

**SANFORD PLANNING BOARD MINUTES**  
**MEETING September 17, 2008 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Robert Hardison, Chair  
Kelly Tarbox, Vice Chair  
Joseph Herlihy  
Margaret Kleinrock  
Bryan Chabot  
Gregory Vermette  
Gary Morse

**MEMBERS ABSENT:** None

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Charles Andreson, P.E., AICP, Town Engineer  
Michael Casserly, P.E., Assistant Engineer

**STAFF ABSENT:** Barbara Bucklin, Administrative Assistant (w/notice)

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**I. CALL TO ORDER**

Chair Hardison called the meeting to order at 7:30 P.M.

**II. PUBLIC HEARINGS**

**1. File #17-08-RU: Jennifer & Joseph Duty, 8 Camire Avenue, Sanford, Maine.**

Chair Hardison called for a representative to present the application.

Jennifer Duty, owner of A 2 Z Day Care, stated she was looking to increase the number of children enrolled at her daycare from the current number of eight (8) to between nine (9) and twelve (12).

Chair Hardison asked if anyone present wished to speak in favor of the application; there was no one. Chair Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chair Hardison asked if staff had any comments for the record. There were none. Chair Hardison asked if any Board members had questions for the applicant. No one did.

Chair Hardison closed the public hearing and called for a motion.

Board member Morse made a motion that the Planning Board accept the finding of facts (see attached) and find application File #17-08-RU, Jennifer and Joseph Duty requesting conditional use approval to operate a family child care facility as an owner occupied residence licensed with the State of Maine to provide care and instruction for no more than twelve children has been prepared in accordance with Article XIV Conditional Uses of the Sanford Code and provisions of Title 30-A M.R.S.A. Section 4404 and subject to the conditions listed below, grants approval:

- a) The Planning Board made a positive finding that the application met the standards of Section 280-66.
- b) The Planning Board granted the waiver request to permit the review without the submission of a formally prepared site plan.

- c) The applicant will pay any and all outstanding review fees.
- d) The applicant will conform to any and all construction or building codes and will maintain a license with the State of Maine to operate the family care facility.
- e) The applicant understands and will conform to Section 280-69 Duration of the conditional use approval.

Board member Kleinrock seconded the motion.

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

**2. File #18-08-RU: Amy Doiron, d/b/a Country Kids Child Care, 30 Putnam Street, Sanford, Maine.**

Chair Hardison called for a representative to present the project.

Amy Doiron, owner of Country Kids Child Care, stated she was looking to increase the number of children enrolled at her daycare from the current number of eight (8) to between nine (9) and twelve (12).

Chair Hardison asked if anyone present wished to speak in favor of the application. There was no one. Chair Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chair Hardison asked if there were any staff comments; there were none. Chair Hardison asked if any Board members had questions for the applicant. No one did.

Chair Hardison closed the public hearing and called for a motion.

Board member Herlihy made a motion that the Planning Board accept the finding of facts (see attached) and find application File #18-08-RU, Jim & Amy Doiron, requesting conditional use approval to operate a family child care facility as an owner-occupied residence licensed with the State of Maine to provide care and instruction for no more than twelve children has been prepared in accordance with Article XIV Conditional Uses of the Sanford Code and provisions of Title 30-A M.R.S.A. Section 4404 and subject to the conditions listed below, grant approval:

- a) The Planning Board made a positive finding that the application met the standards of Section 280-66.
- b) The Planning Board granted the waiver request to permit the review without the submission of a formally prepared site plan.
- c) The applicant will pay any and all outstanding review fees.
- d) The applicant will conform to any and all construction or building codes and will maintain a license with the State of Maine to operate the family care facility.
- e) The applicant understands and will conform to Section 280-69 Duration of the conditional use approval.

Board member Vermette seconded the motion.

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

**3. File #21-08-RU: Evergreen Covenant Church, c/o Rev. Frank Catalano, PO Box 271, Sanford, Maine.**

Chair Hardison called for a representative to present the project.

Pastor Frank Catalano introduced himself.

Chair Hardison asked if anyone present wished to speak in favor of the application. There was no one. Chair Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chair Hardison asked if there were any staff comments; there were none.

James Gulnac, Planning Director, reminded the Board that churches in general are considered a major site plan by definition. Mr. Gulnac stated this application was a unique situation in that it was going into an existing hall and it has been determined that the church's hours of activity will not interfere with the other stores' hours of operation so parking will not be affected.

Chair Hardison asked if any Board members had questions for the applicant. No one did.

Chair Hardison closed the public hearing and called for a motion.

Board member Vermette made a motion that the Planning Board accept the finding of facts (see attached) including the waiver requests and grant approval to application File #21-08-R, Frank Catalano, M. Div., on behalf of the Evergreen Covenant Church requesting major site plan approval to locate their church in existing office space at the Airport Plaza located at 1725 Main Street in South Sanford subject to the conditions listed below:

- a) No occupancy permit should be issued until the applicant pays any and all outstanding review fees.
- b) The applicant will comply with any and all construction and building code requirements.
- c) Any additional conditions the Board may wish to include.

Vice Chair Tarbox seconded the motion.

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

**4. File #22-08-R: Gerald & Doreen Warren, d/b/a Maverick's Unique Finds, 6 Smada Drive, Sanford, Maine.**

Chair Hardison called for a representative to present the project.

Doreen Warren, owner of Maverick's Unique Finds, informed the Board she was requesting conditional use approval to operate a retail store at 6 Smada Drive.

Chair Hardison asked if anyone present wished to speak in favor of the application. There was no one. Chair Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chair Hardison asked staff if there were any questions or comments. Staff confirmed that everything was in order for approval.

Chair Hardison asked if Board members had any questions or concerns. No one did.

Chair Hardison closed the public hearing and called for a motion.

Board member Morse made a motion that the Planning Board accept the finding of facts (see attached) and find the application for Gerald & Doreen Warren, d/b/a Maverick's Unique Finds,

6 Smada Drive, Sanford requesting conditional use and approval to operate a retail store in an existing building located at the corner of Route 109 and Smada Drive in South Sanford has been prepared in accordance with Article XIV Conditional Uses of the Sanford Code and provisions of Title 30-A M.R.S.A. Section 4404 and subject to the conditions listed below, grant approval:

- a) The Planning Board made a positive finding that the application met the standards of Section 280-66.
- b) The Planning Board granted the waiver request to permit the review without the submission of a formally prepared site plan.
- c) The applicant will pay any and all outstanding review fees.
- d) The applicant will conform to any and all construction or building codes.
- e) The applicant understands and will conform to Section 280-69 Duration of the conditional use approval.

Board member Vermette seconded the motion.

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

5. **File #05-08-R: Goldmark, LLC, c/o Carl Beal**, Civil Consultants, PO Box 100, South Berwick, Maine.

Chair Hardison informed all present that this item is being heard as a public hearing item only at this time. Chair Hardison called for a representative to present the application.

Carl Beal, representing the applicant, stated the applicant is requesting to renew the current mineral extraction permit they are currently operating under along with amending the project to allow expansion into North Berwick, which North Berwick has already approved, and to allow some material processing on the site.

Chair Hardison asked if anyone present wished to speak in favor of the application. There was no one. Chair Hardison asked if anyone present wished to speak against the application. Again, there was no one.

Chair Hardison closed the public hearing.

### III. NEW BUSINESS

It was decided at the work session that Goldmark would not be voted on at tonight's meeting.

### IV. OLD BUSINESS – None

- V. **APPROVAL OF MINUTES – May 21, 2008, June 4, 2008, June 30, 2008 and August 27, 2008**

Chair Hardison called for approval of the minutes.

May 21, 2008

Board member Herlihy made a motion to accept the minutes of May 21<sup>st</sup> as written.

Vice Chair Tarbox seconded the motion.

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

June 4, 2008

Board member Morse made a motion to accept the minutes of June 4<sup>th</sup> as written.

Vice Chair Tarbox seconded the motion.

A vote was taken and the motion passed 4-0.

June 30, 2008

These minutes were tabled until clarification could be made on the heading.

August 27, 2008

These minutes were not available for this meeting.

**VI. PLANNING DIRECTOR'S REPORT – None**

**VII. ADJOURN**

The meeting adjourned at 8:06 PM.

\*Chair Hardison made a few announcements of items that were not on the agenda:

- a) The Planning Office submitted design guidelines for the implementation of design guidelines for the downtown area on September 15. This also includes the Springvale area. David Joy is present and would like to make a presentation to the Board tonight. James Gulnac, Planning Director, overviewed the proposal.

Discussion took place on the purpose of the new proposed design review committee.

**Attachment to September 17, 2008 Minutes**

*Finding of Facts for Public Hearing Item #1*

*File #17-08-RU: A 2 Z Day Care*

- Under the revised ordinance recently adopted by the Town of Sanford this operation would be classified as family child care permitted with Planning Board review as an owner-occupied residence licensed with the State of Maine that provides care and instruction for between nine (9) and twelve (12) children.
- The applicant has provided verification that they own the property in question and that they are licensed with the State of Maine, therefore they have standing to make the application.
- The applicant has requested a waiver from the requirements to submit a formal site plan and the Planner has indicated he supports the waiver request.
- The Planner's report included a copy of Section 280-66 Standards for conditional use approval and supported the Planner's recommendation that the application met the standards. Furthermore no specific conditions were recommended.
- Section 280-66 Checklist:

**CHECKLIST Section 280-66. STANDARDS FOR CONDITIONAL USE APPROVAL**

**File #  
&**

**Name:**

**FILE#17-08-Ru A2Z Day Care  
Reviewer: James Gulnac**

**Date:**

**20-Aug-08**

	STANDARD	COMPLIES	DOES NOT	EXPLANATION
{1}	The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations;	YES		
{2}	The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;	YES		
{3}	The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;	YES		
{4}	The proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants;	YES		
{5}	The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties;	YES		
{6}	The proposed location for the use has no peculiar physical characteristics due to its size shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;	YES		
{7}	The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and	YES		
{8}	If located in the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve Shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use.	N/A		

*Findings of Fact for Public Hearing Item #2  
 File #18-08-RU: Country Kids Child Care*

- Under the revised ordinance recently adopted by the Town of Sanford, this operation would be classified as family child care permitted with site plan review as an owner occupied residence licensed with the State of Maine that provides care and instruction for between nine (9) and twelve (12) children.

- The applicant has provided verification that they own the property in question and that they are licensed with the State of Maine, therefore they have standing to make the application.
- The applicant has requested a waiver from the requirements to submit a formal site plan and the Planner has indicated he supports the waiver request.
- The Planner’s report included a copy of Section 280-66 Standards for conditional use approval and supported the Planner’s recommendation that the application met the standards. Furthermore, no specific conditions were recommended.
- Section 280-66 Checklist:

**CHECKLIST Section 280-66. STANDARDS FOR CONDITIONAL USE APPROVAL**

**File #  
&  
Name:**

**FILE#18-08-Ru Country Kids Child Care  
Reviewer: James Gulnac**

**Date: 20-Aug-08**

	<b>STANDARD</b>	<b>COMPLIES</b>	<b>DOES NOT</b>	<b>EXPLANATION</b>
{1}	The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations;	<b>YES</b>		
{2}	The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;	<b>YES</b>		
{3}	The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;	<b>YES</b>		
{4}	The proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants;	<b>YES</b>		
{5}	The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties;	<b>YES</b>		
{6}	The proposed location for the use has no peculiar physical characteristics due to its size shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;	<b>YES</b>		
{7}	The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and	<b>YES</b>		

- {8} If located in the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve Shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use.

N/A

*Findings of Fact for Public Hearing Item #3*

*File #21-08-RU: Evergreen Covenant Church*

- The application for a church is classified by definition, Section 280-97A(4)(q), as a major development.
- The applicant has requested and, for the purposes of placing the application into the formal review process, has been granted a waiver of the requirements for a major site plan and review by the Site Plan Review Committee.
- The applicant has provided information concerning the capacity of the meeting space to be 150 people which generates a requirement for 38 spaces. There are over 50 spaces identified in the Airport Plaza. The church plans to hold its services during hours when the other businesses are closed. The applicant asks that this satisfies the requirements for the parking standards as required in the ordinance.
- The applicant has indicated that no site work is proposed and has requested a waiver from providing all the formal requirements for a major site plan. The Planning Director granted the applicant's request for a waiver so the application could be scheduled for review by the Planning Board as required by ordinance.

*Findings of Fact for Public Hearing Item #4*

*File #22-08-R: Maverick's Unique Finds*

- The applicant has provided documentation that they have a financial interest in the property and therefore have standing to present the request for a conditional use approval.
- The property (Tax Map R19, Lot 201) is included as one which, under the recently amended Town of Sanford Zoning code, permits retail use subject to conditional use review and approval by the Planning Board.
- The Planner granted a temporary waiver permitting the request to be presented to the Planning Board without a formal site plan under the provisions of Section 280-65.
- The Planning Board agreed to grant the waiver requested.
- The Planner's report included a copy of Section 280-66 Standards for conditional use approval and supported the planner's recommendation that the application meet the standards. Furthermore no specific conditions were recommended.
- Section 280-66 Checklist:

**CHECKLIST Section 280-66. STANDARDS FOR CONDITIONAL USE APPROVAL**

File # & Name:	Maverick's Unique Finds File 22-08-RU	Date:	20- Aug-08	COMPLIES	DOES NOT	EXPLANATION
STANDARD						
{1}	The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations;			YES		
{2}	The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;			YES		
{3}	The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;			YES		
{4}	The proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants;			YES		
{5}	The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties;			YES		
{6}	The proposed location for the use has no peculiar physical characteristics due to its size shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;			YES		
{7}	The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and			YES		
{8}	If located I the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve Shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use.			N/A		

- The application was reviewed by the Planning Board in work session on September 3, 2008. No one from the public appeared to make comment. The board directed that the application be scheduled for a vote at the September 17, 2008 meeting.