

**SANFORD PLANNING BOARD MINUTES**  
**MEETING December 18, 2013 – 7:00 P.M.**  
**City Hall Annex Third Floor Chambers**

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

**MEMBERS ABSENT:** None

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

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair Hardison called the meeting to order at 7:00 P.M. Chair Hardison said both public hearings listed on the agenda were closed at the December 4, 2013 meeting and the agenda was incorrect. He said if anyone had public comments on either project the Board would allow them to be heard.

**II. PUBLIC HEARINGS**

Both public hearing items were moved to old business.

**III. NEW BUSINESS**

**1. Set schedule for next year**

The Board discussed having one meeting in January 2014 due to the fact the first meeting date (January 1) is a holiday.

Board member Tarbox made a motion to approve the 2014 Planning Board calendar as amended.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed unanimously.

**IV. OLD BUSINESS**

**1. File #09-13-R: Grondin Enterprises, c/o Ronald & Sylvia Grondin, 22 Smada Drive, Sanford.**

Chair Hardison said a presentation was done at the previous meeting (December 4). He asked staff member Gulnac if there was anything new to add.

Staff member Gulnac said he would defer his comments to Mike Casserly, Asst. Engineer because he has been working closely with the applicant.

Staff member Casserly stated he met with Ron & Sylvia and encouraged them to make some additions to the site plan; he said the ordinance checklist has been adhered to. In addition, Mr. Casserly asked what they were asking for. It seemed as though the Grondin's are looking to provide storage onsite for the vehicles they tow. Mr. Casserly discussed the following items:

- the applicants put together a site plan with notes – these are part of the site plan
- narrative embellishes these notes
- not clear how the work/service area for the mobile battery service will work at this site
- storage of towed vehicles seems to be a part of what they are looking for
- may be as many as 60 vehicles on site
- limited amount of parking onsite, but seems to be enough for what the Grondin's were looking for in the original request.

Chair Hardison said the Planning Board did a site visit; all except Joshua was present. He said a few things need to be clarified before further discussion:

- the original application was approved for the move from Jagger Mill Road to Smada Drive; the business change to include rental car and used car sales triggered the need for formal review
- adequate information has been provided to deal with rental car and used car sales businesses
- staff member Gulnac allowed submittal waivers to bring the application for Planning Board review

Staff member Gulnac recommends the Planning Board to grant all waivers of submittal except for the review fee.

Chair Hardison said the narrative provided by the applicant clearly discusses tow lots. Having a tow lot was not part of the initial amendment request. Staff member Gulnac explained the initial request was to expand to allow the sale of vehicles and to operate a car rental; towing has been considered as accessory when necessary as part of the mobile battery service. When the narrative came in as supplemental information, there was a request that they be allowed to have storage of vehicles that they have towed to their site because of various motor vehicle regulations.

Chair Hardison said based on the research he has done on the subject of tow lots, and the "approval process of tow lots" used by police, regulations state the lot must be located within two miles of the city lines and this has been interpreted to mean outside the city limits. Discussion followed on the definition of tow lots, the initial approval for towing as an accessory to mobile battery service and the storage of these vehicles, length of time vehicles could be stored.

It was determined there was adequate information provided to make a determination on the used car sales and car rental portion of the application; however, there is a need to clarify the definition of tow lots among city departments. This portion of the application would not be able to be acted upon tonight. Discussion followed. Chair Hardison wanted it known that the Planning Board understands the situation and will work to approve a portion of the request and the Board will take on the responsibility of working through the process of getting the issue of tow lots clarified in a short period of time.

Chair Hardison invited Ron Grondin, applicant to speak.

Mr. Grondin clarified that there would not be sixty (60) cars on the lot; if there is a car on the lot it will take 60 days to go through the state's process. He also stated that staff member Casserly encouraged him to describe what the tow business would be. Chair Hardison asked Mr. Grondin if he would eventually want to run a tow lot at the Smada Drive location; Mr.

Grondin replied it would be beneficial to his business to have the tow lot because he is renting another location at this time. Discussion followed.

Chair Hardison said that under the new ordinance, the land stewardship plan that takes effect on February 1, 2014, will allow tow lots as defined in the NAICS book in areas throughout the city – but not in the zone in which Mr. Grondin’s business is located.

Chair Hardison asked Board members if they had any questions at this time; they did not.

Staff member Gulnac informed Mr. Grondin that he would be asking the Board to place a condition on any approval that would require Mr. Grondin to pay for any engineering review fees incurred during the review process. Mr. Grondin stated he was aware that there would be associated charges for the review of his application.

Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board add to the finding of facts a note that the Planning Board will work quickly to clarify tow lot standards and regulations and accept those finding of facts and accept recommendations of the planner to waive a formal site plan and the Board grant the formal waiver of a site plan and find that application File #09-13-R: Grondin Enterprises, for a minor site plan has been prepared with sufficient information with the requirements of the Sanford land use codes and the regulations of the State of Maine. The activities being approved are the addition of used car sales and rental cars to their previous site plan approval. Again the existing site plan is acceptable and a formal new plan is not required but the applicant will establish a review fee escrow of approximately \$500.00.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed unanimously.

**2. File #10-13-W: VC Properties, LLC, d/b/a Mariner Tower, Christopher Ciolfi, P.O. Box 2600, Kennebunkport.**

Chair Hardison said a presentation was done at the meeting two weeks ago. He said this is a contract zone, so if the Board takes action it will be for preliminary approval. This will allow the applicant to go through contract discussions. As policy, the Board does not grant final approval until all the permits are in place and part of the record.

Chair Hardison asked staff member Gulnac if he had anything to add.

Staff member Gulnac said he concurred with all opening comments. He also said the applicant indicated the drainage issues at the entrance of the property could be rectified. Mr. Gulnac added that the rest of the outside agency permits will be reviewed during the NEPA review and will be issued according to this review.

Chair Hardison asked staff member Casserly, assistant engineer, if the neighborhood concerns have been addressed to his satisfaction.

Staff member Casserly said he received some information today and was able to look at the information briefly. Mr. Casserly stated that it looks like the applicant is working on these issues, but he would need to look at the documents in more detail.

Mr. Casserly specifically asked if the applicant addressed vernal pools. The applicant, rather than having a vernal pool survey done, stated that no vernal pools were observed, in opinion, by consultants.

Chair Hardison asked if there would be anything that would prevent the Board from granting preliminary approval tonight; Mr. Casserly said there was not. Chair Hardison then asked if there were any specific items he would like to see done that the Board could place as conditions on any approval, if given; or if he and the applicant can work out any outstanding issues. Mr. Casserly believed he and the applicant can work out the remaining details.

Board member Tarbox asked when the applicant performed their observation on vernal pools because, by definition, vernal pools are generally noticed in the spring time.

Chris Ciolfi, Mariner Tower, said the wetland study was done in September. He agreed that vernal pool analysis can only be done in the spring, so what they have done is identified what they feel are potential areas for vernal pools and avoided these areas from any permanent structures, then explained the steps taken to avoid these areas.

Board member Tarbox asked the applicant if it would be a burden for them to do a vernal pool study in the spring. Mr. Ciolfi responded they could do that, but they were hoping to obtain approvals before spring; Board member Tarbox said the study would not hold up any approvals but she would like to have a study on file – Mr. Ciolfi agreed to do a study in the spring.

Chair Hardison said that the proposed new school had to perform vernal pool studies on their site so it would only be right to hold the applicant to the same standard and have the vernal pool areas shown on the plan.

Staff member Gulnac confirmed with the Board that their request would be that the applicant would need to provide a study to the city in the spring.

Board member Tarbox asked staff member Casserly about his reference to the inventory of 24" trees in his memo. Discussion followed. The applicant said they were going to minimize the clearing as much as possible, but they will request a waiver and do a survey of the larger trees on the property. It was decided that the applicant will request a waiver from this requirement. Other discussion items were:

- what the property owner currently uses the property for
- who was allowed to use the property for tree removal
- if the abutter who uses this property to access his property would still have access if the road is gated

Staff member Casserly listed other topics previously discussed by Board members and asked the Board if they wanted to further discuss any of these items:

- possible deed restrictions
- vernal pools – *already discussed*
- applicant to provide a \$20,000.00 removal bond
- the applicant located a gate that will block the entrance from ATV's and trespassers using the road; however, ATV drivers may find another way to gain access
- may need to ask for a waiver to provide structural plans to review during the Planning Board process as required by ordinance and allow the applicant to provide the plans to the code officer post-approval
- ordinance requires applicant to provide plans to York County Soil, Water & Conservation District for their review for soil erosion management and provide the town (city) with the district's feedback – *applicant thought from previous discussion the city was going to provide the plans to the district but would provide if necessary*

Chair Hardison said it would benefit the applicant during the contract approval portion of the review process to work with the engineering and planning departments to resolve these issues. Staff member Casserly said he and the applicant are also working towards resolving the items in an email of December 13, 2013 as well.

Discussion also took place on whether or not to place deed restrictions and if the abutters' concerns from the public hearing are being addressed.

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

Chair Hardison called for a motion.

Board member Tarbox made a motion that the Planning Board confirm that application File #10-13-W, Transmitter Tower a request for consideration of consistency for contract zoning and a site plan to locate a telecommunications facility on tax map R5 lot 32 within a 160' radii Tower Overlay Zone has been determined to be not inconsistent with the comprehensive plan and may be submitted as a contract zone. The Planning Board also has reviewed the site plan component of the contract zoning application and recommend preliminary approval subject to the following conditions:

1. That the City Council accepts the Planning Board's recommendation for a contract zone and has reviewed and approved the contract.
2. That the City Council approves the creation of the Tower Overlay Zone as described in the application.
3. That the final construction plans for the tower be reviewed and approved by the CEO.
4. The applicant has paid any and all outstanding review fees.
5. Grant a waiver of inventory of 24" or larger trees.
6. Federal approvals, such as NEPA approval, to be obtained and submitted as soon as possible.
7. Vernal pools if any to be identified at the appropriate time in the spring and noted on the site plan.
8. Any remaining drainage-type issues be resolved to the satisfaction of the city engineer.

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed unanimously.

### **3. Update on the Land Stewardship Plan\***

Chair Hardison briefed the Board that the ordinance change was passed unanimously. He also said that councilor Walsh has concerns with making the design standards mandatory. The council voted to revisit this portion of the ordinance change in a year. The other question that came up was the Planning Board's authority to appoint members to the design review committee. It was explained that the design review committee was an advisory committee to the Planning Board and that the Planning Board had final authority of what a project's design would be. The land stewardship plan would be in effect beginning February 1, 2014. Staff member Gulnac also said the end of the first quarter is a target date to implement the new interactive GIS map.

Staff member Gulnac also informed the Board that Charles Andreson, Director of Public Works/City Engineer will be retiring in February 2014; Mike Casserly, assistant engineer will be handling any engineering functions with the Planning Board.

Mr. Gulnac then informed the Board that the Economic Growth Council and the city manager's office established a survey to provide feedback on the service from the planning department as well as other city departments.

Mr. Gulnac continued to inform the Board that one of the shoreland permits approved in November was coming back for a revision and explained why.

**V. APPROVAL OF MINUTES – December 4, 2013, 2013**

Chair Hardison asked Board member Tarbox if the minutes were ready for approval. She said the minutes looked ok.

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

Vice Chair McAdam seconded the motion.

A vote was taken, and the motion passed 5-0 (Board members Treadwell and Harrison were absent from the meeting).

**VI. PLANNING DIRECTOR'S REPORT**

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

**VII. ADJOURN**

The meeting adjourned at 8:20 PM.

\*This is a non-agenda item.

\*\*Other topics discussed that were not on the agenda were future agenda items.

**Attachment to December 18, 2013 Minutes**

*Finding of Facts for Old Business Item #1  
File #09-13-R: Grondin Mobile Battery Service Expansion*

- The Planner has granted the applicant's request for a waiver of submission of a formal site and use of the existing approved plan for the purposes of scheduling the application.
- Per the direction of the CEO and with the knowledge of the applicant, the application was scheduled for the December 4, 2013 meeting.
- The request involves the addition of two (2) new activities: car rental and used car sales to their approved business as a mobile battery service.
- The applicant is not proposing any changes to the existing site plan; however, they do indicate that they would designate the customer parking area as rental and used car parking area. In the CEO report the parking requirements would be satisfied.
- The existing approval contains a restriction that there is to be no outside storage of disabled vehicles (bullet item 7).
- The Planning Board should also review the other conditions of the existing approval and determine if any or all should continue. Specific reference is made to the Conditions of Operations and revisions to same.
- The applicant needs to describe the proposed activities so that the Planning Board can understand and agree that the present site plan provides ample parking of fleet vehicles, rental and used cars as well as employee parking.
- The Planning Board also needs to confirm the waiver request and accept the existing site plan.

- The Planning Board held a site visit on Friday December 6, 2013. The assistant engineer provided a summary report.

*Finding of Facts for Old Business Item #2*

*File #10-13-W: Mariner Tower Contract Zone Site Plan*

- Any review of the site plan application by the Site Plan Review Committee is subject to the Planning Board's finding that the request for a contract zone is not inconsistent with the comprehensive plan. The applicant is aware of this condition and accepts responsibility for any and all review fees associated with the contract zone application and the site plan application.
- The applicant has provided documentation of permission from the property owner to submit the application.
- The applicant has provided a detailed report which has been presented to satisfy both applications [contract zone consistency and site plan].
- The city engineer's report should be considered by the Planning Board, especially as it pertains to the management of stormwater and the impacts of the proposed access road and tower site on the identified wetlands.
- The applicant indicates that the proposed development will have no detrimental impact on the environment. A site plan application for this property does require a statement from the DEP that there are no threatened or endangered species or fauna in the area, supporting the applicants claim that none will be negatively impacted. The applicant indicated they are under federal review authority and have filed a permit application with them which includes threatened and endangered species as well as historical and environmental impact review.
- The plan [Sheet C-101A] indicates that the parcel described providing the access & utility easement is 50,836 SF and the proposed tower base area is 10,000 SF for a total disturbed area of 60,836 SF. The applicant has provided calculations that a DEP stormwater permit is not required.
- The Site Plan Review Committee has reviewed the application and forwarded the site plan to the Planning Board for their review and approval.
- The Planning Board considered the applicant's request for consistency with the comprehensive plan and found that the request to create a Tower Overlay Zone on tax map R5 lot 32 is not inconsistent with the comprehensive plan and has notified the city manager of that fact.
- The Planner has edited the applicant's proposed contract and forwarded that to the city manager for further review by the city attorney.