



Following the CEO's presentation, the applicant was asked to introduce he and his wife by the Chairperson, Jane Bowker. The applicant introduced himself, Ronald Grondin and his wife, Sylvia Grondin. Immediately following their introduction, the CEO requested a standing with regard to the applicant's roll. The applicant indicated he and his wife were owners of the business, Grondin Enterprise's, and not the property where their business is conducted. The owner of the property is Rowell LLC of Springvale, Maine. The step that followed was to determine if the applicant had legal rights to file the appeal. Mark Patterson asked the CEO as to where he could find the legal determination of standing. The Code Officer indicated to the Board they could find it in the MMA Training manual, of which they have a copy. Also, the CEO indicated that if the applicant had brought a copy of their lease agreement, the document would confirm their standing. As a lessee, they do have standing. Board member Mark Patterson indicated that although they did not bring a copy of their lease with them, the fact they were there seemed sufficient to move forth. The Chairperson asked if the Board wanted to take a vote on the standing issue. Since there was no motion to take a vote, the Board accepted the applicant's standing and the hearing proceeded.

The applicant stated that Article 34 permitted the storage of unregistered or junk cars with permits in an Industrial Zone.

Jane Bowker asked the applicant for a description of their business and how it relates toward their appeal. Mr. Grondin identified their business by stating they were strictly a towing company. The majority of their towing come from people requesting a tow for purpose of repairs etc., etc. Some towing is done for the Police Department while other tows are due to snow ban removal. Most cars are stored overnight or until claimed by the Insurance Companies.

Mark Patterson asked for the Table of Land Uses of which copies were circulated to all Board members.

Mrs. Grondin continued by stating that they purchased the business from LaChance Bros. and moved the business to the Industrial Zone for the purpose of conducting their towing service. Cars are detained on their property for a maximum of thirty (30) days with few exceptions. Mrs Grondin further stated they are a AAA contractor. When asked by the Chairperson if they had consulted with the Town before relocating their business, Ronald Grondin replied by stating they had contacted the Codes Department but could not give a name as to whom they spoken with. He further stated to the Chairperson that in the summer-time they average between 3 to 4 cars on the property while in the winter-time they average between 6 to 7 cars on the lot. If the owner fails to claim their vehicle, the Company goes through the State of Maine in order to obtain legal rights to the vehicle so they can dispose of it. This may take 30 days. Vehicles are not unregistered when they are brought to the yard.

Mark Patterson asked for a definition of an Impound Yard. The Chairperson, Jane Bowker suggested they first obtain more information on the business from the Grondins and then asked the CEO for an explanation if the Board was unclear as to its meaning.

Ronald Grondin stated to the Board that he thought it was an allowed use in that zone and; hence, why he filed for an Administrative Appeal. Mr. Grondin also referenced Article #34 under land uses. His business does not tow “junk” cars or store junk parts. All cars towed to his lot are “registered vehicles”. Mark Patterson noted on the Notice of Violation that the lot may be permitted with Planning Board Approval.

The Chairperson asked the Grondins if there was anything else they would like to submit to the Board regarding their appeal. With nothing further from the Grondins, Jane Bowker asked the Code Enforcement Officer, Shirley Sheesley, to present her explanation of an administrative appeal and where it goes from here.

Using the projection screen to identify the property the CEO indicated that the lot was in the IB zone as well as the Shoreland zone. Ms. Sheesley indicated that the Grondins had not proven any misinterpretations or misrepresentations of the ordinance. The CEO also indicated that an Impound Yard is not listed in Land Uses and, therefore, not permitted in the IB zone. As stated, his business really does not fit into the table of land uses for this zone. Again, she emphasized that the application was for 275 Jagger Mill Road and not where the business was initially purchased. Due to security reasons, the Town of Sanford did not want an impound yard for vehicles within the town limits. Before the violation notice was done, Mr. Grondin was told he could only run an office from his location on Jagger Mill Road, according to the Chief Code Enforcement Officer. Mr. Grondin was advised to contact the Planning Board for assistance should they wish to pursue. With no further questions presented to the Board, the Chairperson announced that the meeting would be closed to the public so a vote could be taken. Meeting officially closed at 7:54 P.M.

Mark Patterson made a motion that the appeal be denied for the reason(s) stated above. The motion was carried and a vote was taken. Voted (5) against.

Please see copy of the “Findings of Fact” for an administrative appeal dated November 10, 2008 and attached to the minutes.

Before moving on to the Use Variance, a 10 minute break was called by the Chairperson in order to obtain additional documents not enclosed with the original package.

At 8:05 P.M., meeting was called to order for the purpose of hearing the appeal of Ronald & Sylvia Grondin, owners of Grondin Enterprise’s of 275 Jagger Mill Road, Sanford, Maine.

Jane Bowker requested that the Chief Code Enforcement Officer present to the Board the Basis and Standing of the applicant. Shirley Sheesley announced that the Basis and Standing would be the same as the one for the Administrative Appeal.

Mark Patterson suggested that the appellant receive a copy of the “Standing” when filing for an appeal. He strongly felt it would save time having the Board go through the procedure outlined in the appeal application form.

Jane Bowker addressed her comments to the Grondins and suggested they follow the format as listed in the Use Variance application. It was also noted by the Chairperson and another Board member that the Grondins must respond to and meet all of the four (4) criteria. Failure to meet all criteria would result in the Board denying the variance.

Mr. Grondin again stated that the lot did, at one time, house another towing company. He felt they met Article 34 and should be permitted to operate a towing company. As to the response to question 1, Jordan Landry asked Ronald Grondin whether or not another company could operate on that property? His remark was, "I suppose one could". In his own opinion, however, he felt the lot could not serve for anything other than a "parking lot". His contract with AAA requires that he provide a towing operation. He currently has a month-to-month lease with the owner of the property.

After going over much of the same territory discussed in the Administrative Appeal, the Chairperson asked if the Board had any question(s) they would like to ask at this time. A negative response turned the meeting over to the Code Enforcement Officer for her comments. Once again, she reiterated the position of the applicant and their request to allow the lot to be used for a towing and impound lot for the storage of vehicles. She also ran through the four points on the undue hardship and that they all must be met in order to grant the variance. To question 1 she responded by saying the property was already established and included a building on the property. There are currently two permitted businesses on the property and she indicated both properties had been used for parking vehicles before (from picture taken approximately 3 years ago). The picture also clarified that the property is next to the river and in the Shoreland zone. There are permitted land uses already established for the property. The response to question 2 encompassed the current approved use of the property.

In her response to question 3, the parking of vehicles on this lot could have an environmental concern should they leak oil or other fluid while stored on the property. This could ultimately result in pollution to the water should it get into the waterbed. The CEO's response to question 4 was that the applicant failed to show an undue hardship. Based on the above findings, the CEO further stated that the applicant should not be granted approval.

The Chairperson asked the Grondins if there was any rebuttal. Sylvia Grondin rebutted by referencing the Food Pantry and the ongoing mess with people dropping their mattresses and other household items in front of the building blocking the street at times. She feels their operation would be much cleaner without that mess. Board member Mark Patterson asked the applicant "how many cars do you project would be on the property at any given time"? Mr. Grondin responded by saying 4 or 5 vehicles. He also stated that was a lot!

With no further questions the Chairperson closed the meeting to the public so the Board could vote. The results of their voting is recorded in the "Findings of Fact" dated November 10, 2008. Based on the findings, the Board voted to deny the appeal.

Mark Patterson suggested to the applicant that there are other options available for he and his wife and they should pursue these options through other means, including the Site Plan Review, if available.

A motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 9:05 P.M.