

SANFORD PLANNING BOARD MINUTES
MEETING August 17, 2011 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

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

MEMBERS ABSENT: Kelly Tarbox, Chair (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Charles Andreson, P.E., AICP, Town Engineer
Shirley Sheesley, CEO

STAFF ABSENT: Michael Casserly, P.E., Assistant Engineer (w/notice)
Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

1. **File #999-09-T(3): The Planning Director is requesting** that the Planning Board review and approve a reorganization of the Land Use Codes of the Town of Sanford's Code. The land use section currently consists of Chapter 265, Floodplain Management; Chapter 270, Shoreland Zoning; Chapter 275, Subdivision; and Chapter 280, Zoning. The reorganization would revise the subdivision and zoning chapters and create a chapter entitled Site Plan with a suggested number of 272.

Vice Chair Hardison called for a representative to present the project.

James Gulnac, Director of Planning & Development, said John Stoll, planning consultant, would be making a brief presentation but Mr. Gulnac wanted to first inform everyone John would be leaving as he took a planning director's position in Aberdeen, SD.

Mr. Gulnac then asked the Board to keep the public hearing open until the meeting in two weeks to allow the planning department to post the recommended changes online to allow for any additional feedback and to give Board members time to review the changes that were made per review recommendations.

John Stoll, briefly went over the proposal, which was done to simplify, clarify and expedite the current review process.

James Gulnac added that he would like Board members to review Chapter 8 – Implementation Strategy of the Comprehensive Plan to see what other ordinance or zoning changes would need to be done to remain in compliance to the goals and objectives of the plan.

Vice Chair Hardison also said that the Town Council was standing behind this change and said that there were no changes in the ordinance with this change, it was just to reorganize what is currently written.

Vice Chair Hardison asked if anyone present wished to comment on this proposal; there was no one.

Vice Chair Hardison called for a motion to table the public meeting until the September 7, 2011 meeting.

Board member Mongeau made a motion to table this item until the September 7, 2011 meeting.

Board member Harrison seconded the motion.

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

Vice Chair Hardison then asked if any Board members would like to volunteer to be on the comprehensive plan review committee. He said that the names would be forwarded to the chairperson for formal appointment to the committee.

2. **File #999-11-T(1): The Planning Director is presenting a request** to amend the current zoning for tax map R9 lots 6F, 63 & 64 from ORB to RR. This will allow the Sanford Soccer Association to construct a gravel parking lot on property adjacent to the playing field on Shaw Road.

James Gulnac, Director of Planning & Community Development, briefly went over the proposal, which was to improve the land adjacent to the soccer fields to make a gravel parking lot for the field, but the property was in a zone (ORB) that only allowed paved parking lots. Because all involved in the review process (i.e. the applicant, water district, MDEP) did not want to have a paved lot for various reasons, the easiest solution was to request the zone change to RR that would allow gravel lots.

Vice Chair Hardison asked if there were any questions for Mr. Gulnac from Board members; there were none.

Vice Chair Hardison asked if anyone present wished to speak in favor of the application; there was no one.

Vice Chair Hardison asked if anyone present wished to speak against the application; again, there was no one.

Vice Chair Hardison closed the public hearing.

Discussion took place on the next step of the process.

Vice Chair Hardison asked if there was a representative for the soccer association at the meeting. Carl Beal, PE was present. Mr. Hardison asked Mr. Beal to make sure that the agreements Mr. Gulnac referenced from Goodall Hospital and Dr. Cote from The Ridge Veterinary Clinic were in writing for record purposes.

Vice Chair Hardison called for a motion.

Board member Mongeau made a motion that the Planning Board accept the 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 and recommend the revision to the official zoning map of the Town of Sanford by changing the ORB (as shown on the attached map) to RR Zone.

Board member Perkins seconded the motion.

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

3. **File #999-11-T(2): The Planning Director is requesting** to revise Chapter 280-90R(1) by deleting “except that they shall be prohibited in any portion of that zone which is also in the Airport Protection Overlay District.” This will then mean that mobile home parks are not prohibited under the overlay zone.

James Gulnac, Director of Planning & Development, told the Board the reason for the request. This reason is due to a developer wanting to expand based upon a previously approved concept plan, not a filed subdivision plan. In reviewing the request, it was determined that no action could be taken on the concept plan because it was not a filed plan; a new subdivision application would need to be submitted. However, since a portion of the property is located within the airport protection overlay district where mobile home parks are not allowed, the best solution to allow the expansion once submitted as a formal request was to remove the reference of prohibiting mobile home parks within the overlay zone.

Vice Chair Hardison asked if there were any questions for Mr. Gulnac from Board members; there were none.

Vice Chair Hardison asked if anyone present wished to comment on this proposal; there was no one.

Vice Chair Hardison closed the public hearing.

Vice Chair Hardison asked if the Board wanted to take action on this tonight. The Board was comfortable moving the request forward.

Board member Mongeau made a motion that the Planning Board accept the 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 to revise Chapter 280-90R(1) by deleting “except that they shall be prohibited in any portion of that zone which is also in the Airport Protection Overlay District.” This will then mean that mobile home parks are not prohibited under the overlay zone. The Planning Board recommends that the changes be forwarded to the Town Council for their review and adoption.

Board member Perkins seconded the motion.

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

4. **File #999-11-T(3):** The Planning Director is presenting a request to revise the zoning for tax map I31 lots 8, 9 & 12A, tax map I32 lot 4, and a parcel not yet assigned a map and lot number located between I32 lot 4 and I31 lot 8 from IR to GR. These properties are located at the northern end of Jackson Street and have been used as residential properties and are separated from industrial use by a large grade change.

James Gulnac, Director of Planning & Community Development, said he was going to ask for revisions to this request due to discussions with some residents. Mr. Gulnac identified all the parcels in question. He originally asked to change a total of five (5) lots, but his request tonight is going to ask for rezoning of tax map I31 lot 8 only to GR and leaving all the others zoned as IR. Mr. Gulnac said to due the grade change in the area, this made the most sense.

Vice Chair Hardison confirmed with Mr. Gulnac that the only change request was for tax map I31 lot 8; Mr. Gulnac said this was correct. Vice Chair Hardison then confirmed with Mr. Gulnac that the property owner for I31/8 was fine with the request; Mr. Gulnac stated the property owner agreed to the change.

Vice Chair Hardison asked Board members if they wanted clarification from Mr. Gulnac.

Board member Perkins confirmed the number of lots requesting the change tonight.

Vice Chair Hardison asked if anyone present wanted to speak in favor of the application; there were none.

Vice Chair Hardison asked if anyone present wanted to speak against the application.

Angus MacEachern wanted to know why the request was being made now when it has been this way for years. Staff member Gulnac stated it was just a correction to the zoning map and nothing more.

Vice Chair Hardison asked if there were any other questions or comments; there were none.

Vice Chair Hardison closed the public hearing.

Vice Chair Hardison asked the Board if they wanted to take action on the item tonight; they did.

Vice Chair called for a motion.

Board member Mongeau made a motion that the Planning Board accept the finding of facts (see attached) and, after consideration of the public comments and those of the staff, find that the request to revise the zoning for tax map I31 lot 8 from IR to GR is consistent with the goals and objectives of the comprehensive plan and recommend that the change be forwarded to the Town Council for their review and adoption and recommend the revision to the official zoning map of the Town of Sanford by changing the IR (as shown on the attached map) to GR zone. This property is located at the northern end of Jackson Street and has been used as a residential property and is separated from industrial use by a large grade change.

Board member Perkins seconded the motion.

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

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

There were no old business items.

V. APPROVAL OF MINUTES

There were no minutes to approve.

VI. PLANNING DIRECTOR'S REPORT

There was no Planning Director's report.

VII. ADJOURN

The meeting adjourned at 7:59 PM.

Attachment to August 17, 2011 Minutes

*Finding of Facts for Public Hearing Item #1
File #999-09-T(3): Ordinance Reorganization*

This item was tabled until the September 7, 2011 meeting.

*Finding of Facts for Public Hearing Item #2
File #999-11-T(1): ORB to RR Zone Change Request*

- The ORB zone requires that parking lots be paved.
- MDEP and the Sanford Water District have recommended that the proposed lot be gravel.
- The three parcels are adjacent to a RR zone which would allow the parking lot to be constructed as proposed with a gravel surface and a setback of less than 25'.
- The Planning Board after deliberation and review of the request determined that it was in the best interests of the town to rezone the lots from ORB to RR.
- The section of the Town of Sanford municipal code is Chapter 280-32-Official Zoning Maps.
- The section of the Town of Sanford municipal code which authorizes the change is Chapter 280-14 Amendments.

*Finding of Facts for Public Hearing Item #3
File #999-11-T(2): Mobile Home Parks in Airport Overlay
Zone Ordinance Change Request*

- The language prohibits mobile home parks in that portion of the RMU zone which is beneath the Airport Overlay Zone boundaries.
- The requested change would have no negatives impacts to the airport overlay zone.
- The Section of the Town of Sanford municipal code is Chapter 280-90R(1).
- The Section of the Town of Sanford municipal code which authorizes the change is Chapter 280-14 Amendments.

*Finding of Facts for Public Hearing Item #4
File #999-11-T(3): IR to GR Zone Change Request*

- The parcels have been traditionally in residential use.
- There is a considerable grade change at the northern edge of the properties which separates the residential uses from the IR uses.
- The properties are in a neighborhood which is zoned GR and that designation would be more appropriate for these parcels.
- The Section of the Town of Sanford municipal code is Chapter 280-32 Official Zoning Maps.
- The Section of the Town of Sanford municipal code which authorizes the change is Chapter 280-14 Amendments.