

SANFORD PLANNING BOARD MINUTES
MEETING September 19, 2012 – 7:00 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Lela Harrison, Vice Chair
David Mongeau, Secretary
John McAdam
Robert Hardison

MEMBERS ABSENT: Joseph Herlihy (w/notice)
Matthew Treadwell (w/notice)

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

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

I. CALL TO ORDER

Chair Tarbox called the meeting to order at 7:00 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 #13-12-R: Aubuchon Realty Company, Inc., c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street Springvale, Maine.**

Chair Tarbox called for a representative to present the project.

Staff member Gulnac asked the Board if they could take action on his request of deeming this application submittal complete. This was requested due to the Board's vote at the September 5 meeting denying Mr. Gulnac's request of granting the waivers for a complete application submittal.

Vice Chair Harrison made a motion that the Planning Board accept the recommendation of the planning director and find application File #13-12-R Aubuchon Realty Company, Inc. prepared by Corner Post Land Surveying, Inc. dated September 18, 2012 to be complete.

Board member McAdam seconded the motion.

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

Chair Tarbox asked the Board if they felt the applicant needed to present additional information to the Board.

James Gulnac, Planning Director, said this decision would be up to the Board. Mr. Gulnac stated that the outstanding issues from the previous meeting have been dealt with and reviewed by staff, and that staff was ready to recommend approval of the application. Mr. Gulnac told the Board that a complete application was submitted.

Chair Tarbox informed the applicant, Greg Moran, that there were five (5) members present so the motion would have to receive four (4) affirmative votes in order to pass. Discussion took place among staff member James Gulnac, Board members, and Mr. Moran. The applicant decided to proceed with the vote.

Chair Tarbox asked Board members if there were any outstanding issues that needed to be discussed in work session or if they were ready for a vote. It was decided that there was enough information presented for staff review that a vote could be taken. Board member Hardison said that all that is remaining is getting Charles Andreson's, Town Engineer confirmation that outstanding issues have been taken care of. Mr. Andreson said there are no outstanding issues.

Chair Tarbox called for a vote.

Vice Chair Harrison made a motion that the Planning Board confirm the Finding of Facts (see attached) and after consideration of the public comments and those of the staff, find that File #13-12-R: Aubuchon Realty Company, Inc., c/o John Hutchins, Corner Post Land Surveying, Inc., 2 Mill Street Springvale a site plan approval to add a propane filling station behind their building owned by the applicant and located at 640 Main Street in Springvale (Tax Map K21, Lots 7, 8, & 9, Urban Business zone) has been prepared in conformance with the Town of Sanford Land Use codes and the laws of the State of Maine and grant approval subject to the following conditions:

- a) That any and all outstanding fees be paid.
- b) That the applicant complies with any and all local and/or state code requirements.
- c) That the applicant will coordinate construction with the Sanford Fire Marshal, State of Maine Fire Marshal, and the CEO.

Board member McAdam seconded the motion.

Staff member Gulnac, at the request of the fire marshal, asked the Board to amend the motion's condition (c) by removing State of Maine Fire Marshal and replace with State of Maine.

Vice Chair Harrison amended her motion for condition (c) to read: 'That the applicant will coordinate construction with the Sanford Fire Marshal, State of Maine, and the CEO.'

Board member McAdam seconded the amended motion.

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

2. **File #999-12-T(1): The Planning Director is requesting** review and approval of an updated and edited revision to Chapters 272: Site Plan; 275: Subdivision; and 280: Zoning of the Town of Sanford Municipal Code. Chapter 272: Site Plan had previously been created from elements of both Chapter 275: Subdivision and 280: Zoning and approved with the understanding that they would be edited for grammar, spelling and continuity.

Chair Tarbox asked staff member Gulnac if there was anything that needed to be addressed in this proposal.

Mr. Gulnac said that there was discussion at the SPRC meeting earlier in the day, and there are some discrepancies among the different ordinance sections. Mr. Gulnac told the Board that he would be

putting this item on the agenda as proposed changes are made so the Board can comment on them.

Chair Tarbox confirmed with staff member Gulnac that he wasn't looking for any Board action on the item tonight. Mr. Gulnac stated that was correct; he is presenting possible changes and handed out sections of the ordinance that needs Board review and comments.

Staff member Gulnac told the Board that it was his opinion that land use, or zoning, needs to be reviewed and updated to coincide with today's business activities. Discussion took place. Clarification was made as to what Mr. Gulnac was asking the Board to do in their review of the ordinance. Board member Hardison explained to the current Board how the process went the last time the ordinance was updated. Board member Hardison said it was up to the Board as to what was written in the ordinance, not outside agencies or staff, because ultimately the ordinance was the Board's authority.

It was decided that the first section of the ordinances that would be reviewed was definitions.

V. APPROVAL OF MINUTES

There were no minutes for approval.

VI. PLANNING DIRECTOR'S REPORT

The Planning Director's report was the ordinance review discussion.

VII. ADJOURN

The meeting adjourned at 7:35 P.M.

Attachment to September 19, 2012 Minutes

There are no Public Hearing Items

There are no New Business Items

*Finding of Facts for Old Business Item #1
File #13-12-R: Aubuchon Propane Tanks*

- The applicant has provided proof of ownership and has standing to submit the application.
- The Town Council approved a zone change for lots 7 & 9 from SFR to UB.
- The application has been found to be complete by the Planning Board.
- The applicant is seeking permission to locate a propane dispensing unit which is a permitted use.
- The application is classified as a minor based upon definitions; however as a result of abutter concerns, the Planning Board requested that any development on these lots be reviewed by the Board.
- The Chair confirmed with the planner and the engineer that the issues raised during the public hearing for the zone change had been addressed. The only light shining from the rear of the property is from a light mounted on a town-owned pole and not on the property owned by the applicant. No disturbance within 75 feet of the shoreland zone is proposed so no restrictions are required.
- The Chair called for a motion.

*Finding of Facts for Old Business Item #2
File #999-12-T(1): Ordinances Revisions Request*

There was no action taken on this item.