

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

MEMBERS PRESENT: Jennifer Georgius, Chair
Lenny Horr, Vice Chair
Jace Clarke, Secretary
John McAdam
Dianne Connolly
Elizabeth Kilkenny
Thomas Morgan

MEMBERS ABSENT: None

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

STAFF ABSENT: None

I. CALL TO ORDER

Chair Georgius called the meeting to order at 6:30 PM.

II. OPENING STATEMENT

Chair Georgius overviewed meeting procedures.

III. MINUTES – October 19, 2016 and January 16, 2019

October 19, 2016

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

Chair Georgius seconded the motion.

A vote was taken and the motion passed 4-0-3 (Board members Clarke, Kilkenny, and Morgan abstained because they were not on the Board at this time).

January 16, 2019

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

Vice Chair Horr seconded the motion.

A vote was taken and the motion passed 5-0-2 (Board members McAdam and Morgan abstained because they were absent from this meeting).

IV. HEARINGS and BUSINESS

- 1. 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. (This is a continued public hearing and discussion from the January 16, 2019 meeting.)**

Chair Georgius called for a representative to present the request.

Planner Della Valle presented a brief overview of the changes that have been made since the last meeting:

- Article 6 Zoning Board of Appeals:
 - Deletion of this section, move to new Chapter 10 and renamed Board of Appeals
 - Kept article reserved for future use instead of renumbering ordinance at this time
 - Delete the word Zoning before all references to the Zoning Board of Appeals throughout chapter
 - Adjustment of language to address differences and standards and processes created with recent amendment of Chapter 90 Building
 - Elimination of compliance with the standardized noticing requirements for public hearings and reference to the new notice requirements in Chapter 10

Chair Georgius asked if there were any questions from the Board.

Board member McAdam asked about duties.

Vice Chair Horr asked if current members would remain.

Planner Della Valle explained the differences between the current Zoning Board of Appeals and the new Board of Appeals.

Board member Connolly asked if Planner Della Valle could explain a section under the Single Family Residential (SFR) Zone. This will be discussed in a workshop at a later date.

Vice Chair Horr asked if the SFR Zone change would be shifting more responsibility to the codes office

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.

Chair Georgius closed the public hearing.

Board member Clarke made a motion that the Planning Board recommend the changes as written to the City Council.

Vice Chair Horr seconded the motion.

A vote was taken and the motion passed 7-0.

Planner Della Valle explained what she would be including in her report to the city council to the Board.

2. Public Hearing and New Business: File #01-19-R: New Marliisa, LLC, c/o Marc Greenburg, d/b/a Marc Motors, 1357 Main Street, Sanford, Maine.

Chair Georgius called for a representative to present the project.

Rick Lundborn, representing the applicant explained why the applicant is requesting the amendment:

- Increase square footage to original building
- Remove standalone car wash building
- Revised site work due to building changes
- Add dumpster location to site plan

Chair Georgius asked if anyone present would like to speak in favor of the application; there was no one.

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

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

Chair Georgius closed the public hearing.

Chair Georgius asked if there were any comments from Planning Board.

Planner Della Valle updated the Board on the SPRC's recommendation.

Vice Chair Horr asked if the Planning Board had authority to require an applicant to pay for the use of the streetlight.

Mike Casserly, Asst. City Engineer explained why the streetlight was required (condition of MDOT traffic permits for the Aroma Joe's project and Marc Motors), who installed the streetlight, and the process of how Marc Motors would pay for the streetlight, per one of their original conditions of approval.

Board member Connolly asked if the Board would be allowed to have Aroma Joe's come back before the Board since Aroma Joe's initiated the call with CMP to install the streetlight.

Discussion took place on the procedure of getting a streetlight installed and who pays for the costs.

Board member Morgan confirmed that the streetlight was a MDOT requirement.

Board member Kilkenny asked if there would be additional charges to Marc Motors if the Board made Marc Motors pay for the use that is allocated to their business.

Staff member Casserly thanked the applicant, Patco, for coming in with the changes to the approved project.

The Board went through the Findings of Fact:

Chapter 280-16-7.1 Utilization of the site and 280-16-7.11 Natural features.

Board member McAdam made a motion to accept these conditions because they have been met.

Board member Clarke seconded the motion.

A vote was taken and the motion passed 7-0.

A discussion took place on VRAP - from what VRAP is and how it applied to this site.

Chapter 280-16-7.2 Access to the site; 280-16-7.3 Access into the site; 280-16-7.4 Internal vehicular circulation; and 280-16-7.5 Pedestrian circulation.

Board member McAdam made a motion to accept these standards because they have been met or met with condition.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.8 Water supply; 280-16-7.9 Sewage disposal; and 280-16-7.10 Utilities.

Board member McAdam made a motion to accept these standards because they have been met or met with condition.

Board member Clarke seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.6 Stormwater management.

Discussion took place on whether or not this site had similar issues after the last storm like the Aroma Joe's site across the street.

Board member Clarke made a motion to accept this standard because it has been met.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.7 Erosion control.

Board member Connolly made a motion to accept this standard because it has been met.

Board member McAdam seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.12 Groundwater protection.

Board member McAdam made a motion to accept this standard because it has been met.

Board member Clarke seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.13 Exterior lighting.

Board member McAdam made a motion to accept this standard because it has been met.

Board member Clarke seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.14 Waste disposal.

Board member Connolly made motion to accept this standard because it has been met.

Board member McAdam seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.15 Landscaping.

Board member McAdam made a motion to accept this standard because it has been met.

Board member Clarke seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.16 Shoreland relationship.

Board member Connolly made a motion to accept this standard because it has been met.

Board member Clarke seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 28-16-7.17 Technical and financial capacity.

Board member Connolly made a motion to accept this standard because it has been met.

Board member McAdam seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.18 Buffering.

Board member McAdam made a motion to accept this standard because it has been met.

Board member Clarke seconded the motion.

A vote was taken and the motion passed 7-0.

Chapter 280-16-7.19 Airport encroachment.

Board member Connolly made a motion to accept this standard because it has been met with condition.

Board member McAdam seconded the motion.

A vote was taken and the motion passed 7-0.

Staff member Casserly told the Board the applicant will need to provide an inspection escrow and performance guarantee for this amendment.

Chair Georgius called for a motion.

Board member Clarke made a motion that the Planning Board accept the information in the February 1, 2019 summary report and in the Findings of Fact, approve the requested waivers, and find that the application (File #01-19-R) to revise and expand the footprint of the proposed Nissan Dealership from 22,252 sf to 24,256 sf, adjust the parking layout, and remove the stand-alone car wash on property on the former Vishay Sprague Manufacturing Center at 1754 Main Street has satisfied the requirements of §280-16-6-7 and authorize the issuance of a building permit subject to the following conditions:

1. Submit evidence of annual maintenance of oil/grit separator to the Superintendent of the Sanford Sewerage District.
2. Submit a copy of the FAA letter/approval to the Planning Department, once secured, along with a copy of the approved plans, if they differ from those approved by the Planning Board. The applicant should be prepared to seek an amended plan approval by the Planning Board should the FAA require modification of the plans.
3. If the developer does not complete finish pavement during the 2019 season and this results in any storm drain frames and grates set to final grade so that stormwater cannot enter as designed, the developer shall be required to reset the frames and grates down 1 inch to allow stormwater to enter them as designed.
4. Pay all review fees.
5. Establish an inspection escrow fee with the Public Works Department in an amount acceptable to the Assistant City Engineer.
6. Set up a preconstruction conference with the Code Enforcement Director and the Assistant City Engineer.
7. If installation of approved landscaping is not completed by September 15, 2019, the end of the growing season, the applicant shall be required to provide a performance guarantee in an amount to cover the cost of the landscaping material and its installation. The guarantee shall be required to stay in force for one full growing season after installation.
8. This approval is dependent on and limited to the documents and plans contained in the application submitted and affirmed to by the applicant. No project, plan, or development previously approved by the Planning Board may be altered or modified without securing prior approval of the Planning Board in the form of an amended approval; provided, however, that if at any time it becomes necessary or desirable to make modifications to the development, the Planning Director may approve modifications determined to be de minimis in that they (i) do not amount to a waiver or substantial alteration of any condition or requirement set by the Planning Board; (ii) do not affect any approval standards; (iii) meet all applicable ordinances and laws; (iv) are reviewed and approved by all appropriate City staff; and (v) do not involve any changes to lot lines. De minimis changes include only the modifications listed in the Zoning Ordinance. Any changes to the approved plan shall be provided

to the Planning Department prior to construction to evaluate whether an amendment of the approval is required. The applicant shall be aware that noncompliance with this condition may require modification of construction elements that are not consistent with the approval, may delay release of all or portions of a performance guarantee, and may result in delay in receipt of an occupancy permit.

Vice Chair Horr seconded the motion.

Board member Clarke stated he is uncomfortable obligating the city to pay for the streetlight and he is not comfortable making Marc Motors pay for the entire cost of the streetlight if it was a condition of the MDOT permits for Marc Motors and Aroma Joe's.

Chair Georgius felt this topic was a separate issue than what the applicant was requesting tonight; other Board members agreed.

Staff member Casserly stated the payment for the streetlight usage was a condition of approval for the original Marc Motors approval in 2016.

Vice Chair Horr asked Shawn McCormick, representing Marc Motors, if they would be willing to pay for the usage cost. Mr. McCormick said Marc Motors will pay for this charge.

Planner Della Valle stated she does not believe an amended motion needs to be made since paying for the light (monthly usage) was a condition of approval in the original approval.

The applicant will continue to work with staff member Casserly on this issue.

A vote was taken and the motion passed 7-0.

V. OTHER BUSINESS

1. PLANNING DIRECTOR'S REPORT

a. Discussion on potential amendment of condition of approval – Rymes Propane.

Planner Della Valle overviewed the request, which has to do with the Spill Prevention Control and Countermeasures (SPCC) plan. The applicant presented a draft plan to the City Engineer and the Superintendent of the Water District but they don't want to finalize the plan until all reviewers (local and federal) gave comment.

Planner Della Valle is recommending the Planning Board modify condition of approval to accept the draft plan to obtain building permit but will have to finalize the plan, submit it to the city, and have it reviewed by the city engineer and superintendent of the water district before obtaining the Certificate of Occupancy.

Board member McAdam made a motion to accept the Planning Director's recommendation.

Board member Connolly seconded motion.

A vote was taken and the motion passed 7-0.

b. Trails Master Plan

Planner Della Valle explained the Trails Committee has been working with the National Park Service to prepare a trails master plan for the city.

The Trails Committee is interested in having the master plan incorporated into the comprehensive plan. The committee wants to do a presentation to a variety of groups and organizations. Planner Della Valle attended a recent Trails Committee meeting to explain the process of amending the comprehensive plan.

The Planning Board requested to have a presentation as a work session item before the Board reviews it during a public hearing.

Discussion took place on whether or not the Design Review Committee (DRC) should be invited as well and if the DRC would need to review the signs being proposed.

- c. Brownfields application
- d. Project Canopy
- e. Calendar updated as approved
- f. Sanford Safe Storage update
- g. New Planner, Joe Scala, starts Feb. 11
- h. Planning Board training – confirmed the date and asked who is interested in attending
- i. Meeting with Elizabeth Kilkenny and Thomas Morgan
- j. Lafayette Neighborhood Initiative update
- k. Special Planning Board meeting on 2/19 at 5:00 to conduct a public hearing on draft amendments of the zoning ordinance and land use table

VI. COMMUNICATIONS

Board member Clarke has been watching how other communities are dealing with tiny houses in regards to zoning.

Board member Connolly asked if the Lafayette Neighborhood flyer has been distributed.

VII. ADJOURN

The meeting adjourned at 8:49 P.M.