

Arundel Planning Board
Minutes of Regular Meeting
May 14, 2015
ML Day Library 600 Limerick Road
Called to Order 7:04pm

Attendees: Tad Redway, Town Planner, Richard Ganong, Chairman, Marie Burgie, Secretary

Board: Marty Cain, John der Kinderen, Bob Coon, Tom McGinn

Public: Jacob Aman, Troy Parker, Phil Labbe, Kim White, Leslie Fanger, Joe Paolini, Paul Dest

I. Approval of Agenda - McGinn motioned to approve agenda, **der Kinderen second; Cain** called for discussion - He questioned why the "Public Hearing" for Parker Woods wasn't on the agenda? Redway said it was accidently missed & therefore not advertised to the public. Board apologized & acknowledged they didn't have all information needed to vote on anyway.

II. Approval of Minutes of Executive Session with Board of Selectmen on April 2, 2015 - Motion by McGinn to approve minutes, Second by Cain - 4 in favor, der Kinderen abstained due to being abutting property owner - **Minutes approved**

III. Pending Applications:

Item 1: Parker Woods Drive Expansion: Private Way Application: Proposal to extend Park Woods Drive 1,300 linear feet and make improvements to the entire length of the private way to meet the construction standards for a road servicing 3-7 residential lots on a 40.4 acre site located at 183 Downing Road, Tax Map 26, Lots 3 and 3C, in the R-4, Shoreland Overlay, and the NRC Zoning districts. Troy Parker is the owner & William Walsh III, PE is the owner's agent.

There was suppose to be a "Public Hearing" held for above. But it was not advertised in time and since the new drawings from Walsh weren't available until day of meeting, there would not have been a ruling at this meeting. The original road was made prior to the 2014 requirements. The original approval had two lots served with 200' frontage on Downing Road. One lot was served the permit to put road in. There are two driveways and previously there were questions as to if the addresses were based on Parker Woods or Downing.

T

he additional portion of road will have at least the current specifications. The existing road had tests done that showed it came a little short of today's specifications. **McGinn motioned to allow old portion of road to stay as is while building the proposed road with today's specs. Coon second. Motion was denied 4 to 1** however since applicant already decided to remove old pavement per Parker and Redway, there is no need for motion, vote or waiver.

Instead, **der Kinderen motioned** to accept the existing gravel material with pre 2014 specifications to serve as sub base for existing portion of roadway. **McGinn second. Unanimously accepted.** There will be a public hearing in two weeks.

Item 2: Goff Mill Brook Dam Removal: Conditional Use Pre-application: Proposal to demolish an existing 25 +/- foot wide dam on the Goff Mill Brook in order to facilitate the migration of marine fish, eel and lamprey species from the Kennebunk River at a property located at 94 River Road, Tax Map 40, Lot 8 in the R4, Resource Protection, and Shoreland Overlay Districts. Mary Castner, the owner, the Wells National Estuarine Reserve is the applicant, and Jacob Aman is the applicant's agent.

Site walk for May 2nd was postponed at request of applicants and was rescheduled for May 14th. There was no Quorum (too few attendees), so it was decided to do site walk after application is complete. Applicant requested the town waive permit fee. **McGinn** explained that he would rather not waive fee for this Resource Protection zoned application. **Coon** said the Selectmen set the fee and it's their decision to waive or not. **Cain** felt it should be applied, if not simply for the time and effort that will go in which is why we have an application fee.

A "Minor Application" has a fee of \$250 and the application is reviewed by the town staff. A "Major Application" fee is \$500 and is reviewed by the Planning Board. **Cain motioned** to not waive fee, **McGinn seconded 4 in Favor - Coon against - Motion Passed**

Discussion included that since this alteration is other than cosmetic or decorative, a survey and the deed of this property should be reviewed to see who has control over the dam. **Cain** asked to have a stamped survey for the side of Goff Mill Brook where dam is and not the entire property. Discussion that possibly the surveyor who did the Middlebrook Subdivision could help.

Questions as to notification to neighboring town(s) affected had come up. **McGinn motioned to deny waiver requirement to mail to abutters within 500'**. Discussion held about if this includes abutters in Kennebunk and upstream residents. Decision was that it is not up to Arundel planning department to notify other towns. **Cain seconded motion, Vote 4 in Favor and Coon against - Motion Passed**

Discussion was held about impacts of project and that this permit was not considered to be a minor one. It is technically a "Shoreland Zoning-Conditional Use Application". The next step would be to communicate with town planner and get on another agenda. Castner would be available for site walk and time of tides should be put into consideration.

Coon motioned to not accept overhead image with property line and der Kinderen second. Unanimously approved. **der Kinderen** felt that they should know what is there with engineering reports prior to removing the dam. He felt that schematics should be done prior and after removing the dam by the Corp. of Engineers. **Coon** suggested that the process would be a matter of moving some rocks. **McGinn** asked if there could be a written description of the plan

prior to removal. *der Kinderen* preferred drawings with contours and actual layout be done.

Applicant said the stones will be placed arbitrarily as they have done many times with previous projects working in field conditions throughout the state.

Redway asked if there were targeted species that this project was trying to help by removing dam. Applicant reflected on native, natural species.

Cain Motioned to not accept application as presented. der Kinderen seconded - Unanimously passed

Item 3: Cape Arundel Cottage Preserve: Site Plan Application: Proposal for construction of a 5,500 square foot Community Center with associated recreational and leisure facilities, road access and onsite parking located off the proposed Patriots Way on property located at 1976 Portland Road in the BI , SO, and RP zones. Arundel-Kennebunkport Cottage Preserve LLC is the owner/applicant and Rick Licht is the applicant's agent.

Rick Licht couldn't attend, so Leslie Fanger reviewed the subdivision plan. She stated the community center building was reduced by 30% to 5500 sf containing 3 buildings connected by a covered walkway. One building is a gym with baths & showers. She discussed leaving more ledge/rocks, having a fire pit within them, etc.

The potential of future parking was discussed. *Paolini* said they would be using electric golf carts, considering donating a trolley to the community and/or getting minibuses. He had just picked up the first permit for the sales model. *Coon* asked that before *Paolini* pulls a building permit for Phase 2, he should come to the Planning Board again.

VI. Planner's Report/ General Discussion - the selectmen have all 14 warrants. *Redway* suggested board have clear understanding of all ordinances for public questions at meeting.

Received 2 applications for subdivisions and a third one is coming

Phil Labbe, personal opinion was to commend board for hard work to try to make changes for the better. Best thing done is to be broken down item by item so that everything doesn't get thrown out if someone has a problem with one item.

He also wondered why Cape Arundel Cottages had to come back in to discuss Community Center changes when they've already been approved for everything. Board felt since the applicant didn't have funding for whole project, that the need to come back in segments. *Redway* meets with them once a month to review all requisitions. There is a fast-track approval system in place. But originally the board wanted them to come in after each stage completion.

Adjourned: McGinn motioned to adjourn der Kinderen second - Passed 10pm Page 3 of 3