

CITY OF GARDINER
ADMINISTRATIVE APPEAL
NOTICE OF BOARD OF APPEALS DECISION

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FINDING OF FACT

1. The Appellants are Scott and Arlene Kaufman, 87 Cobbossee Avenue, Gardiner ME 04345.
2. Date of receipt of completed Appeal Application is October 20, 2004.
3. The administrative appeal is based on a decision by the Planning Board as a result of an application filed by Sunspot Tanning Salon, Hazel Ferland, Owner, 73 Cobbossee Avenue, Gardiner, ME. The property owner is Hazel Ferland, P O Box 1053, Gardiner, Maine 04345.
 - a) The application proposed a 5-bed tanning salon, in a Planned Development Zoning District at 73 Cobbossee Avenue. The property is identified as Assessors Map 22 Lot 35A.
 - b) The date of the receipt of the completed Planning Board application is August 4, 2004 with amended site plans received September 15, 2004 and September 28, 2004.
 - c) The Planning Board reviewed the application on August 18, 2004, September 15, 2004 and September 28, 2004 and rendered it's opinion to approve the application with conditions on September 28, 2004.
4. The relevant sections of the Land Use Ordinance regarding the appeal are Section 4, 2. c. 1.
5. The appeal was heard by the Appeal Board on November 23, 2004.
6. The reasons presented by the Applicant as justification to appeal the Planning Board decision are (see attached document).

CONCLUSIONS

The Board of Appeals, after careful consideration of all of the facts, has remanded the Application back to the Planning Board for further consideration of appeal items 1, 2 and 8 below:

- 1. Driveway width - to address specifically the Access Management section of the Land Use Ordinance, Performance Standards, specifically Item 3. A, Driveway Width, giving conclusions for the width between 12 and 22 feet and Traffic Access Standards section of the Site Plan Review Criteria, specifically the provision that says access to the site has to be safe and convenient;
- 2. Parking issues – to address specifically Subsection S of the Performance Standards, Off-Street Parking and Loading, including parking stalls and Section 4, Traffic Access section of the Site Plan Review Criteria, specifically item d. 3, internal vehicular circulation where it says that the layout design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot; and
- 8. Water flow, stormwater management, erosion control and contours – to address whether the surface water flow suggested on the survey of August 18, 2004 entitled Preliminary Plan Standard Boundary Survey satisfies the Stormwater Management and Erosion Control Standards of the Site Plan Review Criteria, Section 5. Q. 8 & 9 and contours.

Appeal items 3, 4, 5, 6, 7, and 9 were denied.

DECISION

Based on the above facts and conclusions, on November 23, 2004, the Board of Appeals voted to remand your application to the Planning Board for further consideration of appeal items 1, 2 and 8. Appeal items 3, 4, 5, 6, 7, and 9 were denied.

CONDITIONS OF APPROVAL

N/A

You may appeal this decision to Superior Court within 45 days.

Peter Johnson, Chair Board of Appeals	Date
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Rebecca L. Bowdoin, Deputy Clerk, Gardiner, ME

Signed before me this _____ day of _____ in the year 2004.
SS KENNEBEC