

**SANFORD PLANNING BOARD MINUTES
MEETING – January 16, 2019 – 6:30 P.M.
City Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Lenny Horr, Chair
Dianne Connolly
Jennifer Georgius
Jace Clarke
Elizabeth Kilkenny

MEMBERS ABSENT: John McAdam (w/notice)
Thomas Morgan (w/notice)

STAFF PRESENT: Elizabeth Della Valle, AICP, Director of Planning & Development
Barbara Bucklin, Admin. Asst., Planning Department

STAFF ABSENT: Michael Casserly, Asst. City Engineer (w/notice)

I. CALL TO ORDER

Chair Horr called the meeting to order at 6:30 PM and introduced the newest Planning Board members.

II. OPENING STATEMENT

Chair Horr briefly overviewed meeting procedures.

III. ELECTION OF OFFICERS

Chair Horr nominated Board member Georgius as Chair. Board member Connolly seconded the nomination. A vote was taken and the motion passed 5-0.

Chair Georgius nominated Board member Horr as Vice Chair. Board member Connolly seconded the nomination. A vote was taken and the motion passed 5-0.

Chair Georgius nominated Board member Clarke as Secretary. Board member Kilkenny seconded the nomination. A vote was taken and the motion passed 5-0.

IV. ADOPTION OF PLANNING BOARD BY-LAWS

Planner Della Valle explained to the Board why amendments were being done to the by-laws. She identified each section where changes were being made.

Board member Connolly asked for clarification for Board member attendance.

Chair Georgius asked Board members if there were any questions regarding the amendments.

Chair Georgius called for a motion.

Board member Connolly made a motion to adopt the by-laws as amended.

Vice Chair Horr seconded the motion.

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

V. ADOPT 2018 MEETING CALENDAR

Planner Della Valle said there is a date that needs to be addressed – July 3rd.

Board member Connolly recommended the Board make a decision on a makeup date for July 3rd at the first meeting in June.

Chair Georgius seconded the recommendation.

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

Board member Connolly made a motion to accept the Planning Board calendar except for the July 3rd date.

Board member Kilkenny seconded the motion.

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

VI. MINUTES – September 7, 2016; September 21, 2016; November 7, 2018 and December 5, 2018

September 7, 2016

Board member Connolly made a motion to approve the minutes as written.

Vice Chair Horr seconded the motion.

A vote was taken and the motion passed 3-0-2 (Board members Clarke and Kilkenny abstained because they were not on the Board at this time).

September 21, 2016

Vice Chair Horr made a motion to accept the minutes as written.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 3-0-2 (Board members Clarke and Kilkenny abstained because they were not on the Board at this time).

November 7, 2018

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

Board member Clarke seconded the motion.

Planner Della Valle requested the Board review the discussion around the Fletcher Farm topics to make sure it accurately reflects what occurred at this meeting and explained why.

Board member Connolly withdrew her motion to accept the minutes because she did not take part in the Fletcher Farm discussions.

Chair Georgius made a motion to accept the minutes as written.

Board member Clarke seconded the motion.

Planner Della Valle asked the Board to take a moment to review the Fletcher Farm discussion to make sure it is accurate.

The Board was satisfied with what was written.

A vote was taken and the motion passed 4-0-1 (Board member Kilkenny abstained because she was not on the Board at this time).

December 5, 2018

Board member Connolly made a motion to discuss – she asked if the Sanford Safe Storage project approved in December is the same location as the item for discussion under the Planning Director's report at tonight's meeting.

Planner Della Valle stated it was and explained why the applicant was on for discussion tonight.

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

Board member Clarke seconded the motion.

A vote was taken and the motion passed 4-0-1 (Board member Kilkenny abstained because she was not on the Board at this time).

VII. HEARINGS and BUSINESS

1. New Business: File #50-18-M: Richard Sevigny, 19 Kilby Street, Sanford, Maine.

Chair Georgius called for a representative to present the project.

Planner Della Valle said that Mr. Sevigny is requesting a determination that his proposal to replace his garage on the same footprint meets the setback requirement to the greatest practical extent.

Richard Sevigny, applicant told the Board he was replacing his old garage because it was deteriorating and would like to put a new garage in the same location. He has received acceptance letters from his neighbors.

Chair Georgius asked if there were any questions or comments.

Board member Connolly asked if the garage was a single or double sized; Mr. Sevigny responded it was a single-size garage.

Vice Chair Horr confirmed the Codes department was satisfied with the request.

Board member Clarke made a motion that the Planning Board accept the information above (in the Planning Board Project Summary report dated January 11, 2019) as the Findings of Fact and find that the replacement garage in the same location is in compliance with the setback requirement to the greatest practical extent and does not increase its nonconformity.

Board member Connolly seconded the motion.

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

- 2. Public Hearing and New Business: File #999-18-T(7): The Planning Director is requesting** that the Planning Board hold a public hearing on multiple proposed amendments of administrative provisions in Chapter 280: Zoning.

Chair Georgius called for a representative to present the request.

Planner Della Valle told the Board the hearing had been noticed. She then briefly explained the changes being done in the following sections:

- §280-3-4 Fees
- Article 4 Interpretations, Amendments, and Legal Provisions
- §280-4-2 Administrative Appeals
- §280-4-3 Amendments
- Article 6 Zoning Board of Appeals
- Article 7 Nonconforming
- Variances and appeals
- Contract zoning
- Single Family Residential Zone
- Conditional Use
- Site Plan Review

Chair Georgius asked if anyone present would like to speak for the amendments; there was no one.

Chair Georgius asked if anyone present would like to speak against the amendments; there was no one.

Chair Georgius asked if anyone present would like to speak neither for nor against the amendments; again, there was no one.

Planner Della Valle asked the Board if they wanted her to share the amendments with the zoning subcommittee so the subcommittee can see the direction the Board was heading to with the amendments; the Board agreed to this.

Board member Connolly asked about reverting back to free-standing ordinances.

Chair Georgius said the public hearing would remain open.

Board member Clarke made a motion to table.

Board member Connolly seconded the motion.

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

VIII. OTHER BUSINESS

1. PLANNING DIRECTOR'S REPORT

- a. Discussion on potential amendment** of Sanford Safe Storage – Cottage Street site plan.

Planner Della Valle overviewed why the applicant is bringing this request to the Board, which is to review the changes that were done to the approved landscape plan and decide if this change can be accepted as a staff review for an amendment to the plan or if the Board would like to review the change as an amendment to the

approved plan because the Board had specific requests to the landscape plan during the review of this project.

Planner Della Valle read her recommendation to the Board and asked the Board to discuss the changes with the applicant before making their decision.

(The Board took a five minute break before going into discussion.)

Greg Patterson, applicant explained the reason for changing the landscape plan from what was approved to what they have already planted.

Vice Chair Horr told the applicant he is here because he didn't do what the Board approved.

Chair Georgius said she believes the issue is that the Board is looking for a revised landscape plan; the Board understands that issues come up as construction is done.

Planner Della Valle told the Board she recommends the Board specify what they want the applicant to do when creating a new landscape plan and provided examples of what the Board could request if they chose.

Board member Connolly said when the Board initially discussed this project, she remembers specifically asking about the buffer between their lot and the church. She recommends requiring the applicant to plant more evergreen trees between these two lots, she would also like to see the applicant provide a plan closer to the one that was approved.

Board member Clarke asked if the applicant had any discussions with the church to see what they would like to have for a buffer.

Planner Della Valle said if the applicant is proposing to add more vegetation on the church's property, it will be more work for the applicant. The applicant will have to provide documentation to the Board because the Planning Board cannot approve a plan that affects someone else's property without a written agreement between the parties.

Board member Clarke asked if the applicant had their Certificate of Occupancy. Mr. Patterson stated they received a conditional Certificate of Occupancy until this issue is resolved.

Discussion took place on the types of trees the applicant had planted in place of their approved plan, the number of trees that were removed by Central Maine Power (CMP), and if a landscape plan is enforceable over time.

The Board recommended the applicant provide a landscape plan that is closer to what was originally approved, provide a mix of plantings in the areas, increase the buffer between their property and the church and bring it back before the Board.

- b. Appointment of Paula Peters** on the Design Review Committee and designation of terms for existing Design Review Committee members.

Planner Della Valle explained the appointment process for Design Review Committee (DRC) members and is requesting the appointment of Paula Peters to the Design Review Committee by the Board.

She then recommended the following terms for the current members, along with Paula, as such:

Paula – 1 year term
Kelly – 1 year term
Steve – 2 year term
Thom – 2 year term

She also explained how committee membership is comprised.

Planner Della Valle then reviewed some sections of the design ordinance the DRC will be reviewing to see if there are items that can be removed from the DRC's required review.

Chair Georgius made a motion to appoint Paula for a 1-year term.

Board member Clarke seconded the motion.

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

Chair Georgius made a motion to appoint Kelly Tarbox for a 1-year term and Steve Cabana and Thom Gagne each for a 2-year term.

Board member Connolly seconded the motion.

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

- c. Planner Della Valle updated the Board on the upcoming MMA Board training. She recommended Liz and Tom attend the training; she then asked if other Board members would be interested in attending.

Since the closest training site is being held on a regularly scheduled meeting night, the Board discussed reschedule dates for their March 20 meeting.

It was decided to send Board members a poll to determine the best date.

IX. COMMUNICATIONS

There were no communication items.

X. ADJOURN

The meeting adjourned at 7:53 P.M.