

**Arundel Planning Board**  
**Minutes**  
**February 27, 2014 at 7:00 pm**  
**Mildred L. Day School Library**

**Board:** Marty Cain, Bob Coon, Roger Morin, Tom McGinn, Tad Redway, Planner, Ann Tardif, Board Secretary

**Public:** Gary & Joy Welch, Kitty Bassett, Michael O'Toole, Steve Doe, Kevin Lord

**Call to Order:** Chairman Morin called the meeting to order at 7:00 pm. Attendance was taken and the agenda was reviewed.

**I. Approval of Minutes:** *Meeting January 23, 2014*

*Cain moved to accept the minutes of January 23, 2014 as written. Coon seconded the motion and it passed with all in favor.*

**II. Public Hearing**

**Item 1: Gary's Auto Salvage Conditional Use Renewal:** Proposed renewal for an existing auto salvage yard on a portion of a 16.5 acre site located at 258 River Road, Tax Map 40, Lot 3 in the R-4 District. Gary Welch is the owner and applicant.

Chairman Morin opened the public hearing for Gary's Auto Salvage at 7:01 pm  
There were no audience members with comments or questions regarding the application.  
Chairman Morin closed the public hearing at 7:02 pm

**Item 2: 339 River Road: Change of Use in the Shoreland Zone-** Proposed application to change the use of an existing fish hatchery and research facility to a residential use and floor area expansion of existing structure in accordance with the provisions of Sections 5.2.A.1.a of the Arundel Land Use Ordinance on a 3.22 acre site located at 339 River Road, Tax Map 42, Lot 7 in the NRC, RP, and SO zones. Charles C. Bassett is the owner/applicant.

Chairman Morin opened the public hearing at 7:02 pm. Michael O'Toole is present this evening representing the applicant.  
There were no audience members with comments or questions regarding the application.  
Chairman Morin closed the public hearing at 7:03 pm.

**III Old Applications**

**Item 1: Gary's Auto Salvage Conditional Use Renewal:** Proposed renewal for an existing auto salvage yard on a portion of a 16.5 acre site located at 258 River Road, Tax Map 40, Lot 3 in the R-4 District. Gary Welch is the owner and applicant.

Gary and Joy Welch are present this evening. The Planner commented that the Board has heard this proposal at a prior meeting. The Board has conducted a site walk with no issues or concerns noted. The Planner had advertised tonight's public hearing as required. The Board had no further comments or concerns regarding the application.

Chairman Morin read the following findings of fact and conditions for approval:

**FINDINGS OF FACT AND MOTION FOR APPROVAL**  
**Conditional Use Permit for Gary's Auto Salvage**

WHEREAS on December 11, 2013, the Arundel Planning Board received a Conditional Use renewal application from Gary's Auto Salvage for continuing operation of an existing auto salvage yard on a portion of a 6.5 acre site located at 258 River Road, Tax Map 40, Lot 3A in the R-4 District.

WHEREAS, on January 25, 2014, the Arundel Planning Board conducted a public site walk on the subject property to investigate site conditions and compliance of the facility with conditions of both past permits and the current regulations;

WHEREAS, on February 27, 2014 the Arundel Planning Board conducted a public hearing on the proposed project;  
WHEREAS, the Arundel Planning Board has arrived at the following findings of fact:

#### **FINDINGS OF FACT**

1. The owner of the property and the operator of the business is Gary Welch.
2. The property is located at 258 River Road , Tax Map 40, Lot 3A in the R-4 District.
3. Total lot size is approximately 6.5 total acres
4. The property currently supports an automobile salvage yard, and auto sales auto parts sales facility. The salvage yard can contain in excess of 200 vehicles, in which the fluids are drained into appropriate containers and disposed of by a licensed facility. On an annual basis, vehicle bodies are crushed by a mobile auto crusher and removed as scrap from the site.
5. The applicant proposes no changes to the current use and volume of processed auto salvage materials.
6. The site access is from a driveway onto River Road. No changes to this access are proposed and the entrance enjoys adequate sight distances to the east and west along River Road.
7. The facility will be served by an existing private well and sanitation facilities will be provided by an onsite septic system.
8. The salvage yard is buffered from Durrell's Woods subdivision by a stand of mature stand of pines and hemlocks, while an intact 6-foot high stockade fence buffers the yard from abutters along River Road.

#### **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.  
*Gary's Auto Salvage is a legally non-conforming automobile salvage facility in the R-4 district. The applicant is proposing no new expansions or activities that would impact adjacent properties and uses.*

***Cain moved to approve 9.7.H.1, second by McGinn, Vote: all in favor.***

- 9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that  
*The use is not consistent with the uses suggested for the R-4 district in the 2007 Comprehensive Plan but the use was a permitted use in the district when first opened and the operation has complied with all current regulations and restrictions of an auto salvage facility and has maintained its legal non-conforming status. Therefore the use has a legal right to continue within the confines of its present operation.*

***Cain moved to approve 9.7.H.2, second by McGinn, Vote: all in favor.***

- 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 existing ingress and egress has adequate site distance to the east and west on River Road.*

***Cain moved to approve 9.7.H.3, second by McGinn, Vote: all in favor.***

- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.  
*The site is serviced by existing on-site water septic services.*

***McGinn moved to approve 9.7.H.4, second by Cain, Vote: all in favor.***

- 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  
*Periodic noise is generated by annual or semi-annual crushing activities, however these events are very infrequent. The operation does not generate dust or odors and site lighting consists of lighting around the office auto parts facility and is buffered from adjacent properties.*

*McGinn moved to approve 9.7.H.5, second by Cain, Vote: all in favor.*

- 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.  
*No changes are proposed that will impact existing slopes soils vegetative cover or drainage facilities.*

*McGinn moved to approve 9.7.H.6, second by Cain, Vote: all in favor.*

- 9.7.H.7 That the use will not constitute a public or private nuisance.  
*No nuisances will be generated by the proposed expansion.*

*McGinn moved to approve 9.7.H.7, second by Cain, Vote: all in favor.*

- 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.*

*Cain moved to approve 9.7.H.8, second by McGinn, Vote: all in favor.*

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use renewal of Gary's Auto Salvage for continuing operation of an existing auto salvage yard and auto sales facility on a 6.5 acre site located at 258 River Road, Tax Map 40, Lot 3A in the R-4 District subject to the following conditions:

1. This conditional use permit expires on February 27, 2017, and must be renewed prior to that date.
2. The applicant is advised that a property boundary survey will be required by the Board for Conditional Use permit renewal in 2017.
3. Any change from the plans signed by the Planning Board shall require submittal of revised plans to the Board.

SO APPROVED by the Arundel Planning Board this 27th day of February, 2014:

*Cain moved to approve the renewal for Gary's Auto Salvage based on the stated findings of fact and conditions of approval. Coon seconded the motion and it passed with all in favor.*

The applicant will get one Mylar and 2 paper copies of the plan to the Planner with the corrected renewal dates and the Board will sign them at the next scheduled meeting.

**Item 2: 339 River Road: Change of Use in the Shoreland Zone-** Proposed application to change the use of an existing fish hatchery and research facility to a residential use and floor area expansion of existing structure in accordance with the provisions of Sections 5.2.A.1.a of the Arundel Land Use Ordinance on a 3.22 acre site located at 339 River Road, Tax Map 42, Lot 7 in the NRC, RP, and SO zones. Charles C. Bassett is the owner/applicant.

Michael O'Toole is present this evening along with Kitty Bassett, representing the applicant.

The Planner gave a brief overview of the plan and reminded the Board that a public hearing was advertised and held this evening and the Board may take action on the plan this evening.

Chairman Morin read the following findings of fact and conditions of approval:

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

**Shoreland Zoning Permit for Change of Use  
339 River Road**

**WHEREAS** on December 11, 2013, the Arundel Planning Board received an application to change the use of an existing fish hatchery and research facility to a residential use and to expand the existing floor area of the existing structure in accordance with the provisions of Sections 5.2.A.4 and 5.2.A.1.a of the Arundel Land Use Ordinance on a 3.22 acre site located at 339 River Road, Tax Map 42, Lot 7 in the NRC, RP, and SO zones.

**WHEREAS**, on January 25, 2014, the Arundel Planning Board conducted a public site walk on the subject property to investigate site conditions and compliance of the facility with conditions of both past permits and the current regulations;

**WHEREAS**, on February 27, 2014 the Arundel Planning Board conducted a public hearing on the proposed project;

**WHEREAS**, the Arundel Planning Board has arrived at the following findings of fact:

**FINDINGS OF FACT**

1. The owner of the property is Charles Bassett.
2. The property is located at 339 River Road, Tax Map 42, Lot 7 in the NRC, RP, and SO zones.
3. Total lot size is approximately 3.22 total acres
4. The proposed Parcel B currently contains an existing 1,802 sf non-residential structure located within the Resource Protection District and is or has been used as a fish hatchery and research facility. The existing septic system is located within the RP district as is a portion of a shared driveway access to River Road.
5. The applicant proposes to convert the current non-residential use into a residential use, and add a 1,176 sf addition to the existing structure, of which 250 sf is proposed to be built within 100 feet of the high tide of the Kennebunk River (Resource Protection District), and the remaining 926 sf will be constructed outside of the 100 foot setback but within the Shoreland Overlay District.
6. The applicant is permitted by section 5.2.A.1 of the LUO to expand up to 30% of the existing structure within the 100 foot setback zone. The applicant proposes to expand the existing building by 13.8% within the 100-foot setback.
7. The applicant proposes to construct a separate driveway access from River Road on the property of which 145 linear feet will be located in the SO district, thereby eliminating current driveway incursion in the RP zone.
8. The existing structure is served by a septic system located on the south side of the hatchery building within the RP zone and on the edge of the associate wetlands of the Kennebunk River. The applicant proposes to install a new septic tank on the north side of the existing structure and pump effluent to a new septic field near River Road and outside of the RP and SO districts.
9. The applicant proposes to install silt fence erosion control fences between all disturbed areas and the resource area as indicated on plans prepared by Post Road Surveying and dated 6-30-13.
10. The facility will be served by an existing private well.

## CONCLUSIONS

After due review and consideration the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 5.2.A.4 of the Arundel Land Use Ordinance as follows:

1. The proposed change of use from commercial to residential use represents a lesser intensity of use than the current use.
2. The proposed change of use will improve surface water quality within the Shoreland Zone in that the applicant intends to relocate the subsurface septic system from the RP zone to outside of the Shoreland zone, thereby reducing the risk of subsurface contamination of surface and tidal waters;
3. The construction of the proposed residential expansion will not increase soil instability or sedimentation in that the applicant proposes to install sediment control devices and stabilize disturbed lands within the Shoreland Zone;
4. There is no evidence that the proposed conversion will impact on-site archeological or historic resources;
5. The proposed change of use will have no impact upon the existing visual cultural quality of the parcel, will not impact natural beauty, and will not adversely impact public access to the resource.
6. The proposed change of use and building expansion will occur outside of the 100-year floodplain and therefore have no impact upon floodplain management.
7. The proposed change of use will not adversely impact commercial fishing or maritime activities;
8. The proposed expansion of the structure within 100 feet of the high water mark of the Kennebunk River is less than the 30% expansion limit imposed by Section 5.2.A.1 of the LUO.

## ACTION OF THE PLANNING BOARD

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby finds the application of Charles Bassett to be in conformance with Sections 5.2.A.4 and 5.2.A.1.a of the Arundel Land Use Ordinance and hereby approves the change of use of property located at 339 River Road from a non-residential use to a single family residence in subject to the following conditions:

1. The applicant shall install all soil erosion control measures shown on the approved site plan prepared by Post Road Survey and dated 6-30-2013 prior to any construction activities on the site. Such soil erosion control devices shall be maintained at all times and all exposed soil shall be stabilized with an SCS approved grass mix as soon as possible. No exposed soil shall be left unstable over the winter.
2. All improvements on the site within the Shoreland Zone shall be constructed in strict conformance with the approved plans prepared by Post Road Surveying and dated 6-30-2014.
3. Any change from the plans signed by the Planning Board shall require submittal of revised plans to the Board.

SO APPROVED by the Arundel Planning Board this 27th day of February, 2014:

*McGinn moved to approve the Change of use for 339 River Rd. based on the stated findings of fact and conditions of approval. Coon seconded the motion and it passed with all in favor.*

The Board signed the plan and the applicant's representative was given a copy.

**Item 3: AIM Recycling USA; Conditional Use application- Determination of Completeness:** Proposed application to change the use of an existing fish hatchery and research facility on a 22.9 acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District. AIM Recycling USA is the owner/applicant and Jared Jacobs is the applicant's agent.

The Planner informed the Board that the applicant intends to make some further modifications to the plan and it is their intention to come back before the board in March.

#### **IV. New Applications**

**Item 1: Southern Maine Marine: Plenary Site Plan Review: Determination of Completeness:** Proposal to remove an existing 1,125 square foot building and box trailers, construct a 6,000 square foot retail building, a 11,800 square foot storage building, and a 23,500 square foot gravel boat storage yard on a 2.9 acre parcel containing an existing marine sales, service and storage facility located at 2461 Portland Road, Tax Map 12, Lot 4-2 in the BI district. PBL Holdings, LLC is the owner and Paul Gadbois, PE is the applicant's agent.

The applicant informed the Planner that his agent is out of town and they intend to be on the next agenda. The Planner informed the Board that the previous application had expired because so much time had lapsed and the applicant has submitted a new application and the required fees as well.

**Item 2: 1362 Portland Rd. Commercial Building: Conditional Use Application-** proposed construction of a 5,520 square foot building with a future 1,296 square foot expansion containing low impact manufacturing, warehousing, and retail uses on a 1.96 acre parcel located at 1362 Portland Road, Tax Map 34, Lot 4A in the CCS District. Lord Boys, LLC is the owner/applicant and Steve Doe of Sebago Technics, Inc. is the applicant's agent.

Steve Doe of Sebago Technics is present along with Kevin Lord of Lord Boys, LLC. Mr. Lord is a general contractor in the area.

Steve Doe presented the plan to the Board. Mr. Lord is proposing to construct a commercial building at 1362 Portland Rd, on a parcel that is just less than 2 acres in size. The project will be constructed in two phases. Phase I will consist of the main portion of the building where the applicant will house his granite countertop manufacturing area. Phase II will consist of a 1,200 square foot retail showroom. The plan shows 4 bays on the building and the applicant will likely lease space in one or two of the bays.

**Parking:** The plan shows 18 parking spaces which will include 5 at the front of the building where the future retail space will be located.

**Stormwater:** The applicant will be obtaining a permit by rule from the MDEP.

**Septic:** They are proposing to locate a chambered septic system under the outside storage area. A separate system will be installed under the parking area; this system will be used for the grey water generated from the granite processing.

**Utilities:** The lot is served by public water and the power will be run underground.

**Cost Estimate:** The applicant will provide a cost estimate of the project to the Planner prior to final approval of the plan.

Coon asked if the noise generated from the cutting of granite would be an issue. Lord explained that all cutting is done indoors and is done with a wet saw so no dust will be generated. The noise would be similar to running a skill saw according to Lord.

**Site Walk:** The Board set a date of Thursday, March 13, 2014 at 5:30 pm. The agent, Steve Doe is not available that evening but the applicant, Mr. Lord will attend. The location of the building will be staked out for the Board.

The applicant will be placed on the March 27, 2014 agenda.

*McGinn moved to deem the application for Lord Boys, LLC complete. Coon seconded the motion and it passed with all in favor.*

## V. Public Comment

There were no comments from the public.

## VI. Planner's Report

**1. Comprehensive Plan Committee:** The CPC has approved the M1-M5 Districts which are the DB1, DB2, THC, Gateway and the current CCN districts. They have made the necessary amendments to the wording of the Comprehensive Plan.

The CPC has decided to postpone further discussion regarding the Route 111 corridor. They cannot reach a consensus as a Board as to the direction they want to take on that area.

They have set a date of March 5, 2014 to hold a meeting with the property owners of the DB2 zone to get their input and reaction to the proposed DB2 zoning changes.

The Planner noted that the Planning Board will have a lot of work to complete to get the five districts ready for voting on at the June town meeting.

The March 6 scheduled workshop of the Planning Board will focus on completing work on the DB2, THC and the Gateway Districts. The Planner noted that the Gateway District will be very similar to the DB1 district so it should come together fairly easily.

**Private Way:** The Staff Review Committee recently granted a private way exemption to the owners of Rocky Lane, which is located off of Route 111.

**Kate's Homemade Butter:** Kate's is hoping to get their Certificate of Occupancy fairly soon. The Planner informed the Board that Jim Nagle, CEO is out of the office on leave for about a month. The CEO for the Town of Lyman will be our interim CEO until Jim returns. The Planner noted that the landscaping has not been completed yet as required in the approval so he will likely seek a surety bond from Kate's for the estimated cost of that landscaping prior to the C of O being issued.

Kate's is also intending to submit a revision to the Board to include the addition of a dairy barn and also the placement of fuel storage tanks on the grounds as well. The Planning Board indicated that both were significant changes that they would need to review.

**Seasonal Cottage Project:** The Planner reports that the owners were given a March deadline to present a Credit Enhancement Agreement to the Board of Selectmen; it is still unclear whether or not that deadline will be met at this time.

**CMP TIF District:** The Board of Selectmen approved the TIF district for CMP at their meeting on February 24, 2014. They will be holding a public hearing on the matter on March 24, 2014.

**Chesapeake Group Report:** The Planner will be distributing a copy of the report to the Board at the March 6<sup>th</sup> scheduled workshop meeting. If any members would like to read it sooner, it is available on the Town's website.

**Downeast Magazine:** The Planner informed the Board that Downeast Magazine named Arundel as one of the six best small towns to live in for the State of Maine. The article appears in the March 2014 issue of the magazine.

## Adjourn

*McGinn moved to adjourn at 9:02 pm, Coon seconded the motion and it passed with all in favor.*