SANFORD PLANNING BOARD MINUTES
MEETING – September 18, 2019 – 6:30 P.M.
City Hall Annex Third Floor Chambers

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

MEMBERS ABSENT: Jennifer Georgius, Chair (w/notice)

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

STAFF ABSENT: None

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I. CALL TO ORDER

Vice Chair Horr called the meeting to order at 6:32 PM.

II. OPENING STATEMENT

Vice Chair Horr overviewed meeting procedures.

III. MINUTES – September 4, 2019 and August 21, 2019

September 4, 2019
Board member McAdam made a motion to approve the minutes as written. Board member Clarke seconded the motion. A vote was taken and the motion passed 5-0-1 (Board member Kilkenny abstained because she was not at the meeting).

August 21, 2019
Board member McAdam made a motion to approve the minutes as written. Board member Connolly seconded the motion. A vote was taken and the motion passed 6-0.

IV. HEARINGS and BUSINESS

1. **File #999-19-T(4): Proposed changes** to Chapter 280: Zoning regarding
   - Accessory apartments
   - Split of single family to two family homes in the Rural Residential, Rural Mixed Use, and Single Family Residential Zones.

Vice Chair Horr opened the public hearing.

Beth Della Valle, Planning & Development Director read an email received by Ronald Legere, 256 School Street. Mr. & Mrs. Legere would like to have a free-standing accessory apartment on their property which, at this time, is not allowed per the ordinance.

No one present wished to speak in favor of, against, or make general comments on the proposal.

Vice Chair Horr closed the public hearing.

Planner Della Valle identified sections of the proposal that needed correction and offered alternative language. The sections, with alternate language, are:

- Page 3, line 1: under the third way to create an accessory apartment: 'Section 280-15-13.1.3: Incorporating an accessory apartment into a new structure.'
- Page 1, line 6: Definition of accessory apartment – 'An amendment created by converting part of a single-family detached dwelling into a separate dwelling unit or by adding a new structure which is accessory to the single-family use in a manner that enhances the neighborhood and helps residents meet their housing needs. An accessory apartment shall conform with the standards in Section 280-15-13.'

Board member Clarke said he is satisfied with the definition of accessory apartments; however, he does not like the language for conversions to two-family because it is very specific.

Board member McAdam presented the discussion that took place at the subcommittee meeting. The subcommittee does not want any more splits in the single-family zone because they feel there are enough.

Planner Della Valle explained the difference of ownership for a split unit (two-family conversions) versus accessory apartments.

Discussion took place on the valuation of single-family and two-family buildings.

Board member McAdam made a motion to recommend approval of the proposal as amended.

Vice Chair Horr seconded the motion.

A vote was taken and the motion failed 2-4, Board members Morgan, Kilkenny, Connolly, and Clarke voted against the recommendation.

2. **File #31-19-S: Curtis Lake Christian Church, c/o Brian Samia, Century 21 North East,** 1137 Main Street, Sanford, Maine.

Vice Chair Horr opened the public hearing.

Board member Morgan is abstaining from the discussion and vote due to a conflict of interest because his wife works for Mr. Samia.

Brian Samia, Century 21 North East, representing the applicant gave a brief overview of the proposal, which is a lot line adjustment between two parcels.

Planner Della Valle briefed the Board on what took place at the Site Plan Review Committee (SPRC) held on Tuesday, September 17th. The SPRC is recommending approval with conditions.

No one present wished to speak in favor of, against, or make general comments on the proposal.

Vice Chair Horr closed the public hearing.

Vice Chair Horr asked Mr. Samia if the house is currently sitting on the Church's property.

Board member McAdam asked Mr. Samia if the Church built something on the landowner's property.

Board member Connolly asked Mr. Samia when the house was built.

Mike Casserly, Assistant City Engineer stated that he is satisfied with what the applicant will be providing for a boundary survey.

Board member Clarke made a motion that the Planning Board accept the information in the September 13, 2019 summary report and the September 17, 2016 recommendation and find that application File #31-19-S for a minor amendment to adjust two subdivision lot lines at tax map/lot R15-21 and R15-21E has satisfied the requirement of §275-25 of the Subdivision Ordinance.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 5-0-1, with Board member Morgan abstaining from the vote.

The Board went over the Findings of Fact.

Chapter 275-10-31 Pollution; 275-10-32 Sufficient Water; 275-10-33 Impact on existing water supply; 275-10-34 Soil Erosion; 275-10-35 Traffic Conditions; 275-10-36 Sewage Disposal; 275-10-37 Solid Waste; 275-10-38 Impact on Aesthetics, Open Spaces, Historic Areas, Wildlife Habitat, and Shoreline Access; 275-10-41 Impact on Water Quality; 275-10-42 Impact on Groundwater Quality or Quantity; 275-10-43 Floodplain Management; 275-10-44 Identification of Freshwater Wetlands; 275-10-45 Stormwater Management; 275-10-46 Recreation and Open Space Areas; and 275-10-47 Phosphorous Impacts on Great Ponds.

Board member McAdam made a motion that these standards are not applicable. Board member Connolly seconded the motion. A vote was taken and the motion passed 5-0-1, with Board member Morgan abstaining from the vote.

Chapter 275-10-39 Conformance with Other Regulations.

Board member McAdam made a motion to accept this standard because it has been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 5-0-1, with Board member Morgan abstaining from the vote.

Chapter 275-10-40 Financial and Technical Capacity.

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

Board member Kilkenny seconded the motion. A vote was taken and the motion passed 5-0-1, with Board member Morgan abstaining from the vote.

Chapter 275-10-48 Spaghetti Lots.

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 5-0-1, with Board member Morgan abstaining from the vote.

The Board took a break to sign mylar at 7:13 P.M.

The meeting reconvened at 7:15 P.M.

3. **File #36-19-Z: Jonathan Aldrich,** 45 Channel Lane, Sanford Maine.

Vice Chair Horr called for a representative to present the project.

Jonathan Aldrich, 45 Channel Lane gave a brief overview of his request, which is to replace his steps and the landing that go into his house that will be no more nonconforming than what is currently there.

Vice Chair Horr asked the Board if they have any questions.

Board member Clarke asked if the applicant has to prove what is currently there.

The Board went over the Findings of Fact.

Chapter 270-15.D.(c) Will adequately provide for the disposal of all wastewater; (d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; (f) Will protect archaeological and historic resources as designated in the Comprehensive Plan; and (g) Will not adversely affect existing commercial fishing activity.

Board member McAdam made a motion that these standards are not applicable. Board member Connolly seconded the motion. A vote was taken and the motion passed 6-0.

Chapter 270-15.D.(a) Will maintain safe and healthful conditions; and (h) Will avoid problems associated with floodplain development and use.

Board member Connolly made a motion to accept these standards because they have been met. Board member Morgan seconded the motion. A vote was taken and the motion passed 6-0.

Chapter 270-15.D.(b) Will not result in water pollution, erosion, or sedimentation to surface waters.

Board member Morgan made a motion to accept this standard because it has been met. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 6-0.

Chapter 270-15.D.(e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

Board member Morgan 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 6-0.

Chapter 270-15.D.(i) Is in conformance with the provisions of §270-13, Land Use Standards.

Board member Connolly made a motion to accept this standard because it has been met. Board member Morgan seconded the motion. A vote was taken and the motion passed 6-0.

Vice Chair Horr called for a motion.

Vice Chair Horr made a motion that the Planning Board approve the application. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 6-0.

4. **File #41-18-R: Jin Hwang, c/o Sashie Misner,** Gawron Turgeon Architects, 29 Black Point Road, Scarborough, Maine.

   Vice Chair Horr called for a representative to present the request.

   Planner Della Valle read the request letter from Ms. Misner, which is asking for a 1-year extension of their approval to allow the applicant time to secure financing.

   Board member Connolly asked if the applicant was planning on demolishing the building within the year.

   Vice Chair Horr made a motion to grant the request for a 1-year extension. Board member Kilkenny seconded the motion. A vote was taken and the motion passed 6-0.

5. **File #29-18-R: Rymes Energy Holdings, LLC, c/o Neil J. Rapoza,** PE, Civil Consultants, P.O. Box 100 South Berwick, Maine.

   Vice Chair Horr called for a representative to present the request.

   Chuck Cosseboom, Rymes Co. General Manager explained the reason Rymes is requesting an approval extension, which had to do with waiting for Maine DEP approval and to get contractors lined up to do the construction.

   There were no questions or comments from the Board.

   Vice Chair Horr made a motion to grant a 1-year extension. Board member Connolly seconded the motion. A vote was taken and the motion passed 6-0.

6. **File #34-19-S: Patterson Companies, LLC, c/o Dana Libby,** PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

   (This item was discussed with item #7.)

   Board member Connolly recused herself from the discussion and vote on this item and item #7.

   Board member Kilkenny informed the applicant and the Board that she has reviewed recordings of the previous meeting so she is familiar with the review and feels comfortable taking part in discussion.

   Planner Della Valle explained the following to the Board:
   - Forwarded ex parte communication email between Board member Connolly and Chair Georgius to the applicant and the Board
   - Received a PDF of a revision to the plan dealing with the entrance road onto Spencer Hill Road

- Email correspondence between the applicant and Tom Greer, Engineer regarding comments made about DEP stormwater review and disposition of rear 11-acre parcel

Vice Chair Horr read email from Chair Georgius that expresses her thoughts on the project.

Dana Libby, Corner Post Land Surveying Inc. explained the updated plan addresses Mr. Casserly's concerns.

Board member Kilkenny agreed with Chair Georgius' comments about sidewalk.

Mr. Libby stated sidewalks were not required because this lot was not located in the growth area. He would like clarification.

Board member Clarke stated this lot was in the growth area; Planner Della Valle confirmed this as well.

Board member Clarke asked how the maintenance agreement for the shared driveway would be amended at a later date when/if the access road is constructed.

Discussion took place on maintenance agreements, and whether or not the access road for shared driveways should be considered a private way.

Board member Morgan asked staff member Casserly's opinion on the new curb cut location for the access road; Mr. Casserly explained why he believes the new location is an improvement.

Vice Chair Horr asked Mr. Casserly if the applicant should make an effort to move the light pole to align driveways; Mr. Casserly stated moving the pole could be a big expense for the applicant.

Board member Clarke asked if duplexes could be constructed in this zone.

Board member McAdam is concerned nothing will happen with remaining land after the 14 lots are built upon.

Board member Clarke stated the remaining land may not be able to be developed depending on topography of the land.

Planner Della Valle would like to speak to DEP to better understand their determination for stormwater requirements.

Mr. Libby explained the DEP requirement for stormwater for single-family homes.

Discussion took place on the issues the Planning Board would like to see addressed by the applicant and what the Board will be specifically looking at on the inventory and analysis submittal, and potential issues with drainage.

Mark Patterson, applicant explained that if they can't get a positive drain, the building is put on a slab. He also stated he doesn't rely on sump pumps for the houses he builds. Mr. Patterson said that it could be possible to add fill as well, depending on what his customers choose for a house design.

Vice Chair Horr asked if there were any landscaping details at this time.

Mr. Patterson asked the Board to tell him what they would like him to do so he can make a decision as to whether or not he continues with the projects.

Planner Della Valle outlined what will take place at the next meeting regarding the review on this project and the submittal date for any revised documents.

Vice Chair Horr made a motion to table the projects. Board member McAdam seconded the motion. A vote was taken and the motion passed 5-0-1.

7. **File # 37-19-S: Adam Blaikie & Associates, LLC, c/o Dana Libby,** PLS, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

   This item was discussed with item #6.

8. **File #03-19-R: R. Pepin & Sons Inc., c/o Matthew Pepin,** P.O. Box 729, Sanford, Maine.

   This item will remain on the table.

V. OTHER BUSINESS

1. PLANNING DIRECTOR'S REPORT

There was no director's report.

VI. COMMUNICATIONS

There were no communication items.

VII. ADJOURN

The meeting adjourned at 8:32 P.M. and went into work session.