

**SANFORD PLANNING BOARD MINUTES**  
**MEETING – September 16, 2015 – 7:00 P.M.**  
**City Hall Annex Third Floor Chambers**

**MEMBERS PRESENT:** John McAdam, Chair  
Lenny Horr, Vice Chair  
Richard Bergeron  
Lucas Lanigan  
Dianne Connolly  
Dana Peterson

**MEMBERS ABSENT:** Kelly Tarbox, Secretary (w/notice)

**STAFF PRESENT:** James Q. Gulnac, AICP, Planning & Development Director  
Elizabeth Della Valle, AICP, Director of Planning & Development  
Shirley Sheesley, Codes Enforcement Officer  
Michael Casserly, Asst. City Engineer

**STAFF ABSENT:** None

\*\*\*\*\*

**I. CALL TO ORDER**

Chair McAdam called the meeting to order at 7:00 PM.

**II. PUBLIC HEARING**

**1. File #12-15-R: John & AnnMarie Fredericks, P.O. Box 102, Acton, Maine.**

Chair McAdam called for a representative to present the project.

Brandon Albert, John Fredericks, and Steve Horne introduced themselves. Mr. Horne presented a new plan that was accepted earlier in the day by the Site Plan Review Committee to the Board.

Mr. Albert briefly explained their current operation and addressed some of the current concerns with existing medical marijuana grow facilities.

Chair McAdam asked if there was any public comment.

Marcel Gagnon (?) wanted information on what caregivers do and if there were any other facilities like the one being proposed in the state.

Shirley Sheesley, CEO asked for clarification on the number of caregivers operating in the facility.

Chair McAdam asked if there was any more public comment; there was none.

Chair McAdam asked Mike Casserly, Assistant Engineer if his questions had been answered.

It was decided to discuss the project further in work session.

Chair McAdam closed the public hearing at 7:47PM and went into work session.

The Planning Board came back into session at 8:25PM.

Staff member Gulnac stated the Planning Board reviewed and discussed the report prepared by the Planning Director. Positive findings were made on the conditional use standards with some discussion on the issue of surface water control but an understanding was reached with the applicant.

Staff member Gulnac recapped the motion: The Planning Board moves to accept the finding of facts as revised this evening:

- The applicant is the owner of the property and has standing to submit the application.
- The applicant has received site plan approval with conditions from the Site Plan Review Committee.
- The final site plan is subject to the review and acceptance by the City Engineer.
- The property is located in the IB zone where the proposed medical marijuana facility is conditionally permitted with review.
- The applicant has not requested any waivers in their application.
- The Sanford Water District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District.
- The Sanford Sewer District has reviewed the application and confirms that there is adequate capacity to serve the property and that the applicant has agreed to connect to the system in a manner acceptable to the District. The plans for the work to be done for the infrastructures in the public right-of-way will require certification by a registered PE.
- The Planning Board has reviewed the issue of site safety and supports the recommendation of the SPRC and Fire Marshal.
- Any additional findings determined by the Planning Board include a more complete stormwater management plan prepared by a professional engineer and subject to the approval of the City Engineer.
- The Planning Board shall approve a conditional use application with conditions if it makes a positive finding, based on the following information presented that the proposed site with any conditions attached meets the following standards:
  - 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 a similar use in other situations.  
*The Board has reviewed the site plan application and finds that development will not place an undue burden on the city.*
  - 2) The proposed use will not create hazards to vehicle or pedestrian traffic on roads or sidewalks serving the proposed use as determined by the size and condition of such roads, sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility afforded to pedestrians and operations of motor vehicles.  
*The Board has reviewed the site plan application and finds that development will not place an undue burden on the city.*
  - 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.  
*The Board has reviewed the site plan application and finds that subject to a more complete stormwater management plan prepared by a PE and approved by the City Engineer the development will not place an undue burden on the city.*
  - 4) The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.

*The Board has reviewed the site plan application and finds that development will not create unhealthful conditions.*

- 5) The proposed use will not create nuisances to the neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration, fire hazard, or unreasonably restricted access of light or air to neighboring properties.

*The Board has reviewed the filtration system presented by the applicant and is satisfied that the filtration system presented by the applicant will prevent any odor nuisances and that the operation will not cause any noise nuisances. The Board did request that the applicant review the condition of the filters on a six-month basis. The Board is also satisfied that the lighting will provide adequate site visibility; furthermore, the Board finds that the site security alarm system as described in the report from the SPRC and recommended by the Police Chief will provide adequate security for the employees and act as a deterrent for break-ins.*

- 6) The proposed location for the use has no particular characteristics due to its size, shape, topography or soils which will create or aggravate adverse environmental impacts on the surrounding properties.

*The Board has made a positive finding that the proposed development which will aggravate or create environmental impacts on the surrounding properties.*

- 7) The proposed use has no characteristics that are atypical of the general use category that will depreciate the economic value of the surrounding properties.

- 8) The Board has made a positive finding that the proposed use will not have a negative impact on the economic value of the surrounding properties.

- The Chair reviewed each of the specific items above and the Board voted to make a positive finding in the following manner: Item #1. 6-0; #2. 6-0; #3. 4-2; #4. 6-0; #5. 6-0; #6. 4-2; #7. 6-0; #8. 6-0

and approves File #12-15-RU: John & AnnMarie Fredericks, P.O. Box 102, Acton, Maine 04001 request for a conditional use permit to operate a medical marijuana facility. The approval is granted based upon the acceptance of the Finding of Facts listed above and the conditions listed below:

1. That all review fees have been paid.
2. That the applicant will comply with conditions required by the Site Plan Review Committee and discussed this evening, to include a review by the City Engineer of some revisions to stormwater management as discussed during the meeting in lieu of granting a waiver of a stormwater management plan.
3. That the Board would grant a waiver of Section 272-1-8-D-1 Internal vehicle movement.
4. That the plan not be signed until the City Engineer has discussed and reviewed the changes discussed this evening and specifically the stormwater management as discussed.
5. That any construction on site is subject to any state and local permits.
6. That the applicants will continue to provide updated licenses for caregivers.
7. That the applicants will provide a filter inspection report to the city every six months.

Board member Lanigan moved to accept the proposed motion as read by staff member Gulnac.

Board member Connolly seconded the motion.

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

2. **File #13-15-R: TMC CF New England, LLC, c/o Sandra L. Guay, Esq., P.O. Box 468, Biddeford, Maine.**

This item was tabled at the Site Plan Review Committee meeting; the item will not be discussed at this meeting.

3. **File #999-15-T(4): James Gulnac, Planning Director, City of Sanford, 919 Main Street, Sanford, Maine.**

Staff member Gulnac overviewed the ordinance change request to change the existing IR (Industrial Reuse) zone into a new zone called the Mill Development (MD) zone. He explained the other sections of the ordinances that would change (i.e. table of land uses) to coincide with the new zone designation.

Vice Chair Horr made a motion to table the public hearing for this item.

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

4. **File #999-15-T(5): James Gulnac, Planning Director, City of Sanford, 919 Main Street, Sanford, Maine.**

Staff member Gulnac recommended the Board postpone any discussions on the transportation update of the comprehensive plan and explained why.

Board member Lanigan made a motion to table this item.

Board member Connolly seconded the motion.

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

### III. NEW BUSINESS

There were no new business items.

### IV. OLD BUSINESS

1. **File #18-12-R: Pepin & Sons, Inc., c/o Matthew Pepin, P.O. Box 729, Sanford, Maine.**

This item is on the agenda by error. No new information at this time.

2. **File #19-15-RU: Matt Pepin, R. Pepin & Sons, P. O. Box 729, Sanford, Maine.**

This item is on the agenda by error. No new information at this time.

### V. APPROVAL OF MINUTES – July 15, 2015; August 5, 2015; and August 19, 2015

All sets of minutes were tabled until next meeting.

### VI. PLANNING DIRECTOR'S REPORT

Planner Gulnac thanked the Board for the many good years of working together.

### VII. ADJOURN

The meeting adjourned at 8:45 P.M. (approximately)