

**SANFORD PLANNING BOARD MINUTES  
MEETING – November 16, 2016 – 6:30 P.M.  
City Hall Annex Third Floor Chambers**

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

**MEMBERS ABSENT:** None

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

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

Chair Horr called the meeting to order at 6:30 PM. Chair Horr overviewed meeting procedures.

**II. PUBLIC HEARINGS**

1. **File #999-16-T(2): The Planning Director** is requesting that the Planning Board hold a public hearing on the following proposed changes to Chapter 280 – Zoning:
  - a. Clarify fee requirements for all permit, escrow, and construction compliance reviews and for other zoning fees the City Council deems appropriate, including management of escrow accounts and fee disputes.
  - b. Clarify that the zoning of Margaret Chase Smith School is Residential Development (RD).
  - c. Clarify the method of measuring the setback requirement for medical marijuana production.

*This item was heard after Item #2.*

Chair Horr called for a representative to present the application.

Planner Della Valle explained why she was proposing the changes to the ordinance. She also stated that the proposal has been available for public view and no one had come into to review the changes, and she has spoken to some members of the medical marijuana grow community about the changes and there were no concerns.

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

Chair Horr asked if anyone present would like to speak in opposition of the proposal; there was no one.

Chair Horr asked if anyone present would like to make general comments about the proposal; again there was no one.

Chair Horr closed the public hearing.

**2. File #18-16-R: Waban Projects, Inc., c/o Mike Lassel & Sarah Hourihane, Lassel Architects, 370 Main Street, South Berwick, Maine.**

*Chair Horr announced this project would be heard before Item #1.*

Chair Horr called for a representative to present the application.

Sarah Hourihane, Lassel Architects PA introduced the applicant and other professionals who worked on this project. She then asked Neal Meltzer, Waban to describe the project to the Board.

Mr. Meltzer gave a background of their autism program and said the need has outgrown their space over the years, spoke of why the program is important to expand, described how the program is addressing the needs in their current space, and overviewed the details of their request to meet community needs.

Ms. Hourihane said they have submitted revised drawings to the planning department based on the Site Plan Review Committee (SPRC) meeting held yesterday (Tuesday, November 15). She identified the location of Waban on the city map.

Board member Cormier made the Board aware that his wife has applied to Waban for a job but she has not heard back from Waban regarding her application.

Ms. Hourihane, Darrell Ford, P.E., Parsons Brinckerhoff, and Vicki Martel, Landscaper presented an overview of the plans to the Board:

- The original building, subsequent additions, and the location of the proposed addition
- Water runoff
- Parking design
- Overhead utilities
- New septic system
- New playground area
- Site fire protection
- Site runoff
- Erosion control plan
- Landscape plan
- Floor plan
- Lighting plan
- Building fire protection plan

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

Chair Horr asked if anyone present would like to speak who is opposed to the project; there was no one.

Chair Horr asked if anyone present would like to make general comments about the project; again there was no one.

Chair Horr closed the public hearing.

**III. NEW BUSINESS**

**1. File #999-16-T(2): The Planning Director is requesting that the Planning Board hold a public hearing on the following proposed changes to Chapter 280 – Zoning:**

- a. Clarify fee requirements for all permit, escrow, and construction compliance reviews and for other zoning fees the City Council deems appropriate, including management of escrow accounts and fee disputes.
- b. Clarify that the zoning of Margaret Chase Smith School is Residential Development (RD).
- c. Clarify the method of measuring the setback requirement for medical marijuana production.

*This project was discussed after Item #2.*

Chair Horr opened the item for discussion.

Planner Della Valle handed out a memo outlining the discussion that took place at the SPRC meeting:

- Ideas on structuring a new fee schedule for applications, escrows, etc. – will be discussed further in work session at a future meeting
- Margaret Chase School – why the recommendation to rezone the MCS property to Residential Development Zone was made – correct a zoning error that took place in a prior rezoning change for this property
- Determine the best method to measure setback distance for medical marijuana production to provide consistency

Planner Della Valle recommended the Board have their discussion and motion on each of the topics individually.

Board member Cormier informed the Board and everyone present that his children attend Margaret Chase Smith School and he is a member of the PTO for the school.

Board member Connolly said she researched the zone change made in 2006 and believes that the school property was changed in error as discussed tonight.

Board member Cormier made a motion that the Planning Board support the proposed zoning designation from Rural Residential to Residential Development for lot R11-3, Margaret Chase Smith property.

Board member Connolly seconded the motion.

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

Discussion followed on the next steps in the approval process for Margaret Chase Smith.

Board member Connolly had a concern with the wording in Chapter 280-3-4-1-2-4 (review fees). Discussion took place on alternative language in this section and where to find the fee schedule in the ordinance.

Chair Horr made a motion to accept the recommendations put forward tonight as amended.

Board member Connolly seconded the motion.

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

Planner Della Valle read the proposed change to Chapter 280-15-10.7.1.

Discussion took place on:

- Installing a fence for a means of providing setback distances
- Whether or not a trailhead parking area with a bench is considered a park

It was decided to have the Board review each section of the proposed changes:

- If the Board was in agreement with measuring the distance between the property line and the nearest point of structure where production takes place (*they were*)
- Whether or not the list of land uses should be amended (*no comment at this time*)
- Alternative measurement of using a fence or other physical obstruction (*not in favor of the alternative approach*)

Chair Horr called for a motion.

Chair Horr made a motion that the Planning Board recommend the motion as read by Planner Della Valle: "recommend adoption of the first portion of clarifying the measurement from the property line to the nearest point of the structure and recommend against the second alternative."

Board member Littlefield seconded the motion.

A vote was taken and the motion passed 5-1.

**2. File #18-16-R: Waban Projects, Inc., c/o Mike Lassel & Sarah Hourihane, Lassel Architects, 370 Main Street, South Berwick, Maine.**

*This project was discussed before Item #1.*

Planner Della Valle explained the handouts left for them regarding this project:

- Summary memo of the SPRC recommendation for approval for this application with conditions
- Memo from Patrick Cotter, Fire Marshal
- Update from Mike Casserly, Asst. City Engineer on his memo
- Draft Findings of Fact

Chair Horr confirmed there was no sprinkler system in the building.

Board member Cormier asked if there was a snow storage area located on the drawing and confirmed it would not interfere with the fire travel lane.

Board member Connolly asked the applicant about the following:

- if they used more sand than salt to address ice in regards to stormwater runoff
- type of lighting
- if a stop sign was going to be located at the south entrance while exiting the lot

Board member Cormier asked Mike Casserly, Assistant Engineer if his concerns in his memo had been addressed.

Chair Horr asked if the new playground area would need to be located on the plan.

Staff member Casserly requested the following:

- a condition of approval to have the applicant provide an inspection escrow account in the amount of \$408.00

- no certificate of occupancy can be granted until all improvements have been made in lieu of the applicant providing a performance guarantee.

Chair Horr asked if the applicant was requesting any waivers.

Chair Horr called for a motion.

Board member Cormier made a motion that the Planning Board accept the information in the November 16, 2016 Site Plan Review Committee and Planning Board Summary as edited to reflect changes submitted in the revised plans, the memo above, and in the Findings of Facts (see below), and approve the waiver of Section 280-16-6.7.2.4.3.1 and find that application File #18-16-R, to construct the 7,736 sf addition to Waban's existing child development center for preschool age children with autism and other developmental disabilities satisfies the requirements of Sections 280-16-7 and 280-13-5, grant approval and authorize the issuance of a building permit subject to the following conditions:

1. That any and all review fees have been paid.
2. That the fire road shall be kept clear year round.
3. That lighting shall be added to the site plan for building so that no areas are totally dark.
4. That the applicant shall submit a maintenance plan for the raingardens to the satisfaction of the Assistant City Engineer.
5. That the correct setbacks shall be added to revised plans.
6. That the applicant shall provide boundary survey information for three known points.
7. That the language regarding rain gardens on Sheets C6 and C7 shall be revised to the satisfaction of the Assistant City Engineer.
8. That the applicant shall provide five (5) copies of revised plans to the Planning Department, with a description and date of the revisions, which address the Planning Director, Assistant City Engineer and Fire Marshal's concerns.
9. That a stop sign be placed at the exit to Route 4.
10. That all construction shall be in compliance with all building codes.
11. That an inspection escrow be established in the amount of \$408.

Vice Chair McAdam seconded the motion.

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

The Board went over the Findings of Facts:

**Chapters 280-16-7.1 Utilization of the site; 280-16-7.11 Natural features; 280-13-5.1.6 ...location....has no peculiar physical characteristics...which will create or aggravate adverse environmental impacts.**

Chair Horr made a motion to accept these standards because they have either been met or met with condition.

Board member Littlefield seconded the motion.

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

**Chapters 280-16-7.2 Access to the site; 280-16-7.3 Access into the site; 280-16-7.4 Internal vehicular circulation; 280-16-7.5 Pedestrian circulation; 280-13-5.1.2 ...will not create hazards to vehicular or pedestrian traffic.**

Board member Cormier asked about the condition of placing a stop sign.

Chair Horr made a motion to accept these standards because they have either been met or met with conditions.

Board member Connolly seconded the motion.

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

**Chapters 280-16-7.6 Stormwater management; 280-16-7.7 Erosion control; 280-16-7.12 Groundwater protection; 280-13-5-1.3 ...will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water; 280-13-5.1.4 ...will not create unhealthful conditions.**

Chair Horr made a motion to accept these standards because they have either been met or met with conditions.

Vice Chair McAdam seconded the motion.

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

**Chapters 280-16-7.8 Water supply; 280-16-7.9 Sewage disposal; 280-16-7.10 Utilities; 280-16-7.14 Waste disposal; 280-13-5.1.1 ...will not place a burden on municipal services.**

Chair Horr made a motion to accept these standards because they have either been met or met with conditions.

Vice Chair McAdam seconded the motion.

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

**Chapters 280-16-7.13 Exterior lighting; 280-16-7.18 Buffering; 280-13-5.1.5 ...will not create nuisances to neighboring properties.**

Chair Horr made a motion to accept these standards because they have either been met or met with conditions.

Board member Littlefield seconded the motion.

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

#### **Chapter 280-16-7.15 Landscaping**

Board member Littlefield 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.

**Chapters 280-16-7.16 Shoreland relationship; 280-13-5.1.8 If located in Shoreland Overlay Zone...will not result in damage to spawning grounds, fish...will conserve Shoreland vegetation...and will avoid problems associated with floodplain development and use.**

Chair Horr made a motion to accept these standards because they have been met with conditions.

Vice Chair McAdam seconded the motion.

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

**Chapter 280-16-7.17 Technical and financial capacity.**

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

Board member Littlefield seconded the motion.

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

**Chapter 280-16-7.19 Airport encroachment.**

Board member Littlefield made a motion to accept this standard because it is not applicable.

Board member Connolly seconded the motion.

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

**Chapter 280-13-5.1.7 ...has no characteristics that are atypical of the general category of use.**

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

Board member Littlefield seconded the motion.

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

Mr. Meltzer thanked the Board and the Planning Department for their support of the project.

**IV. OLD BUSINESS**

There were no old business items.

**V. MINUTES – August 31, 2016**

There were no minutes ready for approval.

**VI. PLANNING DIRECTOR'S REPORT**

- Gorham Sand & Gravel: submitted revised materials and the material is being reviewed by staff
- 26 Amherst Street, former childcare facility: York County Community Action Corporation will be proposing an intergenerational center
- Lot 17E parking lot at the corner of High Street and Heritage Crossing: construction will be starting in the near future
- By-laws: she will be proposing a rewrite of the bylaws to make them more functional

- Proposal of ordinance modification in regards to the site plan thresholds and consolidation of some of the administrative processes associated with notifications, conduct of public hearings, appeals, etc.
- Requesting the Planning Board reach out to the local reporter to recruit new members
- Planning Department will have a full-time administrative assistant beginning December 1, 2016 and what the priority will be for the office
- Board member Connolly asked if there were any updates on the CVS building and the Stenton Trust Mill
- Vice Chair McAdam asked for an update on Cumberland Farms
- Board member Cormier asked if work has started on the CMP substation
- Planner Della Valle stated the Sevigny brothers have submitted an application
- Board member Connolly asked if anything has been received regarding a property, which has a cemetery on it, by the round-about
- Received the authority to work with ECode to update the ordinance that is online
- Planner Della Valle updated the Board on what she has been working on:
  - SMPDC food hub study completed
  - Preparing a new brownfield application with our consultant, TRC
  - Brownfield program fully integrated into broader community and economic development goals
  - Downtown and mill redevelopment strategies
  - City hired a consultant to create a parks and recreation master plan
  - Sanford's application to the National Park Service to create a trails master plan was selected
  - CGI Videos offered to create promotional videos for Sanford
  - December meeting schedule

## **VII. ADJOURN**

The meeting adjourned at 9:24 P.M.