

**SANFORD PLANNING BOARD MINUTES**  
**MEETING March 16, 2011 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Kelly Tarbox, Chair  
Robert Hardison, Vice Chair  
Joseph Herlihy  
Stephen Catalano, Jr.  
David Mongeau, Secretary  
Lela Harrison  
Matthew Perkins

**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  
Shirley Sheesley, CEO

**STAFF ABSENT:** Barbara Bucklin, Administrative Assistant

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**I. CALL TO ORDER**

Chair Tarbox called the meeting to order at 7:30 P.M.

**II. PUBLIC HEARINGS**

There were no public hearing items.

**III. NEW BUSINESS**

There were no new business items.

**IV. OLD BUSINESS**

1. **File #999-10-T(6): The Planning Director is requesting** that the Planning Board consider amending Chapter 280 Zoning of the Town Municipal Code to add to Article II Section 280-5 Definitions, Article XIV Conditional Uses and Attachment 1 Table of Land Uses by adding the definition Fine Arts School, and allowing it as a Conditional Use in the RMU zone, and a Permitted with Review use in the GR, RD, OR, ORB, CC, SB, UB, DB, IB, & IR zones in the Table of Land Uses.

Chair Tarbox called for a representative to make a brief presentation.

James Gulnac, Planning Director, gave a brief overview of the reason for the change. He then went on to clarify that the proposal is actually for commercial schools, not fine arts schools as originally presented. Mr. Gulnac read the proposed definition and then identified the areas of the ordinance the new commercial school definition would be referenced.

Chair Tarbox asked if Board members had any questions or comments; they did not.

Chair Tarbox called for a motion.

Vice Chair Hardison made a motion that the Planning Board accept the information presented as finding of facts (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:

**Additions (underlined)**

**Article II, Section 280-5 Definitions:**

Commercial Schools: A business which provides instruction or training in vocational, recreational, or athletic areas, including but not limited to business or computer institutes, martial arts studios, schools for dance, music, riding, gymnastics, photography, driving, craft schools and trade schools.

**Attachment 1 Table of Land Uses. VI Commercial and Industrial Uses A. Principal Uses: #15 Commercial Schools: CU in RMU; PR in ORB, SB, UB, DB, IB, & IR**

**Article XIV Conditional Uses 280-66 Standards for conditional use approval**

**New section:**

**F. Commercial Schools. In addition to the requirements of this section and any other applicable section of the Town's ordinances the following guidelines shall be used in the review of applications:**

1. All activities are conducted within a fully enclosed building.
2. Adequate off street parking must be provided. The number of spaces to be based upon the maximum capacity as determined by the Fire Marshal divided by three (3).
3. Signs shall be of residential character on simple posts. If sign is illuminated it must be of low wattage no brighter than 100 watts.
4. Exterior lighting shall be of residential style.
5. The activity may be a stand alone business or as an accessory use to a residence as long as the business is owned by the resident of the residence.
6. Review and approval by the Planning Board is required. The classification of the site plan to be determined by the Planning Director based upon the size of the structure and the requirements of the ordinance.

**Deletion: Article II Section 280 Definitions: Schools, Commercial et al.**

Chair Tarbox asked Mr. Gulnac about adding a square foot limitation on the size of the project. Mr. Gulnac said he did remember discussing this in the work session but it was decided to exclude the size limitation and review each proposal individually to make this determination.

Chair Tarbox called for a second on the proposed motion.

Board member Herlihy seconded the motion.

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

- 2. File #13-10-W: Arista Development LLC, c/o Curtis Neufeld, Sitelines P.A., 8 Cumberland Street, Brunswick, Maine.**

Chair Tarbox confirmed with Mike Casserly, Assistant Engineer, that he would work with the applicant to address the seventeen (17) items in his memo. Mr. Casserly said that was correct and that the applicant has agreed to make the changes recommended by town staff. He also stated that he believed the project was ready for preliminary approval.

Chair Tarbox asked Mr. Casserly if the applicant understood that these conditions would need to be met before final approval. Mr. Casserly stated it was his understanding the applicant was aware of this.

Chair Tarbox asked if Board members had any questions; they did not.

Chair Tarbox asked if staff member Gulnac had any comments.

Mr. Gulnac recommended that the Planning Board make a reference to Mr. Casserly's memo as an item of condition in their approval.

Board member Herlihy made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that File #13-10-W: Arista Development LLC, c/o Curtis Neufeld, Sitelines requesting approval as a contract zone and preliminary major site plan with a minor subdivision has been prepared in conformance with the Town of Sanford land use code and grants preliminary major site plan approval and recommends the zone change under contract zoning subject to the following conditions:

- a) The Town Council approves the zone change.
- b) The Town Council approves the contract for the application.
- c) The applicant has agreed to any and all changes recommended by the Planning Board.
- d) The approval does not authorize any construction on the site.
- e) The approval is subject to any conditions or requirements of the Sanford Land Use Code.
- f) The applicant shall revise the design to optimize the prevention of light spillover over the fence between the site and 11 Acorn Street. It was agreed that a construction phase verification would be done to further fine tune this, and that a note shall be placed on the plans to memorialize the verification. It is noted that some revision of fixture design for site lighting may still be under negotiation with the Contract Zone Committee.
- g) The applicant shall provide lighting of the site overnight sufficient to deter police concerns. The procedure for sight lighting, once agreed upon by the applicant and the town, shall be indicated via an approval note on the appropriate approval plan.
- h) At an appropriate time prior to final approval, the applicant shall provide the town with a preliminary construction schedule and cost estimate for staff review in order to help the Planning Board and staff understand when a Certificate of Occupancy for the Credit Union may be needed. From that, staff can make recommendations to the Planning Board on whether or not a performance guarantee for on-site work might be needed at some stage. At a minimum, a performance guarantee for work in the right of way will need to be established. The applicant commits to this process. (Note: this is an alternative to just having the applicant provide the entire amount for the project as a guarantee, and we are inviting the applicant to make constructive proposals).
- i) The applicant shall be responsible for plowing and removal of snow on the Acorn Street sidewalk. This shall be noted on the plans, as well as memorialized in the Contract Zone documents.
- j) The applicant shall create inter-lot agreements and easements, including at a minimum, for snow removal, overall maintenance, access and egress, lighting, maintenance of the stormwater system. At an appropriate time prior to final approval, these shall be submitted for town review. This cross easement document (once reviewed) shall be recorded, and notes on the final subdivision and site plans should show the YCRD book and page numbers of the documents.
- k) The applicant shall revise the plans to show "no parking any time" signs on the southbound side of Main Street, in addition to the Main Street northbound side and on the Walgreens' side of Acorn Street. Left turn arrows for Main Street northbound traffic shall be removed. Also the turn lanes and striping between Lord Street and Nason Street shall be removed. The applicant shall pay for all striping (for the initial

time) and for all signs and their installations. Signs shall face the direction of oncoming traffic.

- l) The applicant shall add a clarifying note for the sidewalk work in the driveway for 11 Acorn Street to indicate that grades are blended with existing grades.
- m) The applicant shall indicate on the plans the location of the utility pole on Acorn Street to be moved. The pole should be located on the applicant's property but it is understood that negotiations with CMP have not yet been concluded.
- n) A separate new pole is proposed near the front entrance, to serve as a 3-phase feed pole for site underground power. The applicant shall relocate this pole off the sidewalk and onto the private property to the extent possible. Also, if possible, this new pole should take the wiring from the old existing pole that is in the middle of the sidewalk (but this is also subject to CMP negotiations that have just begun).
- o) The applicant shall widen the tipdown width for the ADA sidewalk ramp at the corner of Main Street and Acorn Street, and also shall provide a detail for sidewalk tipdowns in the right of way.
- p) A note shall be on the site plan or utility plan stating that "All terminations and connections of services shall be in compliance with requirements of the Sanford Water District and Sanford Sewerage District. All backfilling and compaction of water and sewer line trenches shall be as approved by the Sanford Water District, Sanford Sewerage District and the Town of Sanford".
- q) Sheet C-210: detail notes shall indicate which catch basins are to include snouts.
- r) A new detail shall be provided on the plans to indicate the sawcut width and compaction criteria for curb work in the right of way.
- s) The applicants shall add a note to the plans indicating that they and their contractors shall coordinate with the Sanford Police Department for traffic control in traffic areas and as determined as necessary by the Police Department, and that the applicant shall commit to the financial obligation for this traffic control. (This protocol can be discussed in detail at the project Pre-Construction meeting).
- t) Time limits for pickups by trash haulers shall be stated on the approved plans.
- u) A note shall be on the plans stating that the owner shall abide by manufacturers' recommendations for hydraulic flushing and overall maintenance of the stormwater chamber system.
- v) The applicant shall place a note on the plans stating that they shall be responsible for maintenance of the "entering vehicles ahead" on Riverside Street and "no right turn" signs at Walgreens' rear exit. The note shall also state that Walgreens (or the site owner) shall be responsible for promptly replacing either of these signs if they are missing and/or damaged.

Vice Chair Hardison seconded the motion.

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

Staff member Gulnac thanked the applicant and their staff for their hard work with the town during this process and that the applicant's cooperation was appreciated. Chair Tarbox agreed with Mr. Gulnac.

3. **File #18-10-W: Sanford Property Holdings, LLC, c/o Alton Palmer, PE, Gorrill-Palmer Consulting Engineers, Inc., PO Box 1237, 15 Shaker Road, Gray, Maine, 04039.**

Chair Tarbox confirmed with Charles Andreson, Town Engineer that the applicant has agreed with the recommended changes addressed in his memo. Mr. Andreson said the applicant has agreed to the changes. Mr. Andreson said that based on this, the project is ready for preliminary approval.

Chair Tarbox asked if Board members had any questions or comments; they did not.

Staff member Gulnac informed the Board that negotiations with the state for the transfer of rights-of-way for Country Club Road are proceeding and he does not foresee any issues preventing the transfer.

Chair Tarbox called for a motion.

Vice Chair Hardison confirmed with Mr. Andreson that the nineteen items referenced in his memo should be added as part of the conditions of approval.

Vice Chair Hardison made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that File #18-10-W: Sanford Property Holdings LLC, c/o Alton Palmer P.E. Gorrill-Palmer Consulting Engineers, Inc., PO Box 1237, 15 Shaker Road, Gray, ME 04039 requesting approval as a contract zone and preliminary major site plan with a minor subdivision has been prepared in conformance with the Town of Sanford land use code and grant preliminary major site plan approval and recommend the zone change under contract zoning subject to the following conditions:

- a) The Town Council approves the zone change.
- b) The Town Council approves the contract for the application.
- c) The applicant has agreed to any and all changes recommended by the Planning Board.
- d) The approval does not authorize any construction on the site.
- e) The approval is subject to any conditions or requirements of the Sanford Land Use Code.
- f) Final site plan approval will not be considered until the MDOT permit and the MDEP permit have been issued.
- g) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - Maine DEP Storm Water Permit is pending and must be issued prior to final approval. The design conforms to the Town's requirements.
- h) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - The applicant shall provide storm water analysis for a 50 Year Storm Event for MDOT, examining the downstream drainage capacity, and has agreed to analyze a 100 Year Storm Event (this is to assess extreme impacts, but is not intended to require a design upgrade).
- i) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - Maine DOT Traffic Movement Permit must be issued prior to final approval. The applicant will provide AM Peak Hour traffic information to MDOT.
- j) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - The applicant shall complete the acquisition of excess ROW from Country Club No. 1 Road as portrayed on the plans.
- k) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - The applicant shall provide copies of "Executed" purchase and sales agreements of the property, to both Maine DOT and the Town, to establish adequate right, title and interest.
- l) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - The applicant will submit a final traffic study based upon the final project layout, which shall include at a minimum trip generation, trip assignments over intersections subject to the Town of Sanford Road Impact Fee Ordinance, and an assessment of warrants for road design and traffic controls. The traffic study shall specify the respective trips assigned over all road impact fee intersections from each lot in the subdivision. Necessary improvements shall be made by the applicant, and road impact fees shall be paid at the time that building permits are applied for.
- m) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - The applicant will amend the plans to show interim field inlets to the storm drain system for lot 3, where grading is proposed to prepare for future hotel construction. Grading on lot 3 will be stabilized, loamed and seeded to prevent erosion or sedimentation until the lot is fully developed.
- n) **TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL** - The plans will be amended to include a public hydrant within the ROW for Country Club No. 1 Road at

the southerly end of the main access drive. This hydrant shall be located in such a location as to permit fuel supply trailer trucks and others to have unobstructed access and egress to the main access driveway.

- o) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - All buildings will be built with sprinkler systems approved by the Sanford Fire Marshal. A note to this effect will be placed on the site plans.
- p) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant has agreed to provide inter-lot easements and agreements between the properties having to do with snow plowing and maintenance responsibilities for access and egress, sewers, water, storm water management systems and other utilities and features that are common to two or more. This "Cross Easement" document shall be recorded and notes on the subdivision plan and respective site plans shall reference the "Cross Easement" including the Book and Page numbers of the recording at the York County Registry of Deeds.
- q) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall install public water on the main entrance drive from Rte. 109 to Country Club No. 1 Road.
- r) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall install municipal water and sewer to the site as provided for in their application to the Town. These utilities shall conform to the respective standards of those Districts.
- s) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant must coordinate the construction of all utilities in Rte. 4 and within the Roundabout area with the MDOT, which is planning a paving project on Rte 4 during the spring of 2011.
- t) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall provide a narrative of the proposed project "phasing".
- u) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall provide a schedule of values for all improvements, and shall propose a performance guarantee consistent with the schedule of values and the project phasing. The performance guarantee may be in the form of Escrow Funds, Letter of Credit, Performance Bond, and/or Restrictions on Issuance of Occupancy Permits, and shall guarantee the construction of public improvements, common infrastructure and the adherence to the provisions of the approved site plans.
- v) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall submit fencing and landscaping proposals along the "McEwen" property line to minimize the impacts of litter and vehicle head lights on that abutting property.
- w) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall consider a visual buffer between Lot 1 and the Lil General Store property.
- x) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall propose modifications to the landscape plan to provide for more winter and site condition tolerant Maple tree species.
- y) TO BE ACCOMPLISHED PRIOR TO FINAL APPROVAL - The applicant shall coordinate the removal of the septic system and installation of sewer service on Tax Map R15 Lot 104 (Lil General Store) with the owner of that property.

Board member Herlihy seconded the motion.

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

Staff member Gulnac thanked the applicant and their professionals for their hard work during the review process.

#### **V. APPROVAL OF MINUTES – March 9, 2011**

Chair Tarbox asked Board member Mongeau if he had a chance to review the minutes.

Board member Mongeau said he had not had a chance to review the March 9, 2011 minutes.

Chair Tarbox tabled the minutes until the next meeting.

## VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac had previously handed out the report and did not feel that any discussion needed to take place. The only item referenced was the time of the Boardsmanship workshop scheduled for March 23, 2011.

## VII. ADJOURN

The meeting adjourned at 7:50 PM.

### Attachment to March 16, 2011 Minutes

Finding of Facts for Old Business Item #1

File #999-10-T(6): Fine Arts School Ordinance Change (Commercial School Definition)

- A public hearing was held on December 15, 2010 as required by Section 280-14 of the Zoning Code of the Town of Sanford. During this hearing it was identified that dance studios were considered as a business school; furthermore it was found that the term business school appeared in the ordinance in two locations and that the definitions and/or descriptions were not the same.
- The Planning Board held a work session following the public hearing. As a result of the discussions the Board directed staff to come up with a single definition for the activity "dance studio" and to add the use as a CU (Conditional Use) in the RMU zone along with P (Permitted) in the zones which already permitted dance studios.
- The staff has prepared the wording and is presenting it to the Board as directed:

Additions (underlined)

Article II, Section 280-5 Definitions:

Commercial Schools: A business which provides instruction or training in vocational, recreational, or athletic areas, including but not limited to business or computer institutes, martial arts studios, schools for dance, music, riding, gymnastics, photography, driving, craft schools and trade schools.

Attachment 1 Table of Land Uses. VI Commercial and Industrial Uses A. Principal Uses: #15 Commercial Schools: CU in RMU; PR in ORB, SB, UB, DB, IB & IR

Article XIV Conditional Uses 280-66 Standards for conditional use approval

New section:

F. Commercial Schools. In addition to the requirements of this section and any other applicable section of the Town's ordinances the following guidelines shall be used in the review of applications:

1. All activities are conducted within a fully enclosed building.
2. Adequate off street parking must be provided. The number of spaces to be based upon the maximum capacity as determined by the Fire Marshal divided by three (3).
3. Signs shall be of residential character on simple posts. If sign is illuminated it must be of low wattage no brighter than 100 watts.
4. Exterior lighting shall be of residential style.
5. The activity may be a stand-alone business or as an accessory use to a residence as long as the business is owned by the resident of the residence.

6. Review and approval by the Planning Board is required. The classification of the site plan to be determined by the Planning Director based upon the size of the structure and the requirements of the ordinance.

Deletion: Article II Section 280 Definitions: Schools, Commercial et al.

Finding of Facts for Old Business Item #2

File #13-10-W: Walgreens Contract Zone Preliminary

- A public hearing for the major site plan and the proposed zone change was held on Wednesday March 2, 2011. A work session followed the hearing. At the work session the Planning Board determined that the application should be scheduled for a vote to recommend the zone change and to confirm a preliminary major site plan approval subject to conditions agreed to by the applicant and approval by the Town Council for the zone change and the contract portion of the application.
- The applicant has provided proof of ownership or the right of ownership through purchase and sales agreements with the seven parcels involved.
- The Planning Board considered the contract zone request and found that it was not inconsistent with the goals and objectives of the Comprehensive Plan.
- Neither a MDEP nor MDOT permit is required for the application.
- The applicant met with representatives of both staff and the Sanford Downtown Legacy to discuss the design elements of the site plan and as a result of these meetings revisions were made to the original concept plan and presented for formal application review.
- As a result of the comments and recommendations from the Planning Board at the work session a revised site plan was presented.
- The revised plan includes changes to the rear exit drive onto Acorn Street and the realignment of the handicapped parking spaces serving the credit union as well as other minor changes.
- A signature block for the Planning Board will need to be added to the minor subdivision plan.
- The CEO will need to continue to compare the specific zone changes requested to include the signage requests.
- Any preliminary approval will be considered a conditional approval pending the approval by the Town Council of the proposed zone change and the contract document itself.
- At the meeting of March 16, 2011 the applicant agreed to comply with the comments detailed in Mike Casserly's memo to James Gulnac, Planning Director dated March 15, 2011. This was confirmed by Mr. Casserly.
- The Planning Director suggested that the 17 items listed in the memo be added by reference to the finding of facts and specifically listed as conditions of the preliminary major site plan approval. Incorporation of the comments would be required as a condition of completeness final review and approval.
- The Planning Board accepted staffs' recommendation that the major site plan application could be given preliminary approval and that both the request for a contract zone (zone change) and the site plan be referred to the Town Council for their review and action.

Finding of Facts for Old Business Item #3

File #18-10-W: Sanford Property Holdings Contract Zone Preliminary

- A public hearing for the major site plan and the proposed zone change was held on Wednesday March 9, 2011. A work session followed the hearing. At the work session the Planning Board determined that the application should be scheduled for a vote to recommend the zone change and to confirm a preliminary major site plan approval subject to conditions agreed to by the applicant and approval by the Town Council for the zone change and the contract portion of the application.
- The applicant has provided proof of ownership or the right of ownership through purchase and sales agreements with the owner of the property.
- The Planning Board considered the contract zone request and found that it was not inconsistent with the goals and objectives of the comprehensive plan.

- Both a MDEP Stormwater Permit and MDOT Traffic Movement permit are required for the application. No final site plan approval will be considered until verification that the permits have been issued.
- Consideration and any approvals granted are conditioned upon the transfer of ownership of the right-of-way of Country Club Road from the State of Maine to the Town of Sanford and the realignment of the width including the transfer of land to the applicant.
- To support the application the applicant will be bringing public sewer and water to the site. In addition, the sewer service has been sized to accept additional flows from adjacent potential development.
- The applicant has agreed with the minor adjustments to the plan recommended by the town engineer.
- The applicant and the CEO will provide a list of the specific zone change items required for the contract zone.
- The applicant will continue to talk with the adjacent residential property owner concerning the specific treatment along the boundary.
- The applicant has agreed to make some revisions to the site plan including the realignment of the proposed SIS Bank and the right in only entrance from Route 109.
- Any preliminary approval will be considered a conditional approval pending the approval by the Town Council of the proposed zone change and the contract document itself.
- At the meeting of March 16, 2011 the applicant agreed to comply with the comments detailed in Charles Andreson's memo to James Gulnac, Planning Director dated March 16, 2011. This was confirmed by Mr. Andreson
- The Planning Directed suggested that the 19 items listed in the memo be added by reference to the finding of facts and specifically listed as conditions of the preliminary major site plan approval. Incorporation of the comments would be required as a condition of completeness final review and approval.
- The Planning Board accepted staffs' recommendation that the major site plan application could be given preliminary approval and that both the request for a contract zone (zone change) and the site plan be referred to the Town Council for their review and action.