planning Board review and possible action on Wednesday January 16, 2013. The purpose of this is to facilitate an application's local review timeline; however should either the applicant or the SPRC feel that the application is not ready for consideration by the Planning Board it does not have to be forwarded. It can also be forwarded with a recommendation to conduct the public hearing but table the application until any unresolved issues can be dealt with.
- The applicant has confirmed that there are no shoreland zone issues or permit required.
- The applicant has provided a properly prepared boundary survey.
- The applicant has agreed to pay a traffic impact fee of \$6,896.00.
- The Site Plan Review Committee reviewed the application and forwarded it to the Planning Board with comments.
- The Planning Board has held public hearings and taken comments from those who attended.
- The engineers have reviewed the revised plans and manual and find them to be in compliance with the guidelines set forth both in the ordinance and at the direction of the Planning Board.
- Based upon their review of all the information presented the Board finds that the applicant has demonstrated that they are in conformance with the requirements of the city ordinances and that the proposed manual of operations so details.
- At the February 20, 2013 voting meeting the Board Chair itemized the process to be followed:
 - The public hearing has been closed, public comments noted, and the petition presented has been forwarded to the city manager.

- That the Board would vote on applications file #20-12-R and #21-12-R separately; however since the mineral extraction permit applications are identical [#21-12-R contains the haul road] the discussion concerning review of the documents and the details for both applications would be combined and treated as one.
- The Chair confirmed with Richard Bergeron, a new board member, that he had been fully briefed on the application.
- The applicants do not need to make any formal presentation.
- That the applicants had applied for and received permits from MDOT (driveway entrance permit), MDEP (including Endangered Species and Habitat, wetlands and shoreland) and ACOE (Army Corps of Engineers) (floodplain).
- That the haul road is on private property and has been reviewed by the appropriate review agencies.
- That the Sanford Water District had reviewed the applications and was satisfied that sufficient ground water protection measures were included in the design.
- That the Sanford Sewer District had reviewed and found no issues with either application.
- That the York County Soil Conservation District accepted the review by the City of Sanford and MDEP for compliance with their regulations.
- That there are two (2) formal requests for waivers: a waiver from the requirement to identify large trees on site and a waiver of the requirement to permit a plan scale to permit to show the large size; the City Engineer recommends granting both waivers.
- The city engineer has reviewed and agreed upon a \$4,000.00 per acre rate to determine the performance guarantee.
- That there be a condition of approval limiting the use of Twombly Road by trucks entering or leaving the gravel pits to the servicing of active account.
- That there be a condition of approval stating that the slope be 2.5:1, unless otherwise approved by Maine DEP.
- The city engineer has reviewed and approved the spill prevention plan which would not use a concrete pad and the plan would be added to the Manual of Operations.
- It was agreed that there would be no screening on Saturdays and none before 7am.
- In response to a concern raised during the public hearing, the city engineer indicated that the proposed entrance for the haul road to Route 4 would not create any drainage problems.
- The Chair then went through the review checklist with the Board:

**CITY OF SANFORD
 PLANNING BOARD FINDING of FACTS**

REVIEW CHECKLIST FOR MAJOR DEVELOPMENTS

Application File #20-12-R Grondin and #21-12-R Genest (checklist serves for both applications)

Planning Board Meeting February 20, 2013

Approval Criteria and Standards

The following criteria shall be used by the Site Plan Review Committee and the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Site Plan Review Committee or the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence sufficient to warrant a finding that all applicable criteria have been met.

		Utilization of the site. The plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes,	The applicants have obtained the appropriate permits from MDOT, MDEP and ACOE
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		floodplains and unique natural features will be maintained and preserved to the maximum extent. Natural drainage areas will be preserved to the maximum extent.	
		Access to the site. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate 100 or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one mile of any entrance road which are functioning at a Level of Service of C or better prior to the development will function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service. The Planning Board or Site Plan Review Committee may approve a development not meeting this requirement if the applicant demonstrates that:	Access to the gravel pits will be via a 'haul road' off State Route 4. No truck traffic from or to the gravel pits may use Twombly Road
		A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or	
		The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.	
		Access into the site. Vehicular access into the development will provide for safe and convenient access.	MDOT permit issued
		Any exit driveway or proposed street will be so designed as to provide the minimum sight distance to meet the Maine Department of Transportation standards.	
		Points of access will be located to avoid hazardous conflicts with existing turning movements and traffic flows.	
		The grade of any proposed drive or street will be not more than 3% for a minimum of two car lengths or 40 feet from the intersection.	
		The intersection of any access drive or proposed street will function at a Level of Service of C following development if the project will generate 1,000 or more vehicle trips per twenty-four-hour period or at a level which will allow safe access into and out of the project if fewer than 1,000 trips are generated.	
		Internal vehicular circulation. The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.	N/A
		Nonresidential projects will provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-50 vehicles.	

		Clear routes of access will be provided and maintained for emergency vehicles to and around all buildings and will be posted with appropriate signage ("fire lane - no parking").	
		The layout and design of parking areas will provide for safe and convenient circulation of vehicles throughout the lot and will prohibit vehicles from backing out onto a street.	
		All roadways will be designed to harmonize with the topographic and natural features of the site. The road network will provide for vehicular and pedestrian safety, all-season emergency access, snow storage, and delivery and collection services.	
		Pedestrian circulation. The development plan will provide for pedestrian circulation within the development. If the project is located in an area where sidewalks exist or are located within 1,000 feet of the site, provisions shall be made for connection to the existing sidewalk system	N/A
		Stormwater management. Adequate provisions will be made for the disposal of all stormwater collected from proposed streets, parking areas, roofs and other surfaces through a stormwater drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties:	Adequate, pits self-drain, MDEP permit for 'haul road'
		To the extent possible, the plan will detain stormwater on the land at the site of development and do so through the use of the natural features of the site.	
		For major developments, stormwater runoff systems will detain or retain water falling from the site such that the rate of flow from the site does not exceed the predevelopment rate.	
		The applicant will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects or will be responsible for the improvements to provide the required increase in capacity.	
		All natural drainageways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the Site Plan Review Committee or Planning Board and appropriate state agencies if required.	
		The design of stormwater drainage systems shall provide for the disposal of stormwater without damage to streets, adjacent properties, or downstream properties.	
		The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed.	
		The biological and chemical properties of the receiving waters will not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of	

		on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source.	
		Erosion control.	Satisfied
		For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation and earthmoving activity will be kept to a minimum. Parking lots on sloped areas will be terraced to avoid undue cuts and fills and the need for retaining walls. Natural vegetation will be preserved and protected wherever possible.	
		During construction of major developments, soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the York County Soil and Water Conservation District's Best Management Practices.	
		Water supply.	Sanford Water District satisfied
		The development will be provided with a system of water supply that provides each use with an adequate supply of drinking water.	
		If the project will be served by the Sanford Water District, the applicant has secured, in writing, a statement from the Water District that the proposed water supply system conforms to its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.	
		Sewage disposal.	N/A
		A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as defined by the Sanford Sewerage District. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where service is not available.	
		Upstream sewage flows will be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.	
		All components of sanitary sewerage facilities that connect to the Sewerage District's system must be designed by a professional engineer registered in the State of Maine and will be tested in full compliance with the design specifications and construction practices as established by the	

		District. The construction of sewer lines will include the construction of laterals to the property line of each lot where individual lots are created.	
		All individual and community on-site systems will be designed in full compliance with the Maine State Plumbing Code (May 1, 1995 Edition), as amended. Upon the recommendation of the Local Plumbing Inspector, the Site Plan Review Committee or Planning Board may require the location of reserve areas for replacement systems.	
		If the project will be served by the Sanford Sewerage District, the applicant shall secure, in writing, a statement from the Sewerage District that the proposed sewerage system conforms to its design specifications and construction practices and that the project will not result in an undue burden on the system.	
		Utilities. The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.	N/A
		Natural features. The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling will be avoided as far as possible.	Permits issued by State reviewing authorities
		Groundwater protection. The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.	No threat to ground water
		Exterior lighting. The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours. All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.	N/A
		Waste disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.	N/A
		All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.	
		All hazardous wastes will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.	
		Landscaping. The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.	Application includes reclamation plan with performance bond
		Shoreland relationship. The development will not	No permits required

		adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.	
		Technical and financial capacity. The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.	Applicants have the capacity to operate as proposed
		Buffering. The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the zoning regulations will be provided and maintained.	Application contains adequate buffering
		Airport encroachment. The development will not encroach above the imaginary surface of the Sanford Regional Airport as specified in Section 77.13 of Part 77 of the Federal Aviation Regulations unless such encroachment will not have a detrimental impact on the instrument landing approach minimums currently in use or likely to be in use in the future.	N/A

*Finding of Facts for Old Business Item #2
 File #21-12-R: Genest Concrete Works, Inc.*

- The applicant has provided proof of ownership of the subject properties and has standing to submit the application.
- The application was reviewed by the planner and classified as a conditional use major site plan [Section 280-91-Mineral Extraction & Article XIV]. The application requires review by the Planning Board subject to the comments from the Site Plan Review Committee.
- The applicant has requested and been granted a waiver for the size of the scale to be used in the presentation due to large area covered by the application.
- The applicant has provided proof of review by and permits from the MDOT, ACOE and MDEP.
- The application has been scheduled for both Site Plan Review Committee and Planning Board review and possible action on Wednesday January 16, 2013. The purpose of this is to facilitate an application's local review timeline; however should either the applicant or the SPRC feel that the application is not ready for consideration by the Planning Board it does not have to be forwarded. It can also be forwarded with a recommendation to conduct the public hearing but table the application until any unresolved issues can be dealt with.
- It is noted that this application is for two separate but connected activities: gravel pit (mineral extraction) and haul road. It is further noted that use of the haul road has been extended to an adjacent mineral extraction operation identified as Grondin Aggregates LLC. The appropriate easement documents have been included.
- It is the Planner's understanding that the proposed haul road is a private road which provides access to the mineral extraction operation(s). It is not intended to provide frontage to any of the privately owned properties through which the haul road passes. As a private haul road the City of Sanford has no responsibility for its maintenance. The town also has no direct review authority other than to ensure that its entrance from Route 4 meets all local requirements to include methods to ensure that all vehicles leaving the site are clean. The applicant has provided copies of the permits from MDEP, MDOT and the Army Corps of Engineers (ACOE) all of whom have some review authority.
- The applicant has confirmed that there are no shoreland zone issues or permit required.

- The applicant has provided a properly prepared boundary survey.
- The applicant has agreed to pay a traffic impact fee of \$10,576.00.
- The Site Plan Review Committee reviewed the application and forwarded it to the Planning Board with comments.
- The Planning Board has held public hearings and taken comments from those who attended.
- The engineers have reviewed the revised plans and manual and find them to be in compliance with the guidelines set forth both in the ordinance and at the direction of the Planning Board.
- Based upon their review of all the information presented the Board finds that the applicant has demonstrated that they are in conformance with the requirements of the city ordinances and that the proposed manual of operations so details.
- At the February 20, 2013 voting meeting the Board Chair itemized the process to be followed:
 - The public hearing has been closed, public comments noted, and the petition presented has been forwarded to the city manager.
 - That the Board would vote on applications file #20-12-R and #21-12-R separately; however since the mineral extraction permit applications are identical [#21-12-R contains the haul road] the discussion concerning review of the documents and the details for both applications would be combined and treated as one.
 - The Chair confirmed with Richard Bergeron, a new board member, that he had been fully briefed on the application.
 - The applicants do not need to make any formal presentation.
 - That the applicants had applied for and received permits from MDOT (driveway entrance permit), MDEP (including Endangered Species and Habitat, wetlands and shoreland) and ACOE (Army Corps of Engineers) (floodplain).
 - That the haul road is on private property and has been reviewed by the appropriate review agencies.
 - That the Sanford Water District had reviewed the applications and was satisfied that sufficient ground water protection measures were included in the design.
 - That the Sanford Sewer District had reviewed and found no issues with either application.
 - That the York County Soil Conservation District accepted the review by the City of Sanford and MDEP for compliance with their regulations.
 - That there are two (2) formal requests for waivers: a waiver from the requirement to identify large trees on site and a waiver of the requirement to permit a plan scale to permit to show the large size; the City Engineer recommends granting both waivers.
 - The city engineer has reviewed and agreed upon a \$4,000.00 per acre rate to determine the performance guarantee.
 - That there be a condition of approval limiting the use of Twombly Road by trucks entering or leaving the gravel pits to the servicing of active account.
 - That there be a condition of approval stating that the slope be 2.5:1, unless otherwise approved by Maine DEP.
 - The city engineer has reviewed and approved the spill prevention plan which would not use a concrete pad and the plan would be added to the Manual of Operations.
 - It was agreed that there would be no screening on Saturdays and none before 7am.
 - In response to a concern raised during the public hearing, the city engineer indicated that the proposed entrance for the haul road to Route 4 would not create any drainage problems.
 - The Chair then went through the review checklist with the Board:

**CITY OF SANFORD
PLANNING BOARD FINDING of FACTS
REVIEW CHECKLIST FOR MAJOR DEVELOPMENTS
*Application File #20-12-R Grondin and #21-12-R Genest (checklist serves for both applications)***

Planning Board Meeting February 20, 2013

Approval Criteria and Standards

The following criteria shall be used by the Site Plan Review Committee and the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for

approval of the application. The application shall be approved unless the Site Plan Review Committee or the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence sufficient to warrant a finding that all applicable criteria have been met.

		<p>Utilization of the site. The plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features will be maintained and preserved to the maximum extent. Natural drainage areas will be preserved to the maximum extent.</p>	<p>The applicants have obtained the appropriate permits from MDOT, MDEP and ACOE</p>
		<p>Access to the site. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate 100 or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one mile of any entrance road which are functioning at a Level of Service of C or better prior to the development will function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service. The Planning Board or Site Plan Review Committee may approve a development not meeting this requirement if the applicant demonstrates that:</p>	<p>Access to the gravel pits will be via a 'haul road' off State Route 4. No truck traffic from or to the gravel pits may use Twombly Road</p>
		<p>A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or</p>	
		<p>The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the Town.</p>	
		<p>Access into the site. Vehicular access into the development will provide for safe and convenient access.</p>	<p>MDOT permit issued</p>
		<p>Any exit driveway or proposed street will be so designed as to provide the minimum sight distance to meet the Maine Department of Transportation standards.</p>	
		<p>Points of access will be located to avoid hazardous conflicts with existing turning movements and traffic flows.</p>	
		<p>The grade of any proposed drive or street will be not more than 3% for a minimum of two car lengths or 40 feet from the intersection.</p>	
		<p>The intersection of any access drive or proposed street will function at a Level of Service of C following development if the project will generate 1,000 or more vehicle trips per twenty-four-hour</p>	

		period or at a level which will allow safe access into and out of the project if fewer than 1,000 trips are generated.	
		Internal vehicular circulation. The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.	N/A
		Nonresidential projects will provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-50 vehicles.	
		Clear routes of access will be provided and maintained for emergency vehicles to and around all buildings and will be posted with appropriate signage ("fire lane - no parking").	
		The layout and design of parking areas will provide for safe and convenient circulation of vehicles throughout the lot and will prohibit vehicles from backing out onto a street.	
		All roadways will be designed to harmonize with the topographic and natural features of the site. The road network will provide for vehicular and pedestrian safety, all-season emergency access, snow storage, and delivery and collection services.	
		Pedestrian circulation. The development plan will provide for pedestrian circulation within the development. If the project is located in an area where sidewalks exist or are located within 1,000 feet of the site, provisions shall be made for connection to the existing sidewalk system	N/A
		Stormwater management. Adequate provisions will be made for the disposal of all stormwater collected from proposed streets, parking areas, roofs and other surfaces through a stormwater drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties:	Adequate, pits self-drain, MDEP permit for 'haul road'
		To the extent possible, the plan will detain stormwater on the land at the site of development and do so through the use of the natural features of the site.	
		For major developments, stormwater runoff systems will detain or retain water falling from the site such that the rate of flow from the site does not exceed the predevelopment rate.	
		The applicant will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects or will be responsible for the improvements to provide the required increase in capacity.	
		All natural drainageways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the Site Plan Review Committee or Planning Board and appropriate state agencies if required.	

		The design of stormwater drainage systems shall provide for the disposal of stormwater without damage to streets, adjacent properties, or downstream properties.	
		The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed.	
		The biological and chemical properties of the receiving waters will not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source.	
		Erosion control.	Satisfied
		For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation and earthmoving activity will be kept to a minimum. Parking lots on sloped areas will be terraced to avoid undue cuts and fills and the need for retaining walls. Natural vegetation will be preserved and protected wherever possible.	
		During construction of major developments, soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the York County Soil and Water Conservation District's Best Management Practices.	
		Water supply.	Sanford Water District satisfied
		The development will be provided with a system of water supply that provides each use with an adequate supply of drinking water.	
		If the project will be served by the Sanford Water District, the applicant has secured, in writing, a statement from the Water District that the proposed water supply system conforms to its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.	
		Sewage disposal.	N/A
		A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as defined by the Sanford Sewerage District. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where service is not available.	

		Upstream sewage flows will be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.	
		All components of sanitary sewerage facilities that connect to the Sewerage District's system must be designed by a professional engineer registered in the State of Maine and will be tested in full compliance with the design specifications and construction practices as established by the District. The construction of sewer lines will include the construction of laterals to the property line of each lot where individual lots are created.	
		All individual and community on-site systems will be designed in full compliance with the Maine State Plumbing Code (May 1, 1995 Edition), as amended. Upon the recommendation of the Local Plumbing Inspector, the Site Plan Review Committee or Planning Board may require the location of reserve areas for replacement systems.	
		If the project will be served by the Sanford Sewerage District, the applicant shall secure, in writing, a statement from the Sewerage District that the proposed sewerage system conforms to its design specifications and construction practices and that the project will not result in an undue burden on the system.	
		Utilities. The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.	N/A
		Natural features. The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling will be avoided as far as possible.	Permits issued by State reviewing authorities
		Groundwater protection. The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.	No threat to ground water
		Exterior lighting. The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours. All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.	N/A
		Waste disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.	N/A
		All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.	

		All hazardous wastes will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.	
		Landscaping. The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.	Application includes reclamation plan with performance bond
		Shoreland relationship. The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.	No permits required
		Technical and financial capacity. The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.	Applicants have the capacity to operate as proposed
		Buffering. The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the zoning regulations will be provided and maintained.	Application contains adequate buffering
		Airport encroachment. The development will not encroach above the imaginary surface of the Sanford Regional Airport as specified in Section 77.13 of Part 77 of the Federal Aviation Regulations unless such encroachment will not have a detrimental impact on the instrument landing approach minimums currently in use or likely to be in use in the future.	N/A