

**Arundel Planning Board
Draft Minutes
December 11, 2014 at 6:30pm
ML Day School Library**

Attendees: Tad Redway, Town Planner Marie Burgie, Minutes Taker

Board: James Lowery, Bob Coon, Roger Morin, John DerKinderen, Marty Cain and Tom McGinn **Public:** Mark Welch, Shawn Hayes, Keith Burgie, Sim Boissonneault, Donna DerKinderen, John Bell

Called to order:

Chairperson James Lowery called meeting to order at 6:35pm and attendance taken.

I. Approval of Agenda Morin accepted and Coon seconded. Unanimously approved.

Coon noted that date on minutes were incorrect. However, the agenda had the wrong date. The meeting was actually held on Nov. 13, 2014.

II. Approval of Minutes Coon questioned line on page 4 of Nov. 13th minutes, which was revised for resubmission at next meeting. There were not enough similar board participants in attendance to approve minutes of Nov. 13th.

Special Meeting of Nov. 18th Minutes – Coon approved, Morin seconded - Voted unanimous in favor.

III. Public Hearing: Stone Ridge Farm Gravel Pit – Conditional use application: Proposal to renew existing Mineral Extraction Permit for a 10.5 acre gravel pit located on the south side of Curtis Road on property identified as Tax Map 23, Lot 4 in the R-4 district. Stone Ridge Farm, Inc is the owner and M. Welch and Sons are the applicant and the agents. Mark Welch nor public had any comment, therefore public hearing closed at 6:41pm.

IV. Pending Applications: Finding of Fact and Motion for Approval of Conditional use permit for M Welch & Sons/Stoneridge Farm, LLC Mineral Extraction Operation. Verbiage on resolution of section line #3 was adjusted to satisfy board and each item was voted on. Board found that applicant met all concerns and granted 2 waivers in compliance. (Voting results below.)

FINDINGS OF FACT AND MOTION FOR APPROVAL

Conditional Use Permit Renewal for M Welch & Sons/Stoneridge Farm, LLC Mineral Extraction Operation

WHEREAS on October 23, 2014, the Arundel Planning Board received a Conditional Use application from **M Welch & Sons, LLC** to renew existing Mineral Extraction Permit for a 10.5 acre gravel pit located on the south side of Curtis Road on property identified as Tax Map 23, Lot 4 in the R-4 district. WHEREAS, on November 1, 2014 the Arundel Planning Board conducted a public site walk of the project site;

WHEREAS, on December 11, 2014, the Arundel Planning Board conducted a public hearing of the project in accordance with Section 9.7.F 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 owner of the property is Stoneridge Farms, Inc.
2. The applicant is M. Welch and Sons, Inc., who has provided a copy of a contract for removal of sand and gravel material from the designated Area 1 and 2, establishing its right, title or interest in the property.
3. The property is located on the Curtis Road, and is identified as Arundel Assessors Map 23, Lot 4.
4. The total property is approximately 74 acres in size, with approximately 1,050 feet of frontage on Curtis Road. The lot is located in the R4, Shoreland Overlay, and Resource Protection zoning districts.
5. The existing gravel operation located in designated areas 1 and 2 was granted a Conditional Use Permit by the Arundel Planning Board on December 1, 2011.
6. The area to be excavated and restored in this revised application consists of 10.5 acres and is identified as Areas 1 and 2 and depicted on maps and plans entitled *Grading Plan Amendment, Stoneridge Farm, Arundel Maine* as prepared by Attar Engineering Inc and dated September 14, 2014.
7. The applicant received a Minor Revision to its Site Location of Development Act permit # L-15423-80-C-M dated December 12, 2012, by the Maine Department of Environmental Protection, and that order and permit remain in good standing.
8. The applicant has submitted a bond for reclamation in the amount of \$20,000.00 for the extraction operation and of liability insurance coverage.
9. The applicant has submitted a Borrow Pit and Inspection Report prepared by Maine DEP and dated July 25, 2014 confirming that the gravel pit operation is in compliance with its Site Location Permit and applicable mining laws and best management practices in the State of Maine and Maine DEP.
10. The applicant has submitted results of 2014 groundwater testing samples made at the established MW-5 monitoring well and prepared by R.W. Gillespie & Associates and dated May 30, 2014. The report confirms that none of targeted Extractable Petroleum Hydrocarbons, or Volatile Petroleum Hydrocarbons were evident in the water samples and iron and magnesium concentrations in the water column are attributable to naturally occurring minerals.

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.

This gravel operation is portion of an ongoing gravel extraction operation that has been occurring off and on the site since 1989. Surrounding landscape consists of agricultural fields and uses, and upon restoration, the excavated area will serve as a farm pond in keeping with the general agricultural character and uses of the district.

Coon motioned to approve, DeKinderen seconded, 5 in favor, 1 abstention

9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that
Gravel operation and improvements to land that enhance agricultural production is consistent with the goals for uses in the R4 district as enumerated in the 2007 Comprehensive Plan.

DeKinderen motioned to approve, Coon seconded, 5 in favor, 1 abstention

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 Curtis Road. Morin moved, DeKinderen seconded, 5 in favor, 1 abstention

9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.
The use does not require onsite septic or potable water supplies to serve the proposed use.

DeKinderen motioned to approve, Coon seconded, 5 in favor, 1 abstention

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 and dust is generated by the proposed operations. However the impact of these potential nuisances is mitigated by the distance of surrounding neighborhood uses, the interposition of a large exposed earth wall on the east side that will contain dust and noise. There is site lighting to produce glare.

Morin motioned to approve, Cain seconded, 5 in favor, 1 abstention

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 operation is within a an existing gravel seam, the excavation will contain runoff within the work area, and the existing overburden is fertile enough to support interim stabilizing vegetation. The applicant has submitted an erosion control and sedimentation plan that will be strictly enforced on the site.

Coon motioned to approve, DeKinderen seconded, 5 in favor, 1 abstention

9.7.H.7 That the use will not constitute a public or private nuisance.
No other nuisances will be generated by the proposed expansion. Given the gravel surface of Curtis Road the Planning Board waives the requirement to provide a paved apron at the Gravel Pit entrance as specified by Section 8.5.F.2.d of the Land Use Ordinance.

DeKinderen motioned to approve, Cain seconded, 5 in favor, 1 abstention

9.7.H.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.
The applicant's proposed grading and restoration plan has met all pertinent portions of the Arundel Land Use Ordinance as required in Section 8.5. D and 9.7 provided the applicant complies with the conditions of approval so executed by this approval;
Cain motioned to approve, Morin seconded, 5 in favor, 1 abstention

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of **M Welch & Sons, LLC** to renew existing Mineral Extraction Permit for a 10.5 acre gravel pit located on the south side of Curtis Road on property identified as Tax Map 23, Lot 4 in the R-4 district, subject to the following conditions:

1. The applicant is restricted to conducting gravel extraction operations between the hours of 7 AM and 8 PM Monday through Saturday. No lighting shall be permitted to aid operations on the site and therefore hours of operation will be seasonally determined by available daylight.
2. The applicant shall provide annual documentation that the requisite performance bond remains in effect for the life of the permit, and the applicant still carries the required liability insurance;
3. This conditional use permit expires on December 31, 2015, and may be extended to December 11, 2017 provided the applicant can provide proof of right title and interest.
4. Any change from the plans signed by the Planning Board shall require submittal of revised plans to the Board. This permit is not transferable.
5. Closeout of the gravel operation and release of the \$20,000 surety bond shall not occur until the reclamation plan has been completed and approved by the Town Planner and the Code Enforcement Officer. The Town Planner and Code Enforcement Officer may contract surveying/engineering consultants to confirm field compliance with approved final grades on the site, and said consultant services shall be paid by the applicant.
6. The \$20,000 surety bond shall be maintained in full force during the term of this permit, and any lapse in the maintenance of this surety will constitute cause for termination of this permit.

After discussion and revising #3 wording, Morin motioned for approval of conditions “as read”, Cain seconded, 5 in favor, 1 abstention

SO APPROVED by the Arundel Planning Board this 11th day of December, 2014:

Town Planner then told Mark Welch that the revision would be typed up, signed by the board and provided to him in a timely manner.

At 7:15pm the meeting chairperson was turned over to McGinn. At this time, the Comprehensive Plan Review Committee combined their meeting with the planning board’s to discuss intention of proposed revisions to district.

Donna DeKindgeren spoke on their behalf in recommending the elimination of Rural Residential (R-3) district to instead be included with the existing R-2 district. The overall intent is to make the permitted uses more appropriate to the actual parcels. There are approximately 100, 10+ acre lots in these districts having ordinances that are designed for 1 and 2 acre lots. This proposal is to bring some relief to owners of larger parcels regarding potential land uses. It should also expand the economic base of the town.

Proposed Changes for Clarity and Consistency:

- R-1: “Urban Residential” to “Residential District 1”
- R-2: “Suburban Residential” to Residential District 2”
- R-3: Eliminate and merge with RD2

They feel that insignificant differences distinguish R-3 from R-2; Identical acreage requirements (2 acre lots) and similar uses are allowed.

Boundaries:

Follow lot lines wherever feasible

Rationale: eliminate split lots; allow/encourage current landowners to decide which district they prefer

Conditional uses in R1 and R2

Expand conditional uses to include animal husbandry (more than 5 animals), equestrian facilities, agritourism and restricted contractor yards. Allow age restricted housing developments and congregate care facilities.

R1 is intended to create the potential for development of high density, residential neighborhoods with 1 dwelling unit per acre. Higher density is possible (up to 2 units/acre) for residential subdivisions that preserve open space or participate in a transfer of development rights program and conform to established design guidelines and performance standards. Lot sizes, frontages and front setback requirements could be reduced to allow a more compact neighborhood. Uses that generate significant traffic, noise or similar impacts will be excluded. Small scale agricultural and natural resource uses could be allowed with new agricultural uses subject to reasonable standards to protect adjacent residential areas.

R2 is intended to create quality moderate density neighborhoods. Residential uses are allowed at a density of 1 dwelling unit per 2 acres. Higher density is possible (up to 1 unit per acre) for residential subdivisions that preserve open space or participate in a transfer of development rights program and conform to established design guidelines and performance standards. Allowed residential uses will include single and 2-family homes as well as multifamily dwellings.

Discussion formed around the fact that R-1 has not grown as the comprehensive plan had suggested it would. Instead, development of subdivisions in the R-4 zoning has been preferred by the builders. Property owners with split lots on Limerick Road will be asked for opinion on what district they prefer.

John Bell who provided maps of the town and Planner, Tad Redway lead discussion of poor soils in town that would ultimately prevail on decisions as to what property owners could or could not do with their lands. No motions or voting was necessary at this time.

At 8:45pm, Tad Redway gave his “Planner’s report which included the fact that the Arundel Seasonal Cottages had not given their surety of which Redway would remind them of. They have begun clearing the land but no blasting had been done.

Enterprise Drive has a new business going in. There have been no residential permits, just commercial permits taken.

Jan 7th There will be a webinar available to discuss the FEMA flood plains mapping changes

8:55 Morin motioned to adjourn meeting and DeKinderen seconded – Unanimous in favor