

**SANFORD PLANNING BOARD MINUTES**  
**MEETING August 4, 2010 – 7:30 P.M.**  
**Town Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** Gary Morse, Secretary, Acting Chair  
Joseph Herlihy  
John McAdam  
David Mongeau  
Gregory Vermette

**MEMBERS ABSENT:** Kelly Tarbox, Chair (w/notice)  
Robert Hardison, Vice Chair (w/notice)

**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 Tarbox called the meeting to order at 7:30 P.M.

**II. PUBLIC HEARINGS**

**1. File #999-09-T(4): Town of Sanford, Amend Table of Land Uses in Zoning Ordinance for Inns and Bed-and-Breakfasts.**

Acting Chair Morse asked for James Gulnac, Director of Planning & Community Development for the Town of Sanford to explain the request.

James Gulnac, Planning Director, said he was asking for a minor adjustment to the current zoning ordinance to add a zone to a use that is already permitted in the town, inns and bed & breakfast, as a permitted with review use in the GR zone, and then explained the reason for the request. Basically, in looking at the types of houses throughout town located in the GR zone, there were a number of large houses that could be used as a bed & breakfast. This change would allow this use with review.

Acting Chair Morse asked if anyone present wanted to speak in favor of the application; no one did.

Acting Chair Morse asked if anyone present wanted to speak in opposition of the application; again, there was no one.

Acting Chair Morse closed the public hearing.

After the last public hearing (File #09-10-R), Acting Chair Morse asked the Board if they would like to consider this application for recommendation to the Town Council.

Staff member Gulnac said he was asking the Board to consider recommending this item to the Town Council tonight.

The Board didn't have any other questions, and they did not object to forwarding this item on to the council for their action.

Acting Chair Morse called for a motion.

Board member Mongeau made a motion that the Planning Board accept the finding of facts (see attached) and supports the Planning Director's request that the Board recommend amending the Table of Land Uses, Category of Uses VI Commercial and Industrial Uses, A. Principal Uses 21. Inns and bed-and-breakfasts: to add PR in the GR zone.

Board member Herlihy seconded the motion.

A vote was taken, and the motion passed 5-0.

**2. File #999-10-T(5): Ordinance Change – Medical Marijuana Dispensaries.**

Acting Chair Morse called for James Gulnac, Director of Planning & Community Development for the Town of Sanford.

James Gulnac, Planning Director, explained that once the voters approved marijuana as a medicinal use, the state mandated that the towns have the ability to locate a nonprofit medical dispensary for marijuana in their ordinances. Mr. Gulnac then explained the steps that town officials and staff have taken up to today to comply with the state mandate. Mr. Gulnac then described the process the town will take in order to have an ordinance in place to allow this use.

Acting Chair Morse asked if there were any questions from the Board; there were none.

Acting Chair Morse asked if anyone present wanted to speak in favor of the application; no one did.

Acting Chair Morse asked if anyone present wanted to speak against the application. Again, no one did.

Henry LaBrie said he is asking the Board to consider adding zones where this use will be allowed – the ORB zone, in particular. More specifically, he owns the property known as Deer Ridge Park, and this is located in the ORB zone and he was approached by an applicant to have a dispensary located in his building. For this reason, he would like to have the allowed zones expanded. Discussion took place.

Acting Chair Morse asked if there was anyone else present that would like to speak; there was not.

Acting Chair Morse closed the public hearing.

**3. File #07-10-R: Church of the Prince of Peace, c/o John Clifton, Pastor, PO Box 914 Sanford, Maine.**

Acting Chair Morse called for a representative to present the project.

Pastor John Clifton, of the Church of the Prince of Peace, gave a brief overview of the application. He was looking to relocate the church located in the upper Mid-Town Mall to a larger space in the lower Mid-Town Mall. This would allow the church to open and operate a home school, cooperative and Christian day school program. Pastor Clifton then went on to explain the program.

Acting Chair Morse asked if there were any questions from the Board; there were none.

Acting Chair Morse asked if anyone present wanted to speak in favor of the application; no one did.

Acting Chair Morse asked if anyone present wanted to speak against the application. Again, there was no one.

Acting Chair Morse closed the public hearing.

**4. File #08-10-R: Calvary Baptist Church, c/o Rev. Todd Bell, 68 High Street, Sanford, Maine.**

Acting Chair Morse called for a representative to present the project.

Pastor Todd Bell, of Calvary Baptist Church, extended his thanks to the Board for their civic duties to the town. He then gave a brief overview of the application. He explained that the church was looking for a building to expand into, and found one at 62 High Street located a few buildings down from the church. Pastor Bell explained that they would like to use the new building as an educational annex to be used for Sunday school, to bus children in so they can hear the gospel, and as a Christian day school. He also said that parking is an issue, and he told the Board he received permission from the owner of the former Knights of Columbus building to use his parking lot, and described the other locations of available parking spots to be used that would meet town code. Pastor Bell also addressed the student drop-off/pick-up points for the Christian Academy School.

Acting Chair Morse asked if the Board had any questions.

Board member McAdam asked if there were any future plans to move the entire operation from their current location at 68 High Street to the new building at 62 High Street. Pastor Bell said the church was looking to separate the educational activities (Sunday school and the Christian school) only and use the new building for these activities.

Board member Herlihy asked if these activities were happening concurrently with worship services at this time; Pastor Bell stated the activities were not.

Board member McAdam asked what the current parking situation was right now for the church. Pastor Bell said they have five (5) spaces behind the facility for parking; the rest was within a 600' radius, which was allowed by the ordinance.

Board member Herlihy said he remembered that the original application had a letter stating that people would be bussed in from another location from across the river and wanted to know what happened to that. Pastor Bell replied that he believed this alternative would be used only if parking became an inconvenience or if there was a parking ban in place at the time of worship services during a storm. He did not understand this alternative would be used regularly because on-street parking is allowed in the Town of Sanford.

Board member Mongeau asked what the difference is between the proposed number of parking spots (73) and the number of parking spots currently needed – how many spots was Pastor Bell adding. Pastor Bell replied that the new building was going to have daily activity so a set number of spaces were required, but in actuality, there would be no difference in what is currently needed because worship services and educational services would not be taking place at the same time.

Discussion took place on how the number of 73 spaces came about, and it was decided the details would be worked out during the work session following the meeting.

Acting Chair Morse asked if anyone present wanted to speak in favor of the proposal; there was no one.

Acting Chair Morse asked if anyone present wanted to speak against the application.

Laurie Richards, 70 High Street, wanted to make it clear she was not against the building or the mission of the church, but it was about the parking situation. She said during the time the church has been there, the people have for the most part been respectful and she appreciates the improvements the church has added to the neighborhood. However, the biggest problem is parking. She said it doesn't matter if it is summer or winter months, there is a lot of bottleneaking in the area and went on to explain the particular problems. Ms. Richards would like to have a restriction on parking, to have a stringent clarification as to what would be allowed on which sides of the street and under which conditions so that everyone is safe.

Deborah Miles, 72 High Street, said that the area has not been the same since the church opened. Ms. Miles felt that if the church wants to expand, they should do so in an area where there is a lot of parking where the children would be safe.

Acting Chair Morse asked if there was anyone else present that would like to speak against the application; there were none.

Acting Chair Morse closed the public hearing.

**5. File #09-10-R: Donald & Sandra Chasse, 82 Elm Street, Springvale, Maine.**

Acting Chair Morse called for a representative to present the project.

Don Chasse, 82 Elm Street, Springvale, said he and his wife Sandra were looking to open up an antique store at 82 Elm Street. He said he believed they have met all the requirements, and would like to operate a little family business. Both Mr. & Mrs. Chasse went on to give some details of the site plan.

Acting Chair Morse asked if there were any questions from the Board; there were none.

Acting Chair Morse asked if anyone present wanted to speak in favor of the application; no one did.

Acting Chair Morse asked if anyone present wanted to speak in opposition of the application; again, there was no one.

Acting Chair Morse closed the public hearing.

After the motion to recommend Item #1 to the Town Council for their review and action, Acting Chair Morse asked the Board to consider making a motion on this item tonight, if the Board felt the application was complete.

Acting Chair Morse asked staff members if there were any outstanding issues.

Staff member Casserly, Assistant Town Engineer, said he found no engineering issues with the application. Mr. Casserly felt the proposal was ready to go if the codes department was satisfied.

Staff member Gulnac said the SPRC requested a more complete site plan to add to the file, and the Chasse's had submitted one, and it was included in the Board's information for tonight's meeting.

Acting Chair Morse asked the Chasse's if they would like to have a motion for approval made tonight or if they would rather wait for two weeks. Acting Chair Morse explained that there were only five (5) members present tonight instead of seven, and that a passing vote required four (4) affirmative votes. The Chasse's agreed for a vote to be made tonight.

Board member Mongeau made a motion that the Planning Board accept the finding of facts (see attached) and find that application File #09-10-RU, tax map R3, lot 43 owned by Donald and Sandra Chasse for a conditional use approval to operate an antique business, has been prepared in accordance with the requirements of Article XIV Conditional Uses, 280-66 D and subject to the conditions itemized below grants approval:

- a) The Planning Board grants the waiver of the requirement for the preparation of a formal site plan and accepts the plan submitted on July 28, 2010.
- b) The applicant will pay any outstanding review fees.
- c) The Conditional Use approval is granted for as long as the property is used as an owner occupied antiques business.
- d) This may be expanded in area or function only with the granting of a new conditional use approval by the Planning Board.
- e) The approval is granted subject to the applicant complying with any and all construction and code permit requirements.

Before a second on the motion was made, Acting Chair Morse asked staff members if all outstanding fees have been paid. Mr. Gulnac said the fees would be taken care of.

Board member McAdam seconded the motion.

A vote was taken, and the motion passed 5-0.

### **III. NEW BUSINESS**

There were no new business items.

### **IV. OLD BUSINESS**

There were no old business items.

### **V. APPROVAL OF MINUTES**

There were no minutes ready for approval.

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

There was no report for tonight's meeting.

### **VII. ADJOURN**

The meeting adjourned at 8:10 PM. A work session immediately followed.

## **Attachment to August 4, 2010 Minutes**

*Finding of Facts for Public Hearing Item #1  
File #999-09-T(4): Ordinance Change – Inns and bed-and-breakfasts*

- The Planning Board accepts the proposal of the Town Planner with the addition Inns and Bed-and-breakfast as a PR (permitted with review) in the GR.

- The proposed revisions are consistent with the growth management plan for the Town of Sanford and would have a positive impact on the economic development of the Town of Sanford.
- Any applications for this use would need to comply with all the rules and regulations that the use would follow in any already approved zone.

*Finding of Facts for Public Hearing Item #5  
File #09-10-R: Chasse Antique Store*

- The applicant has provided proof of ownership of the subject property and has standing to submit the application.
- The application has been reviewed by the Site Plan Review Committee and a revised site plan has been prepared and submitted for review.
- The staff has reviewed the plans and has found that they are in compliance with requirements of the newly created ordinance. [Article II, Section 280-5 Definitions; Attachment 1 Table of Land Uses and Article XIV Conditional Uses 280-66 Standards for conditional use approval Section D Antique Stores]
- The staff also recommends that the Planning Board waive the requirements for a major development and accept the revised site plan received on July 28, 2010 as adequate.

\*\*No action was taken on public hearing items #'s 2, 3, & 4.