

**SANFORD PLANNING BOARD MINUTES  
MEETING – April 19, 2017 – 6:30 P.M.  
City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Lenny Horr, Chair  
John McAdam, Vice Chair  
Dianne Connolly  
Sarah Littlefield  
Jennifer Georgius

**MEMBERS ABSENT:** Edward Cormier, Secretary (w/notice)

**STAFF PRESENT:** Elizabeth Della Valle, AICP, Director of Planning & Development  
Michael Casserly, Asst. City Engineer

**STAFF ABSENT:** None

\*\*\*\*\*

**I. CALL TO ORDER**

Chair Horr called the meeting to order at 6:35 PM.

**II. OPENING STATEMENT**

No opening statement was made.

**III. MINUTES – March 16, 2016 and February 1, 2017**

March 16, 2016

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

Vice Chair McAdam seconded the motion.

A vote was taken and the motion passed 3-0 (Board members Georgius and Littlefield were not members of the Board at this time).

February 1, 2017

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

Vice Chair McAdam seconded the motion.

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

**IV. HEARINGS and BUSINESS**

**1. PUBLIC HEARINGS**

- A. File #04-17-S: Adam Blaikie & Associates, LLC, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.**

Chair Horr stated this item will remain on the table and will be carried over to the May 3, 2017 meeting.

**2. NEW BUSINESS**

There were no new business items.

**3. UNFINISHED BUSINESS**

- A. File #04-17-S: Adam Blaikie & Associates, LLC, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.**

**See statement under public hearings regarding this item.**

**4. OLD BUSINESS**

There were no old business items.

**V. OTHER BUSINESS**

**1. PLANNING DIRECTOR'S REPORT**

- a. File #06-17-M: Anthony J. DiMauro – 240 Mt. Hope Road nonconforming structure rebuild.**

Beth Della Valle, Planning Director presented Mr. DiMauro's request, which is to replace an existing mobile home that was removed from the property in October 2016 with a new mobile home on the existing slab. The slab and the old mobile home did not meet the current setback. After discussing the request with Shirley Sheesley, Code Enforcement Officer, Planner Della Valle recommends the following: To approve a finding that replacement of the former nonconforming structure with a new mobile home on map R11 lot 29C, 240 Mt. Hope Road in the same location as the former mobile home is no more nonconforming than what currently exists, it meets the setback requirements in the Rural Residential zone to the greatest practical extent.

Anthony J. DiMauro explained to the Board the reason for his request.

Chair Horr asked if anyone had any questions; no one did.

Chair Horr called for a motion.

Vice Chair McAdam made a motion that the Planning Board accepts the information above (see attached) as the Finding of Facts and finds that the new mobile home 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.

- b. File #08-17-M: Luke John Bailey – Emerson Street nonconforming structure rebuild.**

Beth Della Valle, Planning Director presented Mr. Bailey's request, which is to replace the existing structure with a new two (2)-bedroom, two (2)-family garage on the existing foundation. She stated the applicant submitted photographs to show the Board what the property looks like. Planner Della Valle recommends the

following: To approve a finding that replacement of the existing nonconforming structure with a new two (2)-bedroom, two (2)-car garage on map L31 lot 17, which is on Emerson Street, in the same location as the existing structure is no more nonconforming than what currently exists and meets the setback requirement in the single family residential zone to the greatest practical extent.

Chair Horr asked if anyone present was there to discuss the application.

Luke John Bailey explained his request to the Board and also informed the Board of what he has done to the property so far.

Chair Horr asked if there were any questions, concerns, or comments; there were none.

Chair Horr called for a motion.

Vice Chair McAdam made a motion that the Planning Board accepts the information above (see attached) as the Finding of Facts and finds that the new two (2)-bedroom two (2)-car garage 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.

**c. Discussion item: Genest Concrete Works delegation for staff review request.**

Planner Della Valle told the Board Genest Concrete applied for a building permit to construct a 14'x38' office/sales building at the 36 Wilson Street property. Planner Della Valle is requesting the Board delegate the review to staff since this request is only 32s.f. more than the allowed 500s.f. stated in the ordinance under staff review.

Board member Connolly confirmed the location of this pit with Chris Genest, the applicant.

Chair Horr called for a motion.

Vice Chair McAdam made a motion to delegate review authority to the Planning Director.

Chair Horr seconded the motion.

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

**d. Updated the Board on the following items:**

- Rock Bottom Gravel Pit – tentatively scheduled for the next set of meetings; she explained the reason for tentative date for this project
- Aroma Joe's Drive-Through – tentatively scheduled for the next set of meetings; she explained the reason for tentative date for this project
- Gorham Sand & Gravel – letter sent to applicant documenting outstanding conditions of approval
- Potential projects:
  - Private way
  - Flemish Master Weavers addition

- New dental office
- Upcoming Planning Board trainings, SMPDC annual meeting, potential new Planning Board member
- Schedule for first meeting in June
- Recreational marijuana task force

## VI. COMMUNICATIONS

There were no communication items.

## VII. ADJOURN

The meeting adjourned at 7:10 P.M. and went into work session.

### Attachment to April 19, 2017 Minutes

#### *Finding of Facts for Other Business Item #1a.*

#### *File #06-17-M: 240 Mount Hope Road Nonconforming Structure Rebuild*

- The Code Enforcement Officer denied the request for a building permit because the former mobile home and existing slab does not meet the 40 foot front yard setback requirement in the Rural Residential Zone. The proposed mobile home would replace the former mobile home in the same location on the same concrete slab, which also did not meet the setback.
- Section 280-25.C.(1), which regulates reconstruction or replacement of nonconforming structures, allows reconstruction of a nonconforming structure which is located less than the required setback from the property line if the Planning Board finds that the reconstruction is “in compliance with the setback requirement to the greatest practical extent” but in no case “to increase its nonconformity.”
- Recommendation: Approve a finding that replacement of the former nonconforming structure with a new mobile home on Map R11 Lot 29C at 240 Mount Hope Road in the same location as the former mobile home is no more nonconforming than what currently exists and meets the setback requirement in the Rural Residential Zone to the greatest practical extent.

#### *Finding of Facts for Other Business Item #1b.*

#### *File #08-17-M: Emerson Street Nonconforming Structure Rebuild*

- The Code Enforcement Officer denied the request for a building permit because the existing structure does not meet the 25 foot front yard setback requirement in the Single Family Residential Zone. The proposed 2 bedroom 2 car garage would replace the existing building in the same location on the same foundation, which also does not meet the setback.
  - Section 280-25.C.(1), which regulates reconstruction or replacement of nonconforming structures, allows reconstruction of a nonconforming structure which is located less than the required setback from the property line if the Planning Board finds that the reconstruction is “in compliance with the setback requirement to the greatest practical extent” but in no case “to increase its nonconformity.”
- Recommendation: Approve a finding that replacement of the existing nonconforming structure with a new 2 bedroom 2 car garage on Map L31 Lot 17 (Emerson Street) in the same location as the existing structure is no more nonconforming than what currently exists and meets the setback requirement in the Single Family Residential Zone to the greatest practical extent.