

**SANFORD PLANNING BOARD MINUTES**  
**MEETING June 17, 2009 – 7:00 P.M.**  
**Town Hall Annex Third Floor Chambers**  
AMENDED  
**Amended with Corrections**

**MEMBERS PRESENT:** Robert Hardison, Chair  
Kelly Tarbox, Vice Chair  
Margaret Kleinrock, Secretary (Arrived at 7:25P.M.)  
David Mongeau  
Gregory Vermette  
Gary Morse

**MEMBERS ABSENT:** Joseph Herlihy (w/notice)

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Michael Casserly, P.E., Assistant Engineer  
Barbara Bucklin, Administrative Assistant

**STAFF ABSENT:** Charles Andreson, P.E., AICP, Town Engineer (w/notice)

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**I. CALL TO ORDER**

Chair Hardison called the meeting to order at 7:00 P.M.

**II. PUBLIC HEARINGS**

1. **File #999-09-T(1): Shoreland Zoning Ordinance Update:** Presented by Thomas Burns, GIS Consultant; Shirley Sheesley, Codes Enforcement Officer; and James Gulnac, Director of Planning & Community Development.

Chair Hardison introduced himself and explained what was being presented tonight.

Chair Hardison then called on Thomas Burns to do a presentation.

Mr. Burns introduced himself and started his presentation. He then explained the accuracy of the maps and the sources used to create the proposed updated shoreland map. Mr. Burns also offered the chance for property owners to bring in surveys or other information that may prove a difference in the mapping information he acquired.

Shirley Sheesley, CEO, introduced herself and started her presentation. She highlighted changes that were being done, and compared the changes to the current ordinance. She also stated that the Town Council would be holding a public hearing, also; and that Maine DEP would have to approve the ordinance as well as the town.

A couple of property owners (no names given) asked Ms. Sheesley about the setback area. Ms. Sheesley gave a brief answer, and informed the property owners she would give more in depth responses after the presentation.

Chair Hardison asked property owners if they had any questions.

Rick Southwick had a question about the 250' setback. Ms. Sheesley explained the difference between the 250' zone versus 250' setback.

Claude McGinley had three (3) questions: 1) does the Mousam River flow into a great pond? Answer: Yes, Estes Lake is considered a great pond. 2) Why was the town requiring vegetation above the retaining wall instead of rip rap or other approved source of filtration? It was explained that the language referencing retaining walls was taken out of the state guidelines and was a state requirement. 3) Did he understand correctly that there were not a lot of changes in the proposed ordinance in the general development shoreland zone 2 section? Ms. Sheesley stated the biggest changes were for the wetlands. Discussion took place.

Pat Fagan asked if the Goodall Brook was included in the shoreland zone. It was confirmed that it was not. Mr. Fagan asked about a specific lot's frontage and a current retaining wall on his property. Ms. Sheesley addressed Mr. Fagan's concerns.

Cheryl Tardy, resident at the end of Hutchinson Street, stated that with all the rain that has come down, it looks like she lives on a lake and asked if the setbacks are determined with the river at its lowest or highest point. It was decided this was a lot-specific question and would be discussed later.

James Gulnac reminded everyone that the map prevails, not the language. He also explained that the pink line on the map is the buffer zone.

David Dubois asked a question regarding dock length. The proposed ordinance references a 20' dock length, and noticed the current ordinance does as well. He would like to recommend this be looked at to see if the length could be increased to 40'. He believes that 20' is too short to accommodate boats without hitting bottom. Ms. Sheesley informed Mr. Dubois that this is a state guideline.

After discussion took place, the Board asked Ms. Sheesley to check with DEP about the dock length and vegetation vs. rip rap above the retaining wall.

Arline Fortier stated that she lives in an area where the dam controls the water level for her property and, depending on the season and weather, her waterfront changes and asked how this will affect her.

Discussion took place, and Ms. Fortier asked if there could be regulation for this situation. This issue will be looked into.

Pat Fagan asked when the Town Council will be holding a public hearing on this article. It will depend on the action tonight – basically whether the questions asked tonight could be answered in a short period of time.

James Gulnac reminded everyone that the Town Council can amend the ordinance and refer to the state, but that the state has the final say. He also reminded everyone that this could be amended at a later date.

Pat Fagan then asked how the 20' height requirement and the 1,000 square foot expansion that includes the existing structure figures came about. Ms. Sheesley answered that this is the alternative the town chose from the state guidelines. Mr. Fagan then asked about the new zone being developed regarding the existing mill buildings. Maura Herlihy, Town Councilor, explained the differences between the zones, pointing out that the mill buildings already exist right at the water line whereas the existing houses around the pond are not. James Gulnac added to Ms. Herlihy's answer by saying that the commercial buildings are also regulated by the Clean Water Act for any discharge, and those guidelines are more restrictive than our proposed ordinance.

Armand Desrochers stated that he had an existing DEP permit to put riprap (about 10 years ago), but the floods of this year caused land loss, and his property is sinking along with the riprap he had placed down. He wanted to know if he had to go back to DEP or the town to get a permit to maintain the riprap. Some discussion took place, and Mr. Desrochers was referred to the DEP.

Chair Hardison also pointed out to everyone that DEP, not the town, now regulates timber harvesting in certain zones.

Claude McGinley had a question about the section of roads and driveways. He wanted to know if maintenance can be done on a private driveway because he only saw reference to public road maintenance. Ms. Sheesley said she would check with DEP and get an answer to this question.

Dennis Fortin asked a question pertaining to restrictions on cutting vegetation in a shoreland overlay zone; he wanted to know if the vegetation limit should match the regulation setback. Ms. Sheesley referred to the section for clearing for development to answer the question. Mr. Fortin also asked about minimum lot size – he didn't see any reference for this. Ms. Sheesley said the town has chosen to use the underlying zone for lot size.

Carol Cabana wanted to thank everyone for the work they have done the last two years in putting this together. Ms. Cabana said at one point the Town Council said that property taxes would not be affected by this change, but she was concerned this would not be the case as this ordinance will severely restrict the rights of some property owners from building on what was once considered build-able property under the current ordinance. Ms. Cabana recommended that the assessor's office should review all properties affected.

Ms. Sheesley replied that she asked the assessor about this and the assessor didn't feel there was a need to address this issue at this time, but if a property owner has concerns about their property, individuals should meet with the assessor to discuss the concerns.

Ms. Cabana said she would also like clarification on the private driveway maintenance section. Chair Hardison said the restrictions are based on impervious surface and once impervious surface has been established, maintaining doesn't change the nature of the impervious surface but expanding it might.

Discussion took place, and Chair Hardison said that the question of maintaining a private driveway in the setback will be looked into for an answer. Ms. Sheesley added that if you have an existing use of the property that predates the ordinance or legally exists, a property owner is allowed to maintain it.

Joann Lewis asked if you are already at the maximum allowance of impervious surface under the proposed ordinance, would a swimming pool count as impervious surface. Ms. Sheesley answered that a pool did count towards impervious surface.

Pat Fagan asked if a swimming pool would count towards expansion of an existing structure, and Ms. Sheesley stated it did not count towards expansion.

Chair Hardison asked if there were any other questions; there were not. He then explained the next step of the process. Discussion took place.

Chair Hardison then closed the meeting to have individual property owners' questions answered.

Chair Hardison reopened the meeting to call for a motion.

Board member Vermette made a motion to table the application to the July 1, 2009 meeting.

Board member Morse 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 for approval.

**VI. PLANNING DIRECTOR'S REPORT**

No report was given at tonight's meeting.

**VII. ADJOURN**

The meeting adjourned at 8:34 PM.