

Arundel Planning Board
Minutes of Special Meeting
February 19, 2015 Start 7:04 PM
Fire Station Meeting Room 468 Limerick Road

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

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

Public: Keith Burgie Sr

I. Approval of Agenda:

McGinn motioned, Coon second, *unanimously* agreed

II. Approval of Minutes

McGinn motioned, *der Kinderen* second, Cain abstained, 5 agreed

III. New Applications:

Item 1: Zoning Map Change: Request to Change Shoreland Resource Protection (RP) and Natural Resource Protection (NRP) district boundaries on land surrounding Brimstone Pond on property identified as Map 19, Lot 7 and Map23, Lot 15. Florian Legros is the applicant:

This subject has been discussed previously and determined that locations of zones are where field conditions exist. Jim Nagle, code enforcement officer and Tad Redway, Planner, walked the site twice. Town attorney reminded them that our charter declares that no zoning map be changed without town meeting approval which somewhat conflicts with Shoreland zoning ordinances. Lower court rulings in Portland determined the standard of lines to the site conditions is a reasonable approach and no challenges have been made. Attorney's recommended approach is to have Selectman ask for vote through town meeting. The current zoning implemented in the 90's was in accordance to national wetlands inventory map for that area. We added a clause after that deeming the CEO's opinion should prevail. However, that conflicts with the "no zoning map shall be changed without town meeting approval". Bud Legros has hired Albert Frick to map his property to allow him to move forward with changes. However, the legal advice is to be safe and go to town meeting first. Discussion regarding the changes in wildlife habitat should be reflected when CEO determines conditions presented to board who determines to go to town meeting. Lowery expressed concerns that it occurs once a year unless we call a special town meeting. Coon's opinion is that planning board's role is to act on behalf of town people to keep control. McGinn wondered how many people would be affected and Redway said that many homes would be affected by the various water maps and or changes made. In 1995, rough interpretations were made that were later unfound. Legros land is not a deer wintering area per Gray Labs verification. Lowery stated that although the board is reviewing the shoreland zoning, it is unrelated to a future building project. Also, this change is considered strictly for Legros land and not Dubois or other neighbor property. Since map was very dark, board requested a better map to be provided before making a decision. Coon asked

to have project matched to map. Cain asked to have marked on GPS for clarification. Redway said it should be based on survey. Discussion regarding map ended with the fact that the current map prevails unless town meeting changes it. Shoreland map should be determined by field conditions (which may change through years) with reasonable tolerance. Town attorney's opinion is to use boundaries per map. Tabled for two weeks for better map and to speak to applicant and attorney.

IV. Proposed Ordinance Change:

Item 1 Review of Proposed Alfred Road District (ARD) on Rte 111:

Discussion and clarification of the area boundaries of the district with varied speed limits and varied sized lots. Although the comp. plan asks for parts of this area to retain it's rural character, the best use of this district could be for larger businesses to come to town. This is a dramatic difference to the downtown district, which purposely has a smaller feel and retains the quaint village atmosphere. Route 111 could develop into a more commercial feel without overwhelming the eastern side residences. The character and beauty can still be determined through building standards.

Item 2 Discussions of Signage Performance Standards:

Discussions of what's wanted in business signs to determine regulations. Decision was made to allow signs to be up to 15' high in ARD. Brightness will be restricted and digital, changeable copy (text) signs as well as high definition signs will have regulations. It was discussed and determined that motion signs shall be static for duration of no less than 15 minutes to avoid distracting drivers. Lengthy discussions about consistency on sign changes. Discussion continued about other towns' codes for signs. *McInn motioned* to change duration from 15 to 5 minutes and *Coon second. Marty abstained passed 3 to 2.* It was determined that digital signs would stay at being static for 20 seconds. After the vote, an Internet search was done and it was found that Biddeford also has a 5 minute change ordinance. Design requirements: were already addressed in other zones. It was decided to keep consistency with other zones. Item#4E. Product logos must emphasize the specific business that sign is in front of. No decision or conclusion made.

VII. Planner's Report:

Permit issued by CEO for 1000 tank at Campground. Now they would like to expand the use to open refills to public. We have no standards on Hazardous or fuel storage. The state does have rules, but town can make stricter. Lowery asked if traffic can safely access without impeding traffic on Rt 1. Question if people other than campers staying there would be interested in that location to make purchase.

Arundels Keep – New application is coming in. Original approval was based on net residential of 2 acre zoning density. Confusion as to why 2 acres was approved; but due to lapse, it's a new application and current zoning is 3 acres.

No response to letter to land owner – unnamed.

Seasonal cottages – we just received conditional approval for TIF which we'll need to report on in 3 years.

Adjourn: *Mcinn motioned and DeKinderen second- unanimously agreed at 9:20pm*

*Respectfully submitted,
Marie Burgie,
secretary*