

**SANFORD PLANNING BOARD MINUTES**  
**MEETING – February 18, 2015 – 7:00 P.M.**  
**City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** John McAdam, Chair  
Lenny Horr, Vice Chair  
Lela Harrison, Secretary  
Kelly Tarbox  
Richard Bergeron  
Lucas Lanigan

**MEMBERS ABSENT:** Dianne Connolly (w/notice)

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Matthew Hill, City Engineer  
Michael Casserly, Asst. City Engineer  
Shirley Sheesley, CEO

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair McAdam called the meeting to order at 7:00 PM. Chair McAdam stated New Business would be heard before the Public Hearing item.

**II. PUBLIC HEARING**

1. **File #999-15-T(1): The Planning Director** is recommending the following revisions to the city's land use ordinances in order to update the cluster provision of the land use ordinances and to update the well head protection areas to accommodate a new water district well:
  - i. Revise Table 1, Street Design Guidelines, Chapter 275 Attachment 3
  - ii. Move Chapter 275 Attachment 3 Table 1 Street Design Guidelines to Chapter 272 Site Plan Article II 272-2-6E Table 1
  - iii. Amend Chapter 272-3-13 & 272-2-23 Cluster Provision
  - iv. Revise and add Appendix A Typical Roadway Sections to Chapter 272 Site Plan
  - v. Amend and add Appendix B Well head protection areas to Chapter 272 Site Plan
  - vi. Amend Chapter 280 Zoning and Chapter 275 Subdivision to reflect the changes above.

Staff member Gulnac stated that part of the public hearing refers to well head protection areas. Mr. Gulnac invited David Parent, Water District Superintendent to the meeting to explain this section of the ordinance revision.

David Parent said the water district is developing a new source of supply that needs to be added to the well head protection areas. This is the only change to the ordinance. Mr. Parent stated that Mr. Gulnac recommended adding the well head protection area map as an appendix to the ordinance. Mr. Parent then briefly described where the new area was located, who the owners of the property will be, and what the well would be like.

Staff member Gulnac asked Mr. Parent what the impact would be in regards to additional service.

Mr. Parent said the water district put in 6,000 feet of water main starting at Bernier Egg Farm, down Bernier Road almost to the city line. Some residents have connected to the line and vacant property can now hook in to the water line when built upon. Mr. Parent then said the fire department is also happy because there are now fire hydrants along Bernier Road to assist them.

Staff member Gulnac described the other update recommendations, since all ordinance changes are listed as one item. The other items pertain to the cluster provision in the subdivision ordinance. The proposal includes adding a column to Table 1 Street Design Guidelines which introduces a new classification of streets for cluster subdivisions only. In order to do this, wording in other sections of the ordinance need to be changed as well. Mr. Gulnac further explained the reasons for the request.

Staff member Gulnac informed the Board that the acceptance of roads would be discussed in a separate ordinance update at a later date. He then explained how the process is now and some ways this process could be made more efficient.

The Board and Mr. Gulnac discussed the process the changes presented tonight would follow to get final council approval. Board member Tarbox asked if Mr. Gulnac was looking for a formal vote tonight. Mr. Gulnac stated he was.

Chair McAdam asked Mike Casserly, Assistant City Engineer if he was satisfied with what was being proposed. Staff member Casserly stated he was. Mr. Casserly then showed some supporting documents containing road cross sections that would be added as an appendix to the proposed ordinance updates. Discussion followed.

Chair McAdam called for a vote.

Board member Tarbox made a motion that the Planning Board accept the Finding of Facts (see attached) and, after consideration of the public comments and those of staff, find that the requested changes listed below to amend the land use ordinances of the City of Sanford are consistent with the goals and objectives of the comprehensive plan and recommend that the changes be forwarded to the City Council for their review and adoption:

- i. Revise Table 1, Street Design Guidelines, Chapter 275 Attachment 3
- ii. Move Chapter 275 Attachment 3 Table 1 Street Design Guidelines to Chapter 272 Site Plan Article II 272-2-6E Table 1
- iii. Amend Chapter 272-3-13 & 272-2-23 Cluster Provision
- iv. Revise and add Appendix A Typical Roadway Sections to Chapter 272 Site Plan
- v. Amend and add Appendix B Well head protection areas to Chapter 272 Site Plan
- vi. Amend Chapter 280 Zoning and Chapter 275 Subdivision to reflect the changes above

Board member Bergeron seconded the motion.

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

### III. NEW BUSINESS

1. **File #02-15-Z: Neil Casa**, 1 Pumpkin Brook Road, Shirley, Massachusetts.

Chair McAdam called for a representative to present the project.

James Gulnac, Planning Director, recommended that Shirley Sheesley, Code Enforcement Officer give a history as to why this application was before the Planning Board.

Shirley Sheesley, CEO said she, Neil Casa, and Steve Buck, City Manager met and put together a consent agreement that would resolve outstanding issues as long as Mr. Casa brought his property into compliance. One of the items in the agreement was the Planning Board would have to approve the existing conditions. Ms. Sheesley said the biggest issue was the impervious coverage.

Chair McAdam asked what the difference was between what was built and what was approved. Ms. Sheesley stated it would be better to let Mr. Casa explain his plans but informed the Board multiple plans have been submitted and it was important the Board approve the correct plan.

Ms. Sheesley said only 20% of the lot area can be impervious, or non-vegetated, in the shoreland zone. Mr. Casa's property is over 20%, but this was the case before. Ms. Sheesley stated she will be fine with what is there now, as long as it does not go over what is currently on the property, with the Planning Board's approval. Discussion followed.

After discussion on which submitted plan was the correct one, staff member Gulnac stated the simplest way is to approve the plan the CEO is recommending as the plan that is consistent with the consent agreement and explained why. Once this was determined, the Board was ready to take action.

Chair McAdam called for a motion.

Board member Tarbox made a motion that the Planning Board confirm the Finding of Facts (see attached) and after hearing the presentation of the applicant, recommendations from staff, and confirming that the request complies with the requirements of the December 12, 2014 consent agreement with the City Council approve the request to revise a shoreland zone permit application, File #02-15-Z, amending File #01-14-Z: Neil Casa, 1 Pumpkin Brook Road, Shirley, MA subject to the following conditions:

1. Any and all outstanding review fees are paid.
2. The applicant complies with any and all local and state building and fire safety codes.
3. The as-built plan being presented by the applicant and approved by the CEO with the note 2749 is the plan being approved this evening.

Board member Harrison seconded the motion.

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

#### **IV. OLD BUSINESS**

There were no old business items.

#### **V. APPROVAL OF MINUTES – February 4, 2015**

Board member Harrison said she has reviewed the minutes and they looked fine.

Board member Tarbox made a motion to approve the minutes of February 4, 2015 as written.

Chair McAdam seconded the motion.

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

**VI. PLANNING DIRECTOR'S REPORT** (See below)

**VII. ADJOURN**

The meeting adjourned at 7:53 P.M. Since the public hearing item was voted on during the public hearing portion of the meeting, no work session took place.

**\*\*Non-agenda item:** Staff member Gulnac discussed a late request that was sent to the Board. He said a future-use request came to him. The use being requested is having a medical marijuana grow facility in an existing building. Mr. Gulnac said he would like to have the Planning Board grant the Planning Director a change of use sign-off for the property, not the request. When the applicant submits a formal application, the level of review would then be determined. The Planning Board's concern was an applicant putting a use in without proper review. The Board also had concerns about how often to allow the Planning Director to sign-off on small changes without seeing a proposal. Discussion followed on the level of staff review allowed for approval and how the Board wanted to proceed with Mr. Gulnac's request tonight.

Chair McAdam called for a motion on the request.

Board member Tarbox made a motion that the Planning Board, by consensus, authorize the Planning Director under Section 272-1-5-D to review and grant site approval to the request from Mark Adler, Patterson Companies, LLC for tax map R15, lot 12B, 27 Hancock Lane subject to the following conditions:

1. That the proposed use is permitted; this will require confirmation from the CEO and specifically noting that if the proposed use is a conditional use, the application will come to the Planning Board.
2. There are no site changes or improvements proposed or required.
3. That all building and fire safety codes will be complied with.
4. That Mark Adler will provide five (5) copies, minimum size 11"x17" of the site plan for certification by the Planner.

Board member Harrison seconded the motion.

A vote was taken and the motion passed 4-2.

**Attachment to February 18, 2015 Minutes**

*Finding of Facts for Public Hearing Item #1  
File #999-15-T(1): Ordinance Revisions*

- The Planning Board accepts the proposal of the City Planner.
- The proposed revisions are consistent with the growth management plan for the City of Sanford and would have a positive impact on the economic development of the City of Sanford.

*Finding of Facts for New Business Item #1*  
*File #02-15-Z: Casa Shoreland Permit Revision*

- Per the consent agreement, the applicant is to show no increase in impervious (non-vegetated) area existing at the time of the January 15, 2014 Planning Board approval.
- I refer to the CEO memo for the details of the reasons that this is before the Planning Board.

**City of Sanford, Maine**  
**Code Enforcement Office**

917 MAIN STREET, SUITE 300, SANFORD, MAINE 04073-3589  
(207) 324-9145 FAX (207) 324-9166

MEMORANDUM

**To:** Jim Gulnac, Planning Director  
**From:** Shirley Sheesley, Codes Enforcement Officer  
**Date:** 1-20-15  
**RE:** Neil Casa – amended Shoreland plan – Case 02-15-Z (Map R21A, Lot 8)

1. In accordance with the December 12, 2014 Consent Agreement, page 2, item 3, Neil Casa has submitted an amended site plan for Planning Board approval.
2. The amended plan is to show no increase in impervious (non-vegetated) area existing at the time of the January 15, 2014 Planning Board approval.

Application Packet:

- 1a. On January 15, 2015, Mr. Casa submitted an application, including the 2014 plan.
- 1.b. On January 16, 2015, additional plans were received, but did not include the 2014 plan.
- 1.c. So, I am attaching 2014 plan as a supplement to the January 16, 2015 packet.

Impervious Area:

- 2a. The January, 2014 plan shows 2,786 square feet of impervious area.
- 2b. The January, 2015 “As Built” plan shows 2,763 square feet of impervious area.  
(Addition of impervious area, as shown on plan, yields 2,673 sq. ft.)
- 2c. The January, 2015 “Accurate Original” plan shows 2,749 sq. ft. of impervious area.  
(Addition of impervious area, as shown on plan, yields 2,649 sq. ft.)

In Summary:

It appears that the site revision from 2014 to 2015 does not increase impervious area.

If the Planning Board approves the revision, please clearly indicate which plan is being approved.

CORRECTED PLAN 61-14-7

