

**Arundel Planning Board
Minutes
June 26, 2014 at 7:00 pm
ML Day School Library 600 Limerick Road**

Board: James Lowery, Roger Morin, Bob Coon, Tom McGinn, Rich Ganong, Marty Cain, Ann Tardif, Board Secretary

Public: Florian Legros, Dan Dubois, Dick Fritz

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 Agenda

Ganong moved to approve the agenda with a second by Coon and the vote with all in favor.

II. Non-Agenda Public Comment

There were no comments from the public.

III. Land Use Ordinance Revisions

Item 1: Discussion: *Public comment of Proposed Zoning Changes at May 22nd Public Hearing*

The Board reviewed the comments made by the Planner regarding the comments made at the public hearing on the proposed land use ordinance revisions, from the draft minutes of May 22, 2014.

Definitions:

Methadone Clinic- The Board discussed whether or not to exclude Methadone clinics in Arundel or not. If they choose to allow them then standards will need to be drafted. Cain commented that he would be concerned with the limited police presence in town and how that might be a burden on the Town.

Ganong did not feel a Methadone clinic would be appropriate for the town.

Ganong moved to exclude Methadone clinics in the Town of Arundel. Cain seconded the motion

Discussion: some of the board did not have an opinion either way. They feel that it would be a good idea to have the Planner research what other towns of similar size that do allow Methadone clinics have experienced.

Cain withdrew his second on the motion and Ganong agreeing with the rest of the Board withdrew his motion.

District Regulations:

Board discussed the Planners notes regarding Wayne Munroe's comment at the public hearing in which he stated that he believed both Farm Retail and Mineral Extraction should be a conditional use in the BI District.

The Board indicated that they will consider this further when they review the BI District regulations.

Lighting

Cain noted that his comments made at the public hearing regarding lighting need to be added to the minutes of May 22, 2014. Mrs. Tardif commented that she had heard the recording of the last meeting where this had been discussed and intends to amend the minutes accordingly.

Diane Robbins' comment inquiring why the lighting standards were different in the TCD district than in the DB1 & DB2 district and that she didn't feel this was fair. The Planner had commented that because the TCD has a significant residential population it is appropriate to have differing standards in that area.

The Board was in agreement with the Planner's comments.

Bentley Warren & Gernold Nisius comments regarding 7.5.A, expansion of or addition to lighting installation and the requirement to bring the lighting up to the requirements of the section. The Planner clarified that the wording will be amended to reflect that the NEW lighting installation is subject to the requirements of the standards. The Board was satisfied with this change.

Maintenance Easement:

Diane Robbins had been concerned that the Town may be doing maintenance on private property and she did not feel it was appropriate for tax dollars to be spent on this. The town manager had explained that this is not the case, tax dollars are not spent on maintenance of private property. The easements are in place to allow the town to conduct emergency maintenance including cutting trees and/or limbs that are a hazard and other such tasks. The Planner and the Board are in agreement that the easement provision needs to remain in place.

Performance Assurance:

At the public hearing Diane Robbins questioned the need to require a performance assurance for landscaping.

The Planner commented that the Board could eliminate the performance assurance for landscaping if they so choose. If there were no performance assurance and the landscaping died then enforcement action would have to be taken by the CEO.

Cain commented that he felt the landscaping requirements proposed were overdone and a burden to business owners.

Lowery commented that he believes the landscaping requirements in the DB1, DB2, and TCD districts is a plus if you are trying to draw business there but overkill isn't necessary. He also thinks that a 2 year time limit for the performance assurance would be acceptable instead of the proposed 3 year limit.

Coon, Mc Ginn, Ganong, and Morin all think that the 3 year limit is appropriate.

Landscape Buffer; 7.8.5.2

At the public hearing the table was believed to be incorrect and the percentage was to be amended from 140% to read 75-100%.

The Planner indicated in his comments that the percentage was actually correct at 140%.

The Board had lengthy discussion on the subject and ultimately asked that the Planner provide more feedback to them regarding the 140% provision for visual buffering.

Island Plantings in parking areas:

At the public hearing, Wayne Munroe had stated that the proposed requirements were ahead of their time for Arundel. The Planner had commented that he believes the standards are appropriate and are also being required in various other towns in our area.

The Board reviewed the requirement and all were in favor of it, except for Marty Cain.

Pet Day Care Centers:

At the public hearing Diane Robbins felt that #8, which limits the number of dogs was unnecessary. The Planner and the Board disagreed with that and feel the number of dogs does need to be limited to avoid noise concerns with barking issues.

#9 in the proposed ordinance was the required square footage of play area based on the size of the dog and the provision that no more than 50% of a parcel be utilized for the outdoor portion of a dog day care operation. Diane Robbins felt that the determination in #9 should be made based upon the total number of acres the facility is located on.

The Planner disagreed in that the size of the property does not have much to do with mitigating noise. The Board commented that the number of dogs does have an impact on noise. They would like the Planner to get further information from other town's ordinances where these facilities are allowed. Jamie also wondered why limit to 50% the area which can be set aside for outdoor play area, particularly if it is a large parcel. The Board would like further discussion with the Planner on the subject.

Vinyl Siding

Linda Zuke and others had commented that they felt vinyl siding should be allowed provided it is of a higher quality. The Planner did not disagree and commented that a list of acceptable manufacturers should be developed which could be periodically updated. The Board agrees that vinyl siding of a higher quality should be allowed but they do not agree with having a list of acceptable manufacturers. The Board would like further information from the Planner as well as comment from the CEO.

Fritz property issue:

Dick Fritz had commented at the public hearing that his property was not in the correct zone on the official zoning map. He indicated that he had been assured it would be corrected some years ago by the town planner at the time. He also indicated that he did not want his property to be part of the DB1 district but wants to be in the BI district.

The Planner commented that he has had discussions with Mr. Fritz and although the district lines between BI, R1, DB1 & DB2 would be quite funky in the Fritz neighborhood it can be done.

The Board advised Mr. Fritz, who is present in the audience tonight that he needs to meet with the Planner to begin the process to resolve this matter.

TCD Neighborhood Workshop:

At the public hearing there were some members of the audience who were not notified of the neighborhood meetings that had been held prior to the drafting of the TCD District. The Planner inquired if the Board would like to hold another workshop, while the summer population is here to get feedback from them.

The Board discussed the issue and they are in favor of doing this, it should be scheduled once the proposed TCD district map is corrected however.

Lovejoy property issue:

At the public hearing, Richard Lovejoy indicated that he owns several lots on John Cluff Ln., two of which are existing commercial uses. He would like the TCD map amended to include his lots on John Cluff Lane.

The Planner indicated that the Board can choose to amend the TCD map to include John Cluff Ln.

The Board is in favor of including John Cluff Ln. in the TCD District. They would like the Planner to amend the map, and present it to the Board.

Comments from the Board:

Signage:

Bob Coon recollected a few comments from the public hearing that were not in the minutes including comments made regarding signage. He recalled Diane Robbins commented on sandwich board signs and why there wasn't a provision to allow both black and white backgrounds on sandwich board signs. The Board should reconsider this again. Regarding DB1 lighting standards, in particular neon lighting and the exclusion of flashing or rotating signs or reader boards, Bob recalled comments being made as to why they are not allowed and he would like the issue discussed again by the Board.

Jamie Lowery noted that someone at the meeting, perhaps Gernold Nisius had brought up the dimensional requirements for signs in the DB1, in particular the maximum height for post signs being set at 8' and he felt this may be too low, particularly in the winter with snow depths. Jamie feels the Board should re-visit the issue when reviewing the standards again.

Item 2- Revision Schedule & Item 3-Ordinance Review Schedule:

The Board discussed the amount of work that needs to be done to make the revisions to the proposed ordinance as well as making sure that it is done properly and within enough time to allow for multiple public hearings on the revisions. The majority determined that a realistic time frame would be to shoot for next June, 2015 town meeting. They want to present a correct, complete ordinance revision for the voters.

The Board talked about how important it is to communicate the proposed changes to the public far in advance of the town meeting. One option they discussed was including information in The Arrow to inform the public of what they are working on in terms of ordinance changes.

The Secretary, Ann Tardif, reminded the Board to encourage people to sign up on the town's website to be put on an email distribution list where they would receive email copies of all the agendas for all meetings in town, including the Board of Selectmen as well as the Planning Board agendas.

IV. By Law Revisions: *Amendments to various procedural sections*

The Board reviewed the draft revisions presented by Bob Coon, John Der Kinderen and Rich Ganong.

They agreed to amend two sections as follows:

Section III: Membership

Replace existing item C with the following:

C) A simple majority of the appointed members of the Board is required to conduct an Official Planning Board Meeting. There can be no considerations given to any application or request when less than a majority of the board members are present. The meeting shall be rescheduled.

Section VII: Board Procedure

Replace existing item C with the following:

C) *Majority Vote:* All action shall be taken by a majority vote at any meeting at which there is a quorum of the Board. A majority vote of the voting members present is necessary to approve any applications before the Board.

The Board had lengthy discussion regarding unanimous vote and why it was necessary to have a unanimous vote when only three members were voting. Some members disagreed with the need for unanimous votes.

Item D Unanimous Vote shall be removed completely.

V. Other Business

1. New Board Members: The Board discussed that there are some members whose terms are expiring on June 30, 2014. Dan Dubois indicated that the Board of Selectmen will be discussing appointments at their upcoming meeting and the Planning Board should know who will remain on the Board at their first meeting in July. The election of Board officers

will occur at the meeting on July 10, 2014. The Board noted that the by-laws were incorrect in that they had stated the election of officers would occur at the meeting following the annual town meeting. That item was in conflict with the Town Charter and the bylaws have been corrected.

2. Bud Legros is present this evening and is asking the Board where he stands with his request to have his property removed from the designation that it is a deer wintering yard. The Board advised Mr. Legros to meet with the Planner as they believe he may have been awaiting further information from him.

Adjourn

Ganong moved to adjourn at 9:30 pm. McGinn seconded the motion and it passed with all in favor.