

**Arundel Planning Board**  
**Minutes**  
**Regular Meeting**  
**November 5, 2015 at 7:00 pm**  
**Arundel Fire Station Meeting Room 468 Limerick Road**

**Board:** Tom McGinn, Marty Cain, Bob Coon, Jamie Lowery, Roger Morin, and Tad Redway, Town Planner

**Public:** Dan Ed Herczeg, Broker; Tim Stentiford; *Motorland*

**CALL TO ORDER:** Vice Chairman McGinn called the meeting to order at 7:05 pm. Attendance was taken.

**I. APPROVAL OF AGENDA:**

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

*VOTE:* Unanimous in favor.

**II. APPROVAL OF MINUTES:**

***OCTOBER 8, 2015 MINUTES***

*MOTION:* Mr. Coon moved and Mr. Morin seconded the motion to approve the October 8, 2015 minutes as written.

*VOTE:* Unanimous in favor.

***OCTOBER 22, 2015 MINUTES***

*MOTION:* Mr. Coon moved and Mr. Lowery seconded the motion to approve the October 22, 2015 minutes as amended by the Board.

*VOTE:* Unanimous in favor.

**III. PUBLIC HEARING**

**Item 1:** **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.

**IV. PENDING APPLICATIONS**

**Item 1:** **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 a letter prepared by Jim Stockman, Lighting Engineer that stating that the proposed wood buffering fence slated to be erected 8 feet north of the proposed property line could be relocated to the property line so have a positive impact on the intensity of light that will be cast onto the second lot [Lot 1A] from the exiting light fixtures on the parent lot [Lot 1].

The Board debated potential maintenance access problems associated with a zero lot line fence. The applicant offered to include a provision in the easement to be granted from Lot 1A to Lot 1 that will permit maintenance of the proposed fence.

The applicant also requested that the fence construction detail be modified to permit slats in lieu of solid wood panels. After discussion the Board determined that the fence detail should remain solid wood panels.

The Board requested that the applicant delineate the relocated fence, the fence detail, and the lighting fixture modifications, along with an approval block for the Planning Board member signatures on the record survey plan and provide a Mylar of this record plan along with two paper copies for Planning Board signatures.

Vice Chair McGinn read the following Findings of Fact and Motion for Approval, with revisions, into the record:

## **FINDINGS OF FACT AND MOTION FOR APPROVAL**

### **Property of Neal Griffeth (dba Motorland)**

#### **Plenary Site Plan Approval Revision**

**WHEREAS** on October 8, 2015 the Arundel Planning Board received an application from Neal Griffeth to revise to a Plenary Site Plan permit, dated October 27, 2011, to subdivide the former *County Connection* complex into two zoning compliant lots, erect a buffering fence along the new property line, modify existing lighting fixtures located in the display parking lot located on an 8.94 acre parcel at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district.

**WHEREAS**, on November 5, 2015 the Arundel Planning Board conducted a public hearing of the project in accordance with Section 9.8.F.3.c of the Arundel Land Use Ordinance;

**AND WHEREAS** the Arundel Planning Board has determined the following Findings of Fact and Notice of Decision:

#### **FINDINGS OF FACT**

1. The owners of the property and the applicants are Neal Griffeth of Caribou, Maine.
2. The property is located at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district.
3. The property currently contains an automobile sales and service facility approved by the Arundel Planning Board on October 27, 2011, and currently occupied by a classic auto dealership dba *Motorland*.
4. The current parcel on Tax Map 2, Lot 1 is a single lot consisting of 8.94 acres.
5. The applicant proposes to subdivide a four (4) acre L-shaped parcel off the south and west end of the lot, with 201.0 feet of frontage along Portland Road (Route 1), leaving the remainder of the parcel with 399+/- linear feet of frontage on Portland Road and a lot area of 4.94 acres.
6. The proposed division of land is technically compliant with the dimensional standards of Section 8.25.4 of the Arundel Land Use Ordinance.
7. The resulting property line between the two lots will intrude eight (8) feet into the existing display lot of the parent lot. The applicant is proposing to provide an easement granted to the parent lot from the new lot in order to preserve the integrity of the parking area surface and fence.
8. As an alternative to the 25-foot landscaped strip along the side property line mandated by section 8.25.5.4.c of the Arundel Land Use Ordinance, the applicant is proposing to install an eight (8) foot high wood fence along the side property line between the two lots.
9. In order to remain in compliance with the lighting requirements of section 8.25.5.2.c of the LUO, the applicant's lighting engineer, J & M Lighting Design Inc has specified the following modifications to the existing light poles and luminaries located in the display /parking area and located along the southern boundary of the parent lot:
  - a. Remove or disconnect the lighting fixture located at the southwestern corner of the lot.
  - b. On the pole located directly east of the southwest corner pole, delete one of the fixtures and rotate the second fixture 90 degrees towards the main building.

- c. On the pole located at the southeast corner of the parking lot, delete one of the two fixtures.

#### **CONFORMANCE WITH SITE PLAN APPROVAL CRITERIA**

After due review and consideration the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 9.8.F.4 of the Arundel Land Use Ordinance as follows:

- a. The proposed project conforms to all standards of the BI district and meets or exceeds performance standards specified in Sections 7, 8, 8.25 and 9.8 of this Ordinance;
- b. The proposed project requires no state or Federal permits.
- c. The proposed project does not unreasonably impact public safety and fire protection, and will not create a financial burden for the Town of Arundel in the provision of emergency services and law enforcement to the project site and the neighborhood;
- d. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources;
- e. The project will produce no additional peak runoff from the site during a 25-year storm event and will not have an undue impact on municipal stormwater facilities or downstream properties;
- f. The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood;
- g. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, or important cultural resources. The proposed project could have a deleterious impact upon the visual quality of the adjacent new lot but this impact will be mitigated by the proposed 8-foot solid wood fence that will be constructed along the southern property line of the parent Map 2, Lot 1 parcel for the entire width of the preexisting parking/display lot.
- h. The proposed project will not produce undue noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life of surrounding parcels. The applicant will implement all light fixture modifications specified in the remedial lighting plan prepared by J & M Lighting Design Inc, and dated October 20, 2015.
- i. The proposed project will have a neutral fiscal impact on municipal government.

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Plenary Site Plan application of Neal Griffeth to revise his Plenary Site Plan permit, dated October 27, 2011, by subdividing a four (4) acre lot from the existing 8.94 acre parcel at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district, subject to the following conditions:

1. The division of the property shall be performed in accordance with the survey plan prepared by Nadeau Land Surveys and dated 9/15/2015;
2. The applicant shall install the 8-foot high solid landscape fence in accordance with the approved plans, prior to the conveyance of the 4.0 acre lot to another party or within 120 days, whichever is less.
3. The applicant shall perform all lighting fixture modifications prescribed on the Remedial Lighting Plan prepared by J & M Lighting Design Inc and dated 10-20-2015 prior to the conveyance of the 4.0 acre lot to another party or within 120 days, whichever is less.
4. The applicant shall supply the Town Planner with a copy of the Easement granting prescriptive maintenance rights to the parent lot in order to maintain the buffer fence separating the two lots prior to the conveyance of the 4.0 acre lot to another party or within 120 days.

SO APPROVED by the Arundel Planning Board this 5th day of November 2015:

**MOTION:** Mr. Lowery moved to approve the notice of decision and Mr. Cain seconded.

**VOTE :** Unanimous.

## **V. LAND USE ORDINANCE REVISIONS:**

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

After rigorous review the Board concluded that the following formats should be observed in the reorganization of the 2015 LUO:

1. Body text shall be 10 pt;
2. Headings may be of larger font sizes and capitalization to improve readability but should be uniform throughout the text as much as possible;
3. Numbering of headings should be consistently scribed to three decimal places before reverting to single digits;
4. The definition of Solid waste facility and its accompanying sub definitions should be reordered for greater clarity;
5. Wherever possible subsection headings should be added to text without headings in order to improve reader accessibility and understanding;

## **VI: PLANNER'S REPORT**

Mr. Redway reported on the status of a number of Staff Review permits that have been issued in October. He reminded the Board about the Selectmen Meeting with the DEP Commissioner on Monday November 9<sup>th</sup>, the Comprehensive Plan Committee meeting on November 10<sup>th</sup>, the regular Planning Board meeting on November 12<sup>th</sup>, the ZBA Dubois Administrative Appeal on November 18<sup>th</sup>, and the Special Zoning Ordinance meeting on November 19<sup>th</sup>.

**ADJORNMENT:** Mr. Cain moved to adjourn at 9:57 pm, with Mr. Morin seconding the motion, and it passed with all in favor.

Respectfully Submitted,

Tad Redway  
*Planning Board Secretary, Pro Temp*