

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

**MEMBERS PRESENT:** Lenny Horr, Chair  
John McAdam, Vice Chair  
Edward Cormier, Secretary  
Dianne Connolly  
Jennifer Georgius (arrived at 6:42 P.M.)  
Sarah Littlefield (arrived at 6:32 P.M.)  
Jace Clarke

**MEMBERS ABSENT:** None

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

**STAFF ABSENT:** None

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**I. CALL TO ORDER**

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

**II. OPENING STATEMENT**

Chair Horr overviewed the meeting procedures.

**III. MINUTES – October 4, 2017 and November 1, 2017**

Chair Horr called for a motion on the minutes.

October 4, 2017

Vice Chair McAdam made a motion to accept the minutes as written.

Board member Connolly seconded the motion.

A vote was taken and the motion passed 4-0-2; Board members Clarke and Littlefield abstained because they were not at the meeting.

November 1, 2017

Planner Della Valle explained that these minutes needed to be amended. Board member Clarke needed to be added as present at the meeting and Board member Georgius needed to be marked absent with notice.

Vice Chair McAdam made a motion to accept the minutes as amended.

Board member Cormier seconded the motion.

A vote was taken and the motion passed 5-0-2. Board members Connolly and Georgius abstained because they were not at the meeting.

#### IV. HEARINGS and BUSINESS

##### A. PUBLIC HEARINGS & BUSINESS

- i. **Old Business Item: File #999-17-T(3): The Planning Board will reconsider** its recommendation to the City Council about amending Chapter 280: Zoning, Article XV. Performance Standards to revise and expand standards for home cultivation of marijuana.

Chair Horr made a motion that the Planning Board reconsider their recommendation.

Board member Connolly seconded the motion.

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

Planner Della Valle explained why the request to reconsider was brought before the Board, which is to ask the Board if they would like to recommend a moratorium on registered caregivers cultivating medical marijuana in their primary residence within five hundred (500) feet of a pre-existing public or private school.

Vice Chair McAdam asked if this was going to be presented as a stand-alone ordinance. Planner Della Valle said it appeared it would be. Discussion took place on the following to help in their decision on whether or not to recommend a moratorium:

- Clarification on what the Planning Board would be trying to prevent
- Concerns growing within close proximity to kids
- Whether or not a caregiver has to be licensed or registered
- Which school areas would be most affected
- If current caregivers within these areas would be affected by the moratorium
- If any issues have come up or complaints made in general
- The number of patients a caregiver can provide for

Board member Cormier asked what the city was hoping to gain by restricting growing within 500 feet of schools.

Discussion took place on whether or not the Board wanted to place restrictions on caregivers.

Chair Horr called for a motion.

Chair Horr made a motion that the Planning Board recommend the City Council place a moratorium.

Board member Connolly seconded the motion.

A vote was taken and the motion failed 2-5, with Board members Clarke, Georgius, Littlefield, Cormier, and Vice Chair McAdam voting against the recommendation for a moratorium.

Planner Della Valle asked if the Board was satisfied with the draft memo included in their packet.

Chair Horr asked if there were any concerns or comments from Board members;

there were none.

Chair Horr called for a motion.

Board member Cormier made a motion that the Planning Board continue moving the draft ordinance amendments for home cultivation of marijuana forward and the Board recommends adopting the amendments.

Chair Horr seconded the motion.

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

ii. **New Business: File #23-17-R: Tony Wood, CEO, T & D Wood Energy LLC, c/o Chip Haskell, P.E., CES, Inc., P.O. Box 639, Brewer, Maine.**

Chair Horr called for a representative to present the project.\*

Tony Wood, T & D Wood Energy LLC, the applicant gave a history of the company and what his business is about.

Chair Horr asked if anyone wanted to speak on the application.

Roger Nagy, an abutter asked if there was going to be a lot of noise associated with the operation, what the plan was for hours of operation, and what was going to be done for fire suppression.

Mr. Wood explained what was being done to address the noise; he stated the plant would be operational 24 hours a day, but with limited noise during the overnight hours; and he explained what was being done for fire protection.

Planner Della Valle explained why the new set of plans were submitted late in the day and what took place at the Site Plan Review Committee (SPRC) meeting held on Tuesday, December 5.

Board member Cormier asked how long the current business was non-operational.

Mr. Wood stated the business was never vacant, the business operations changed once the original lumber facility sold to Pleasant River Lumber, the current owner and there is approximately 1/3 of land space being unused due to this change.

Chair Horr asked if there were any other questions.

Board member Connolly confirmed the stack height with Mr. Wood.

Chair Horr asked about the water supply for the suppression system. Mr. Wood explained what was done to make sure the suppression system was sufficient.

Planner Della Valle explained the outstanding issue around the project, which is the private way leading to the new facility from Lefrancois Lane and finished citing the conditions of approval recommended by the SPRC.

Mike Casserly, Assistant City Engineer overviewed his issues regarding stormwater management, further identifying the private way/easement/property lines, and the owner of the private way needs to be clearly identified on the private way plan.

Board member Cormier asked if PRL (Pleasant River Lumber) would suddenly vacate the property, would T & D Wood retain access.

Planner Della Valle responded that is the reason the deed and easement work is being done.

Discussion took place on what action the Board could take tonight.

Planner Della Valle went over the Finding of Facts with the Board:

**Chapter 280-16-7.5 Pedestrian circulation; 280-16-7.15 Landscaping; 280-16-7.16 Shoreland relationship; 280-16-7.18 Buffering; 280-16-7.19 Airport encroachment.**

Vice Chair McAdam made a motion that these standards are not applicable to this application.

Board member Connolly seconded the motion.

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

**Chapter 280-16-7.1 Utilization of the site; 280-16-7.7 Erosion control; 280-16-7.11 Natural features; 280-16-7.12 Groundwater protection.**

Board member Littlefield made a motion to accept these standards because they have been met.

Vice Chair McAdam seconded the motion.

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

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

Vice Chair McAdam made a motion to accept.

Board member Littlefield seconded the motion.

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

**Chapter 280-16-7.9 Sewage disposal; 280-16-7.10 Utilities**

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

Board member Clarke seconded the motion.

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

**Chapter 280-16-7.6 Stormwater management.**

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

Board member Connolly seconded the motion.

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

**Chapter 280-16-7.8 Water supply.**

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

Board member Georgius seconded the motion.

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

**Chapter 280-16-7.13 Exterior lighting.**

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

Chair Horr seconded the motion.

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

**Chapter 280-16-7.14 Solid waste disposal.**

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

Vice Chair McAdam seconded the motion.

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

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

Chair Horr made a motion to accept this standard because it has been met.

Board member Georgius seconded the motion.

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

**Chapter 280-16-7.20.1 No more than one dwelling unit and related accessory buildings and uses.**

Vice Chair McAdam 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 280-16-7.20.2 Maintenance agreement.**

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

Board member Georgius seconded the motion.

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

**Chapter 280-16-7.20.3 Minimum standards.**

Chair Horr 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.

Chair Horr called for a motion.

Board member Cormier made a motion that the Planning Board accept the information presented in the December 1, 2017 Summary Report, the December 5, 2017 Site Plan Review Committee Recommendation to supplement the Planning Board Project Summary, and in the Findings of Fact for File #23-17-R and approve the revised requested waivers, and approve the minor site plan with the following conditions, which includes the Site Plan Review Committee's recommended conditions described below:

1. Provide five hard copies of the package of revised site plan no later than December 27, 2017 (3 weeks of Planning Board approval) that include:
  - a. Metes and bounds of the ROW for the entire proposed private way and define the required legal frontage for the new parcel;
  - b. Draft deed for the proposed ROW which defines access rights, including public emergency vehicles, as well as construction and maintenance responsibilities;
  - c. Meet the ordinance's ROW and construction standards for private ways;
  - d. Clarify intended treatment of Wood Lane and provide an adequate easement document;
  - e. Respond to the Assistant City Engineer technical questions and requests for additional information, including adding notes on C103 to clarify/reference erosion control and stormwater maintenance plans, particularly with more specifics for maintenance of drainage ditches parallel to the private way and under Lefrancois Lane to improve water quality and other details in his 12/6/17 memo; and
  - f. Add a detail and note regarding the connection to the dry hydrant to indicate use of a double female swivel, 6" NSP with handles, to Sheet C102.
2. Provide a copy of the Maine DEP's Air Emission Permit to the Planning Department.
3. Provide a letter to the Planning Department from a Fire Protection Engineer, certifying that the fire protection system provides adequate capacity, prior to obtaining a building permit.
4. File the signed plan at the York County Registry of Deeds and provide the Planning Department three hard copies, with book and page number where it is recorded, within thirty days of the date the plan is signed by the Planning Board.
5. Provide an acceptable autocad file tied to the Maine State Coordinates System.
6. Pay all review fees.
7. Ensure that all construction is in compliance with any and all building codes.
8. Establish an inspection escrow account with the Public Works Department.
9. Schedule a preconstruction meeting with the Code Enforcement and Public Works Departments.

Chair Horr seconded the motion.

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

## **V. OTHER BUSINESS**

### **1. PLANNING DIRECTOR'S REPORT**

- a) Planner Della Valle reminded the Board to RSVP to the Planning Board holiday get-together.
- b) Planner Della Valle discussed the ventilation issue regarding medical marijuana facilities.
- c) Upcoming projects and information:
  1. Genesis Nursing Facility and the process of vacating a portion of July Street to construct the nursing facility
  2. Huttopeia – upscale glamping proposal – to be done at Sand Pond Campground
  3. Overviewed the summit she attended on Aging in Place
  4. Waban and St. Ignatius Apartments held open houses last week
  5. Aroma Joe's Drive-thru opened Tuesday. The landscaping portion was asked to be put on hold by the city until spring
  6. Facilitator training: Lenny, Sarah, Dianne are yes; Ed is no; Jack, Jennifer, and Jace to get back to Beth by Monday, December 11
  7. Dianne's and Jace's terms expire on December 31, send letters of interest to continue on the Board to the city manager's office
  8. By-laws: requesting the Board to review and comment within the next week
  9. Calendar: the Board will need to come up with alternative dates for the day before Thanksgiving and July 4<sup>th</sup>

## **VI. COMMUNICATIONS**

Board member Connolly recommended the Board visit the St. Ignatius Apartment complex. She also announced that she will be stepping down from the Master Trail Plan committee due to a conflict of interest, effective immediately.

## **VII. ADJOURN**

The meeting adjourned at 8:19 P.M. and went into work session.

### **Meeting following Work Session**

#### **I. CALL TO ORDER**

The meeting was called to order after the work session discussion at 8:43 P.M.

#### **II. CONSIDERATION OF SCHOOL DEPARTMENT RENOVATION REQUESTS FOR STAFF LEVEL REVIEW.**

Board member Littlefield made a motion to delegate both renovation requests to staff level review.

Board member Connolly seconded the motion.

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

#### **III. ADJOURN**

The meeting adjourned at 8:44 P.M.

\*Although the Chairman opened the item as a public hearing, the item was not required to have a public hearing held.