

Arundel Planning Board
Regular Meeting
October 22, 2015 at 7:00 pm
ML Day School Library 600 Limerick Road

Board: Rich Ganong, Tom McGinn, Marty Cain, John Der Kinderen, Bob Coon, Jamie Lowery, Roger Morin, Tad Redway, Town Planner

Public: Dan Dubois, Selectmen; Dr. Kevin Crowley, *RSU21*; John Kuchinski, *Harriman Associates*; Ed Herczeg, Broker; Tim Stentiford; *Motorland*; Matt and Lisa True, Jason Nadeau, Jason Beaulieu, Walter Pelkey, *BH2M*

CALL TO ORDER: Chairman Ganong called the meeting to order at 7:02 pm. Attendance was taken.

I. APPROVAL OF AGENDA:

MOTION: Mr. Morin moved and Mr. McGinn seconded the motion to approve the agenda as written.

VOTE: Unanimous in favor.

II. APPROVAL OF MINUTES:

Outstanding minutes were tabled until November meeting.

III. PENDING APPLICATIONS

Item 1: RSU 21 M.L. Day School Expansion: *Plenary Site Plan Application:* Proposal to reconstruct ML Day School campus renovation of portions of the existing building, 24,045 square feet of building expansion, and relocated parking and recreational facilities on a 9.59 acre parcel located at 600 Limerick Road, Map 17 Lot 25 in the R2 district. RSU 21 is the owner applicant and Frank Crabtree of Harriman Associates is the owner's agent.

Mr. Redway reviewed technical aspects of the RSU 21 submission and staff notes dated 10-22-15 and submitted to both the Board and the applicant. Staff review found that the applicant's proposed lighting plan, internal vehicular circulation and parking plan, road access and sight distances, building setbacks, grading and soil erosion control strategy, building setbacks, were in conformance with applicable standards in the Land use Ordinance. Mr. Redway made the following recommendations about the proposed landscape plan: 1) Row of small deciduous trees be planted along the west side of the new building facing the existing Limerick Road residences in conformance with section 7.8.A of the LUO; 2) that the applicant consider an alternative conifer to the proposed white spruces buffering the service area, and 3) that the red maples slated for the parking lot could be susceptible to calcium chloride damage.

Staff requested that the Planning Board remand the Stormwater Management Plan to the Town Engineer for peer review.

Mr. Kuchinski agreed to install lighting at the southern school driveway entrance.

Mr. Coon noted that the staff report identified that the Town's conveyance of 9.59 acres to RSU 21 and the retention of the remaining 15.41 acres for the Town athletic fields rendered both lots non-conforming:

- 1) The RSU 21 lot is too small to meet the R2 district lot coverage maximum of 20% for the existing school. With the increased impervious surface proposed in the ML Day renovations, the total lot coverage will be 40% and non-compliant with the LUO.
- 2) The Town lot retained has been subdivided with no legal frontage on a Town Street or private way in violation of the LUO [Section 6.3.A.2].

Mr. Kuchinski stated that these non-conformities have been acknowledged by the applicants and they anticipate being able to work with the Town to resolve them quickly.

Chairman Ganong questioned if the public hearing should be delayed until after the lot compliance issue is resolved. After discussion, the Board determined that the Public Hearing could proceed in compliance with the LUO timetable, but action on the application will have to be delayed.

MOTION: Mr. Morin moved that a public hearing for RSU 21 application be scheduled for November 12, 2015. Mr. McGinn seconded the motion.

VOTE : Unanimous in favor.

MOTION: Mr. McGinn moved that the Town Engineer review the applicant's Stormwater Management Plan. Mr. Morin seconded the motion.

VOTE: Unanimous in favor.

Item 2: Motorland, Revision of a *Plenary Site Plan Permit*: Proposal to subdivide the former *County Connection* complex into two lots, removing parking area and lighting fixtures from the display parking lot located on an 8.94 acre parcel at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district. Neal Griffeth of Caribou Maine is the applicant and owner.

Ed Herczeg, Agent for the owner, presented the remedial lighting plan revision prepared by Jim Stockman, Lighting Engineer that demonstrated that the proposed modifications to the existing LED light fixtures would cast no more than 0.5 lumens on the adjacent property, in conformance with section 7.5 and 8.25.5.2.c of the LUO. The applicant confirmed that the remedial lighting plan was contingent upon the erection of an 8-foot high solid wood fence along the property line as shown on the proposed plans. Given the applicant's IRS 1031 Exchange deadlines the Planning Board was asked to expedite the approval process.

MOTION: Mr. McGinn moved that a public hearing for the Motorland application was not required. Mr. Lowery seconded the motion.

DISCUSSION: MR. Der Kinderen objected to the precedent of taking action on a site plan revision of this scale without the benefit of a public hearing. Mr. Cain noted that the Board could hold a public hearing on November 5th and meet both the applicant's and the LUO's needs. Citing section 9.8.F.3.c, Mr. Redway informed the Board that the LUO required the Board to hold a public hearing on the application. Mr. Lowery withdrew his second, and Mr. McGinn withdrew his motion.

MOTION: Mr. Lowrey moved that a public hearing for the Motorland application be scheduled for November 5, 2015. Mr. Morin seconded the motion.

VOTE : **Aye:** Messrs. Ganong, McGinn, Cain, Der Kinderen, Lowery, and Morin.

NAY: Mr. Coon

Item 3: 782 Alfred Road: *Site Plan Preapplication*- Proposal to convert an residential building under construction to a 2,820 square foot commercial service structure containing a *Servepro* business located on a 1.77 acre parcel at 782 Alfred Road, Tax Map 4, Lot 32 in the AR district. Matt and Lisa True are the owner/applicants.

The Town Planner presented the Board with Building Permits issued by the Arundel CEO documenting that the building under construction is being constructed to residential code standards and not to commercial use group standards. In response to the Board's question, the applicant, Matt True, confirmed that the intended use of the use the building was to be a Commercial Service operation that is a permitted use in the AR district.

The Board reviewed the issue of the new building's current non-conformance with the 40-foot front yard setback mandated from commercial structures in the AR district. The applicant reported that the new building is located on the foundation of a pre-existing garage that stood on the site. The residential building permit for the current structure was issued allowing the applicant to extend the non-conforming building line to the west. Mr. Lowery noted that section 5.1.C.1.a of the LUO permits non-conforming structures to be enlarged as long as the expansion is no closer to the front property line than the existing structure. The Board determined that 5.1.C.1.a makes no distinction in use, and the pre-existing building was a non-conforming commercial use.

MOTION: Mr. McGinn moved that based on Section 5.1.C.1.a of the LUO the non-conforming structure located at 782 Alfred Road meets the front yard setback requirements in the AR district. Mr. Coon seconded the motion.

VOTE : Unanimous in favor.

Mrs. True assured the Board that they have engaged architect to make modifications to the building construction plans that meet the commercial use group standards.

The Board did instruct the applicant to secure a civil engineer to submit a complete Plenary Site Plan application to the Planning Board for further action.

IV. NEW APPLICATIONS

Item 1: Brookside Estates: *Preliminary Subdivision Application/ Conditional Use Application*- Proposal for a 10-lot cluster subdivision and age-restricted community on 11.98 acre lot located at 182 Log Cabin Road, Tax Map 32, Lot 14C in the R3 and Shoreland Overlay Districts. J Group LLC is the owner/applicant and the owner's agent is Walter Pelkey of BH2M.

Mr. Pelkey of BH2M provided a brief overview of the project and addressed issues outlined in the Staff Review, dated 10-19-15, and reported the following:

- The applicant's intend to modify the Scouts Way road design to eliminate the proposed drainage ditches in favor of alternative subsurface and surface systems.
- Institute a 50 foot structural; setback of proposed houses around the perimeter of the parcel including the outsale parcel;
- Will prepare a prototypical lot layout to illustrate compliance with lot coverage maximums;
- The applicant's hydrogeologists will address concerns expressed in the staff review;

- Applicants have committed to providing sprinkler systems in all residences, which the Fire Chief states will eliminate the need for the 15,000 gallon cistern in the cul de sac [letter from Chief to follow];
- Applicants will provide historic well data from experienced drillers to provide evidence of well water productivity and quality in the neighborhood;
- The applicants will reexamine well locations and septic locations on the lots especially on lots 2, 4 and 1.
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Given the hydrogeologist's nitrate study, the Board expressed its concern about the narrow windows of septic and well locations. Mr. Der Kinderen suggested the applicant explore a central water system. Mr. McGinn expressed concern about maintaining a dense buffer along the southern boundary of the property. The applicant confirmed that Scouts Way will remain private and that a path will be built to the brook.

Staff will send out the stormwater and nitrate study revisions for peer review by the Town Engineer once received .

V. LAND USE ORDINANCE REVISIONS:

Item 1: Review of New Land Use Ordinance Format: Reorganization of Districts and Format Changes

The Board deferred review of Chapters 1-4 of the Revised Format Ordinance until the November meeting.

VI: PLANNER'S REPORT

Mr. Redway reported on the status of a number of ongoing projects including the Zoning Rewrite.. The Board discussed the ongoing odor nuisances emanating from nutrient spreading on fields and/or the solid waste processing facility operated by Dubois Livestock Inc. and DEP's response to citizen complaints.

ADJORNMENT: Mr. McGinn moved to adjourn at 9:39 pm, with Mr. Morin seconding the motion, and it passed with all in favor.

Respectfully Submitted,

Tad Redway
Planning Board Secretary, Pro Temp