

Arundel Planning Board
DRAFT Minutes Regular Meeting
July 14, 2016 at 7:00 pm
Fire Station Meeting Room

Board Attendees: Rich Ganong, Tom McGinn, Marty Cain, John Der Kinderen, Roger Morin, Chip Bassett, and Tad Redway, Town Planner

Public Attendees: Michael Sudah, *Attar Engineering*; Paul Gadbois, PE, Walter Pedra; Alan Dow, *Champagne Energy*; Elizabeth Clark and Peter Lovejoy, Lovejoy Subdivision; Phil Labbe, *Labbe Excavation*; Rick Licht of *Licht Environmental Design* and Joe Paolini of *Arundel-Kennebunk Cottage Preserve LLC*.

CALL TO ORDER: Chair Ganong called the meeting to order at 7:05 pm. Attendance was taken.

I. APPROVAL OF AGENDA:

MOTION: Mr. McGinn moved and Der Kinderen seconded the motion to approve the agenda with the amendment that Election of Officers be conducted as the last item on the agenda.

VOTE: Unanimous in favor

II. APPROVAL OF MINUTES:

MOTION: Mr. Der Kinderen moved and Mr. McGinn seconded the motion to approve the June 9, 2016 minutes as written.

VOTE: Unanimous in favor.

MOTION: Mr. Der Kinderen moved and Mr. McGinn seconded the motion to approve the June 23, 2016 minutes as written.

VOTE: Unanimous in favor.

III. PENDING BUSINESS

Item 1: Motorland: Conditional Use Application: Proposal to construct a 60 foot x 210 foot metal multi-purpose building, relocate existing septic system associated paved access for motor vehicle storage at the existing *Motorland Showroom & Service Center* at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district. *Motorland LLC* is the owner and applicant, and Paul Gadbois PE is the applicant's agent.

The Planner reported that he and the CEO investigated existing soils and surface hydrologic conditions up gradient from the so-called man-made drainage ditch along the western edge of fill existing on the site. They found no channels or watercourse threads that discharged into the ditch, and therefore said ditch receives groundwater displaced by the existing fill. Consequently, the "stream" is an unregulated drainage ditch.

MOTION: Mr. Der Kinderen moved and Mr. Cain seconded the motion to approve the Conditional Use application of Motorland, Inc, as described in the Findings of Fact.

Mr. Ganong read the prepared Findings of Fact as amended by the Board (see attached document). In determining the application's compliance with the Conditional Use approval criteria the Board ruled as follows:

Motion: Mr. McGinn made a motion that the application is in conformance with LUO section 9.7.H.1. Seconded by Mr. Der Kinderen.

Vote: Unanimous in favor.

Motion: Mr. McGinn made a motion that the application is in conformance with LUO section 9.7.H.2. Seconded by Mr. Der Kinderen.

Vote: Unanimous in favor.

Motion: Mr. Der Kinderen made a motion determining that the application is in conformance with LUO section 9.7.H.3. Seconded by Mr. Cain.

Vote: Unanimous in favor.

Motion: Mr. Morin made a motion determining that the application is in conformance with LUO section 9.7.H.4. Seconded by Mr. Der Kinderen.

Vote: Unanimous in favor.

Motion: Mr. McGinn made a motion determining that the application is in conformance with LUO section 9.7.H.5. Seconded by Mr. Morin.

Vote: Unanimous in favor.

Motion: Mr. Der Kinderen made a motion determining that the application is in conformance with LUO section 9.7.H.6. Seconded by Mr. Bassett.

Vote: Unanimous in favor.

Motion: Mr. McGinn made a motion determining that the application is in conformance with LUO section 9.7.H.7. Seconded by Mr. Morin.

Vote: Unanimous in favor.

Motion: Mr. Der Kinderen made a motion determining that the application is in conformance with LUO section 9.7.H.8. Seconded by Mr. Bassett.

Vote: Unanimous in favor.

VOTE ON APPROVAL MOTION: Unanimous in favor.

Item 2: Atlantic Mini Storage: Plenary Site Plan Review-Determination of Completeness: Proposal to construct an additional 42,000 square feet of storage space in six buildings located on 7.6 acre parcel Tax Map 34 Lot 3C and a 4.0 acre portion of the existing parcel Tax Map 34, Lot 3B at 1448 Portland Road in the DB-2 district. JTF Corporation is the owner and applicant and Kenneth Wood of Attar Engineering is the applicant's agent.

Michael Sudah of Attar Engineering documented submissions revisions made since the last meeting as well as responses to the Woodard & Curran stormwater peer review and the Planner's Comments dated 7-11-16. Submissions and responses included:

- Area calculations of development incursion into the Vernal Pool Buffer with conclusions cited on the Record Plan.
- Cut sheet for 12w LED Wallpack lights on the buildings;
- Revised grading plan replacing the grading incursion on the Strickland land with a retaining wall on the property line;
- Designated snow storage areas on the plan and maintenance notes on the record plan;
- ITE cut sheet for Storage Unit trip generation, verifying additional peak hour trips generated by the proposed expansion.
- Report that DEP still has not issued the NRPA or Site Location permits for the project;
- Disputes with the Town Engineer review.

Mr. McGinn again expressed concern about the environmental impact of the close proximity of the proposed pavement and structures to the vernal pools on the site, and noted the lack of any substantial setbacks from the snow storage areas. After debate by the Board, Mr. Sudah outlined four solutions to the snow storage pollution issue:

1. Eliminate all snow storage locations and truck all snow off-site for disposal;
2. Institute a policy of no salt applications on the site;
3. Modify the building sizes and siting to create bigger buffers between the parking lots/snow storage areas and the wetlands;
4. Store all snow in the southwestern corner of the site where no wetlands would be impacted.

Mr. Sudah will consult with his client to propose one of the alternative solutions.

The Planner advised the Board that there was no visual buffering provided nor could be provided between the Strickland property and Buildings 2 & 3. He also pointed out at least 200 feet of unbroken woodland lies between the Strickland residence and Buildings 2 and 3.

The Board was undecided on how to proceed, and Mr. Sudah stated that he would consult the Stricklands to solicit their concerns regarding the potential lack of buffering.

The applicant still needs to provide a detailed cost estimate, and will confer with Woodard & Curran to resolve the outstanding stormwater issues.

Motion: Mr. McGinn made a motion determining that the application to be complete and to schedule a public hearing for July 26, 2016. Seconded by Mr. Bassett.

Vote: Unanimous in favor.

IV. NEW BUSINESS:

Item 1: Cape Arundel Cottage Preserve: Revision to Major Subdivision Approval/Conditional Use Permit; Request to replace the approved Caretaker Residence and two designated maintenance/storage buildings in Phase 1-B with four (4) additional cottage units increasing the total project units from 259 to 263 on a 294.3 acre parcel Tax Map 15 Lot 13 in the BI and Shoreland districts. Arundel Kennebunkport Cottage Preserve LLC is the owner/ applicant and Rick Licht of Licht Environmental Design is the applicant's agent.

Mr. Licht of Licht Environmental Design presented the proposed site plan showing the replacement of the Caretaker's House and the two maintenance buildings with four new cottage units. He stated that said plant was essentially identical to the concept presented in January, except it included turnaround and parking modifications request by the Planner. In response to Mr. McGinn and Mr. Ganong's questions, Mr. Paolini of *Arundel Kennebunk Cottage Preserve LLC* explained that the need for an on-site caretaker has minimized and all maintenance and landscaping activities are now contracted.

As documented in his July 11th report, the Planner stated that the dimensions and geometry of the proposed existing turnaround could not accommodate any Fire Apparatus, the parking spaces were not related to the buildings served and no visitor parking was provided. Mr. Licht agreed with the findings and would provide revisions for the Board to review.

The applicant also requested to discontinue the approved sidewalk along Founder's Way between Ranger Lane and the Community Center in lieu of a grass sidewalk and using the road for pedestrian, golf cart, and pedestrian access.

The Board debated the three-season functionability of a grass sidewalk and the need for providing separate pedestrian sidewalk through the busy roundabout intersection of Founder's and Patriot Ways and all the way to the Community Center destination.

Motion: Mr. Cain made a motion to retain the sidewalk between the sales office and the Community Center. Seconded by Mr. Bassett.

Vote: *Aye:* Mr. Cain, Mr. Bassett, and Mr. Ganong. *Nay:* Mr. Der Kinderen, Mr. McGinn, and Mr. Morin

MOTION FAILS.

Motion: Mr. Der Kinderen made a motion to retain the sidewalk between the sales office and the Community Center. Seconded by Mr. McGinn.

Vote: *Aye:* Messrs. Der Kinderen and McGinn. *Nay:* Messrs. Bassett, Cain, Ganong, and Morin.

MOTION FAILS.

Motion: Mr. Bassett made a motion to retain the sidewalk from the sales office to the south end of the Founders/Patriot roundabout. Seconded by Mr. McGinn.

Vote: *Aye:* Messrs. Bassett, Cain, Ganong, McGinn, and Morin. *Nay:* Mr. Der Kinderen

MOTION PASSES.

Item 2: Champagne Energy Parking Lot: Amendment to Site Plan Permit: Proposal to implement a landscape restoration plan to replace an approved natural buffer along Old Post Road removed during the construction of a 41,000 square foot parking lot associated with the fuel storage and distribution facility on a 6.36 acre parcel located at 833 Old Post Road, Map 1 Lot 1A-1E in the BI district. Champagne's Energy is the owner applicant.

Alan Dow of Champagne Energy presented photosimulations of proposed planting to replace the required 25 foot visual buffer consisting of existing vegetative buffer along Old Post Road that had been clear-cut during the parking lot construction. Mr. Dow also presented a remedial planimetric planting plan showing the location, dimensions and planting details of the proposed buffer. Mr. Dow also testified that the proposed new plantings will be installed on a 2-foot high earthen berm that will be constructed along the Old Post Road right of way.

The Board noted the lack of grading on the plan illustrating the earthen berm and the discrepancy between the photosimulations and the planting plan. Mr. Bassett asked why the mandated natural buffer had been cut in the first place. He further stated that the proposed berm needed to be higher. Mr. Cain concurred.

Mr. McGinn stated that the plan was detailed and should be implemented immediately to buffer the parking lot from the abutting neighbors. Mr. Ganong stated that creation of an effective visual buffer was the pressing issue, not speed. He further stated that given the elevations and orientations of the Toussaint and Townsend houses to the parking lot, the applicants provided no replicable scientific proof that the proposed remedial plan would accomplish the buffering purpose. Only a Maine registered landscape architect had the credentials to make such a determination.

Mr. Der Kinderen concurred and stated that the applicant needed a landscape architect to perform a viewshed analysis from the Toussaint and the Townsend homes in order to determine what elevations both the berm and the vegetation needed to be in order to meet the LUO's buffering definition and standards. Such an analysis should be done from the neighbor's windows.

The Planner suggested that the Board conduct a site walk in order to observe the affected residential properties and to establish realistic base lines for viewshed analysis to be conducted.

The Planning Board agreed to conduct a site walk on July 28, 2016 at 6 pm.

Item 3: Lovejoy Subdivision: Preliminary Major Subdivision Review: Proposal to develop three single family residential lots on a 1,100 foot long private way in a 5.31 acre parcel located at 295 Limerick Road, Tax Map 28 Lot 6 in the R1 district. Owner and applicant is Peter Lovejoy and Paul Gadbois, PE is the applicant's agent.

Paul Gadbois, PE presented the plans for the proposed 3 lot subdivision, and recounted the DEP's enforcement actions for unpermitted filling and excavation of wetlands on the site.

In response to the Planner Comments, Mr. Gadbois offered the following information:

- The typical road cross-section is provided on the Soil Erosion Detail sheet rather than the road constriction sheet.
- 2-foot topographic contours are provided on a reduced separate sheet in the application submission, but not on the subdivision plan as required by the Subdivision Ordinance.
- Mr. Gadbois stated that TP 8 & 9 are located on Lot 1 which is an outparcel. Planning Board reminded the applicant that these family divisions were not part of the subdivision.
- Mr. Gadbois agreed to extend silt fencing along the entire southern boundary of the proposed 1,100 foot road, and would show this on the road profile sheet.
- Mr. Gadbois requested waiver of a high intensity soil survey as required under ASO 7.2.D.10, although he did admit that the medium intensity soil survey shows the soils to be hydric Naumburg and Scantic soils-unsuitable for septic or development.
- The applicant is requesting a waiver for the hydrogeologic assessment required under ASO 7.2.D.23;
- The applicant is requesting a waiver of project stormwater management analysis and plan as required by ASO 8.2.L.

Motion: Mr. Der Kinderen made a motion that the Board waive the submission of a high intensity soil survey as required by section 7.2.D.10 of the Arundel Subdivision Ordinance, given the submission of soil pedon logs submitted. Mr. Morin seconded the motion.

Vote: Unanimous in favor.

Motion: Mr. Bassett made a motion that the requirement for a Stormwater Management Study be limited to verifying the hydraulic functionality of the culverts proposed to be installed beneath Elizabeth Way and potential flooding of neighboring properties. Seconded by Mr. Morin.

Vote: Unanimous in favor.

Item 4: Cape Arundel Cottage Preserve: Amendment to Major Subdivision Approval/Conditional Use Permit-Request to permit individually-owned storage sheds to be sited adjacent to cottages on a 294.3 acre parcel Tax Map 15 Lot 13 in the BI and Shoreland districts. Arundel Kennebunkport Cottage Preserve LLC is the owner/ applicant and Rick Licht of Licht Environmental Design is the applicant's agent.

Joe Paolini of CACP explained to the Board that the storage sheds are intended 1) to allow cottage owners to store large items such as canoes and beach gear) out of sight in a secure location; 2) the storage sheds would be of universal design similar to the main cottage; 3) the cottages would be heavily regulated by the owners / association and would have to meet the 15-foot setbacks and Fire Department setbacks; 3) cottages could be used as buffering between the patios /back yards of individual cottages; and 4) not all units would have adequate space to be granted a storage shed. Currently out of 30 units, CACP has received only one request for a storage shed.

The Board debated whether the shed areas calculated as part of the 1,025 sf maximum cottage footprint or as an accessory use as permitted in the BI district. Maximum size of the units was also discussed.

Motion: Mr. Morin made a motion that storage units of no more than 100 square feet in area and of siting criteria approved by the Town and the developer would be permitted in the Cape Arundel Cottage Preserve project. Seconded by Mr. Bassett.

Vote: Unanimous in favor.

V. PLANNER'S REPORT

Due to the late hour, the Planner's Report was deferred to the July 28, 2016 meeting.

VI. ELECTION OF OFFICERS

Motion: Mr. Morin made a motion, seconded by Mr. Bassett, to postpone Election of Officers until the next available meeting date.

Vote: Unanimous in favor.

ADJORNMENT: Mr. Der Kinderen moved to adjourn at 10.57 pm, with Mr. Cain seconding the motion. Motion passed unanimously.

Respectfully Submitted,

Tad Redway
Planning Board Secretary, Pro Temp

Attachment: Findings of Fact/Approval of Project - Motorland

**Town of Arundel
Arundel Planning Board
FINDINGS OF FACT AND MOTION FOR APPROVAL**

Motorland Inc Conditional Use

WHEREAS on April 28, 2016 the Arundel Planning Board received a conditional use application to to construct a 60 foot x 210 foot metal multi-purpose building with associated parking and loading areas, septic system and stormwater drainage improvements at the existing *Motorland Showroom & Service Center* located at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district.

WHEREAS, on May 12, 2016 the Planning Board conducted a public site walk of the proposed project site.

WHEREAS, on May 26, 2016 the Planning Board deemed the application complete and scheduled a Public Hearing.

WHEREAS, on June 23, 2016 the Planning Board conducted a public hearing in conformance with LUO section 9.7.F.1 .

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

FINDINGS OF FACT

1. The owner of the property is Motorland Inc.
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*. A 60 x 220 foot storage building was approved by the Planning Board on December 10, 2015 and is currently under construction.
4. The applicant proposes to construct an additional 60 foot x 210 foot multi-use metal storage building on the site to provide heated storage for automobiles, a service facility containing 4 bays with lifts, and a parts and office area.
5. The applicant proposes to relocate and expand the existing septic system to accommodate flows from 12 employees as documented in the submitted HHE200. The new facility will be serviced by electric, telephone, cable and water hookups already providing service to the original building.
6. Additional lighting will consist of (4) 100w wall packs located over the entries to the proposed building.
7. To accommodate increased peak runoff generated by the building expansion the applicant proposes to install a detention basin and outfall into the drainage ditch located to the western end of the building.
8. Erosion control, drainage, paving, lighting, and parking layouts are depicted on the plan set entitled Site Plan for Motorland dated 4-14-16 with revisions to 6-27-16 and prepared by Paul Gadbois, PE.
9. On May 26, 2016 the Planning Board determined that due to the presence of a large wetland along the northern boundary, additional landscape buffering would not be necessary in accordance with the exceptions provided in LUO 8.25.4.e

10. The Planning Board has also made the finding that the fence buffer located along the southern boundary of the property may be removed from the Portland Road right-of-way to the first post located within the parking area in order to improve sight distance and safety on Route 1.

CONFORMANCE WITH CONDITIONAL USE CRITERIA

After due review and consideration the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 9.7.H of the Arundel Land Use Ordinance as follows:

- 9.7.H.1 That the use is compatible with and similar to the general categories of uses of neighboring properties.

The proposed use is an expansion of an existing permitted use in the BI district and is consistent in scale and use with other uses in the surrounding neighborhood and the district.

- 9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that:

The Comprehensive Plan specifies automobile sales and service facilities to be appropriate in and the use is consistent with the long range plan for the BI district to serve as Arundel's premier industrial and business zone.

- 9.7.H.3 That there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use.

The proposed use will not generate significant trip generation and the proposed plan will reduce pedestrian-vehicle conflicts on the property. No changes are proposed to occur to driveway access or internal circulation.

- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.

The proposed use will require the installation of a new and relocated septic system. An HHE 200 permit has been prepared of sufficient capacity to accommodate the additional employees that will be supported by the facility and the existing car wash facility. Existing water supply on the site is sufficient to meet the needs of the proposed new structure.

- 9.7.H.5 That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties in that -

Noise, Dust and Smoke: The nature of the business does not generate any undue noise, dust or smoke generation outside of the structure.

Glare: The applicant is installing additional 100 watt Wall pack with full cut-off shields that will not generate any dangerous glare for passing motorists or a nuisance to adjacent properties.

- 9.7.H.6 That the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use.

The proposed use will require limited alteration of the existing site topography. Tree cover will be retained on the perimeter of the site. The installation of stormwater detention basin along the northern boundary of the proposed building will capture runoff from the proposed building and parking facilities resulting in no increase in the downstream peak runoff generated by the site improvements during a 25-year storm event.

- 9.7.H.7 That the use will not constitute a public or private nuisance.

No additional nuisances will be generated by the proposed use.

- 9.7.H.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.
The applicant has met all pertinent portions of the Arundel Land Use Ordinance in the design of the proposed activities.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of Motorland 60 foot x 210 foot metal multi-purpose building with associated parking and loading areas, septic system and stormwater drainage improvements at the existing *Motorland Showroom & Service Center* located at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district, subject to the following conditions:

1. The applicant cannot secure a building permit until the Code Enforcement Officer is satisfied that the building design meets all of the Arundel Building Codes including use group separations for the multiple uses proposed for the new building.
2. The 12 employee parking spaces shall be designate on the record plan and signed to reserve it for that purpose. Customer parking area in front of the office shall designated on the record plan and signed on the site.
3. There shall be no further disturbance of the drainage ditch located in the rear of the property without first securing a permit from the Planning Board.
4. The existing car wash facility shall not be modified for public use, and shall be restricted only for vehicles being stored, renovated, or sold by Motorland.
5. No Certificate of Occupancy shall be issued by the Arundel Code Enforcement Officer until the Town Planner presents a Letter bearing the seal of Paul Gadbois, PE certifying that all improvements have been completed in accordance with the approved plans and this Conditional Use permit.

SO APPROVED by the Arundel Planning Board this 14th day of July 2016: