

SANFORD PLANNING BOARD MINUTES
MEETING March 7, 2007 – 7:30 P.M.
Town Hall Annex Third Floor Chambers
AMENDED

Amended with Corrections

MEMBERS PRESENT: Robert Hardison, Chairman
William Noon, Vice Chairman
Joseph Herlihy
Gregory Vermette
Gary Morse
Kelly Tarbox

MEMBERS ABSENT: Margaret Kleinrock (w/notice)

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

STAFF ABSENT: None

I. CALL TO ORDER

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

II. PUBLIC HEARING

1. **03-07-T: Carol Levesque, c/o Dana Libby, PLS, Corner Post Land Surveying, Inc., 2 Mill Street, Springvale, Maine.**

Chairman Hardison opened the public hearing for the above item.

Dana Libby stated that the applicant would like to change the zone on property she recently purchased in order to operate her real estate office.

Chairman Hardison asked if there were any questions from Board members; there were none.

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

Brenda Sanborn, 6 Amelia Street, opposes this change because it is a single family zone and felt there were enough businesses around the neighborhood already.

Harland Eastman is against the zone change proposal. Mr. Eastman asked if someone could read what is allowed in the Urban Business zone, which is the zone being requested. Mr. Eastman asked for the information because he wanted to know what potential use could happen with this zone change if the applicant sold the property.

Staff member Gulnac read an overview of the allowances in the UB zone from the Zoning Ordinance. He also showed everyone where the property was located and which zone the property is currently in (a portion of the property is zoned UB, and a portion is SFR).

Mr. Eastman feels if this change goes through, it would be spot zoning and is against the zone change request. He would like to keep this area residential.

Chairman Hardison asked if there were any others that would like to speak against the application.

Ms. Sanborn asked if everyone was notified because she noticed some envelopes that were in the file. Chairman Hardison explained the process for notice sending, and is not sure why the notices were returned.

Ms. Sanborn confirmed with staff member Gulnac about a portion of the property already being zoned UB. She then asked if this change were to take place, would that then allow the next abutting property to change, and so on. Discussion took place.

Sandra Michaud, Auburn Street, asked which portion of the property is zoned UB. She stated that the portion that is zoned UB was not part of the original lot. She stated that she originally was going to be in favor of the application, but after hearing the others speak, she was now against the change.

John York, 2 Thomas Street, is against the application. He feels that just because a property is dual zoned does not mean the property should be changed. If the majority of the property is zoned residential, it should remain residential.

Carol Levesque, applicant, stated that she could have an office in the house if she was living there as it is zoned right now. She feels that her business would be an asset at this location compared to other uses that could be allowed.

Ms. Sanborn stated if Ms. Levesque wanted to live there and run her office that was her choice. But, she is not living there right now.

Mr. Eastman asked if the applicant could live at the house and run her business under the current zoning, why the zone change is needed. Ms. Levesque stated she was not going to live there. He wanted to know if it was necessary to accommodate the purchaser by changing the zone.

Chairman Hardison explained the home business section of the zoning ordinance. Discussion followed.

Ms. Sanborn said she was concerned about the use due to parking, etc. Chairman Hardison stated the ordinance had specific guidelines to follow to operate a home business.

Chairman Hardison asked if there was anyone else that had questions or concerns. There were none.

Chairman Hardison closed the public hearing.

Staff member Gulnac informed the public that this change was not spot zoning, and explained why it was not. He also stated that in this area of town, there are many non-conforming properties where a house is not being used as a single family residence in the SFR zone. Mr. Gulnac stated why he liked the proposal – it was going to keep the character of the structure so it would look like the rest of the neighborhood.

Chairman Hardison asked Board members if they had any comments. He stated the voting on this application would take place in two weeks.

Board member Herlihy asked if there was any way to place a conditional use on the application. Some discussion took place.

Board member Tarbox stated the situation was confusing – she could live there and have the office, but not have the office alone. Staff member Gulnac explained what the difference was.

Chairman Hardison stated there would have to be research done to see if what Board member Herlihy suggested (conditional use approval) could or could not be done.

Staff member Gulnac asked Chairman Hardison if it would be ok to re-notify the abutters whose envelopes were returned to the Planning Office. This would give those that did not receive notice a chance to be heard.

Chairman Hardison stated that since the public hearing has officially been closed, the Board would hold a special public hearing in two weeks if any of the abutters who were not noticed would like to comment. Mr. Hardison stated one letter was received that was strongly in favor of the application.

Chairman Hardison clarified what would take place in two weeks.

III. ADJOURN

The meeting adjourned at 8:00 PM. A work session followed.

Margaret Kleinrock
Secretary, Planning Board

Date