

**Arundel Planning Board
Draft Minutes
November 13, 2014 at 7:00 pm
ML Day School Library 600 Limerick Road**

Attendees: Marie Burgie - Board Secretary, Tad Redway - Town Planner

Board: Rich Ganong - Chairman, Tom McGinn, Bob Coon, Marty Cain

Public: Harry Ponton, Dan Dubois, Paul J. Sfreddo, Mark J. Welch, Bud Legros, Pauline Fritz, Dick Fritz, Alan LaBrecque, Keith Burgie Sr., Priscilla Coffin, Philip Grondin Jr., Joe Paolini, Rich Licht, Kim White

Call to order: Chairman Rich Ganong called the meeting to order at 7:00 pm.

I. Approval of Agenda:

The agenda was reviewed. *McGinn moved to approve agenda and Coon seconded, motion - passed with all in favor.*
Attendance was taken and the new secretary was introduced.

II. Approval of Minutes: 9/25/2014 Amended Minutes

Coon moved to approve - Seconded by Cain, motion passed with all in favor.

10/23/2014 Coon moved to approve – Seconded by Cain, passed with all favor.

III. Public Comment on non-agenda items:

There were no comments from the audience.

IV. Pending Applications:

Item 1 Stone Ridge Farm Gravel Pit- Conditional Use Application: Proposal to renew existing Mineral Extracting 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 Farms, Inc. are the owners and Mark Welch and Sons are the applicant and the agents. Welch asked for two waivers on permit renewal. One waiver request pertained to "Survey of completed parcel". The second waiver pertained to "New Topography of Contours" per the grading plan of November 2011. Coon pointed out that approvals had already been granted at the Oct 23rd meeting, contingent of a site walk of no negative findings. A site walk was attended by Rich Ganong, Bob Coon, Roger Morin, Marty Cain and Jamie Lowery. There were no negative findings at the site walk and grading was not found to be out of bounds. *Coon motioned to have a public hearing for the application on Dec 11 and McGinn seconded. Unanimously agreed.* Ganong said it would be put on agenda for approval that day. Discussion began on Arundel Seasonal Cottage preserve when *McGinn motioned that voting was necessary for Welch's "Applicant is complete" and Cain seconded, unanimously agreed.*

Item 2 Arundel Seasonal Cottage Preserve; Request to amend the instrument and amount of construction surety required for Phase I of the approved subdivision to be developed on 294.3 acres located at 1976 Portland Road, Map 11, Lot 9 & Map 15, Lots 6, 7, 9 and 13, in the R-1/BI zone. Arundel Kennebunkport Seasonal Cottage Preserve LLC are the owners/applicants and the owner's agent Paolini. Paolini introduced Rick Licht, engineer, Kim White, Marketing manager and Philip Grondin Jr, "Ken's cousin". Although Ken was on vacation, the contract was being finalized. Paolini stated that he had provided Redway with information about their joint venture partners to show they are financially solid to handle costs of project. He requested that the crew be allowed to start preparatory work on Monday by starting protection of vernal pools/wetlands, demolition of existing house (once permit is obtained), cutting of trees, etc.

Paolini said that they have put together a break down of line items of monetary items of phases so a dollar value can be matched to performance for payments to be made. Grondin and they are ready to go. There will be no mortgage involved but a bank will hold funds per phases to disperse.

Phase IA and IB includes the Community Center. By May/June there should be 3 to 4 models and the community center started. Phase Two includes 63 cottage sites. The project will start by dressing up the front entrances.

Cain asked if part of the first phase includes putting in the right hand turn? Paolini answered that DOT does not require it yet. CMP is relocating telephone poles, police, fire depts. and neighbors are being communicated with prior to ledge blasting.

Ganong asked the town planner why they need permission to tear down house and do preliminary tasks when the work was approved last year? Coon explained it was part of original condition to provide the tri-party agreement, which is not completed yet.

Redway explained the traditional performance bond is a very expensive proposition. The tri-party agreement gives the best bang for the buck. It's an ongoing process to ensure the bank will hold money and disperse as each piece completes on a monthly basis with satisfactory work. The town doesn't hold the money, but the bank does.

Paolini stated that RJ Grondin has 100% of their bond in place for the first three phases of the project, which will be emailed to Redway. Fritz asked if no bonding – how are the neighbors protected if something goes catastrophically wrong?

Redway said they will do board approved work – if there's a problem with permit, then the land use issues will become a code enforcement issue.

Coon explained that once blasting begins, protection comes in through Grondin.

Ganong asked if the tri-party agreement will cover all of Phase I initially?

Paolini explained they'd put together the value of a few months' work, and put the money aside. Upon requisition, Redway signs off before bank releases funds.

Cain stated that typically, the full amount of the project is put aside to be drawn from instead of taken in bits and pieces.

Paolini said the money for Phase 1A, 1B and 2 is available. They will spend at least \$5.6 million on items not including the community center due to ledge, and don't want to tie up that much when working on small portions. If they exceed values, they will adjust and aren't looking to trouble a town that they've been working with for 12 years. It looks like there will be no mortgage on property and are asking for some relief. If we were to put a mortgage, you would be the first to know. The community center will cost about another \$1 million, landscaping will be \$300K-\$400K, etc.

Ganong asked if it is a hardship to Redway to have the tri-party agreement?

Redway said, "I'd rather have it all in escrow; \$5.6 million in our pocket right now."

Coon said, "There's nothing that prevents us from having the tri-party agreement and felt that it makes total sense."

McGinn agreed, as long as it's done in phases, problems can be caught. Redway said that Marty's correct. We've always required full money but on much smaller projects. So, Maine Marine recently put up money for Phase I & II, but aren't required for III.

Paolini & Rick Licht said they can identify and set aside the money for phases I & II. Blasting, crushing and heavy work is going to be done Jan-April; off-season. Abutters can call his cell, White's or the assistant project mgr. (Harold Dunnegan).

Paolini said the preliminary footprint will be submitted and then formal documents. Models/sales office & community center will be done first. He then showed the Logo for Cape Arundel Cottage Preserve and explained its significance to the town. Rick Licht showed color coded map with phases. IA=Entry road and first 11 units. Phase IB Patriots Way, (21 units and the Community Center.) Also, beginning of 5 phased waste water system. Second phase goes into Green phase. Commercial Lots will be marketed later. Concept – 1A will have a gate house with private homes where short buses will turn. Ponds will be made from storm waterpond & wetland pond with DOT permission. Attempts to preserve old well for irrigation. Adams Lane will have 3 models and sales office visible from Rt 1 where sales staff will tour on golf carts.

Coon stated the plan didn't look very different than last presentation.

Paolini will get public transportation and minivans to take residents on errands. A lease company will take their golf carts away in September and private owners will store their own.

Licht said that they are trying to keep as much existing ledge and vegetation and when Prissilla Coff asked what type of chemicals will be used on the grass, Paolini said there will be no chemicals and no plans to use public water for irrigation. They will be "green" and use their own wells. Licht said that since it's a condo, the staff will be doing all grounds maintenance and control as well as the DEP rules in place. They will blast holes for large tree root balls & intend to keep character of natural lands.

Sousa Architect Designs in Boston has designed the community center which is a 3 pod, connected, 5800sf building with an approximate 50'x60' Silo with baths and approx. 32'x48' and 32'x25' buildings. No commercial kitchen, but small one w/BYO area, fitness center, library, 6' deep pool, splash features, hot tub, pavilion with large grassy area for tents for activities/annual meeting, outside yoga, athletic fields, etc. As condo owners purchase, they will be asked what they want and the land put in a trust will have an educational component.

Discussion about buffers, trails and activity amenities.

Redway expressed concerns about safety of cars and golf carts sharing the road. They plan to control thru speed limits, limit available roads and neighbors policing each other. The staff will pick people up and drive in/out of development. Paolini was sympathetic of concern and doesn't think 259 units will own golf carts but will watch and react with the many acres they have to use. Redway suggested parking areas.

Ponton asked where the Eastern Trail crossed? Ganong explained it butts up to their property at Mountain Road, in back which will eventually be an emergency exit thru Hidden Meadows. It doesn't have to be handled until Phase 2 is done or commercial buildings are marketed. Coff asked how they would keep people from walking in? Licht said it will be difficult but will have signage at first. Part of agreement with DEP is to move an ATV trail that runs thru vernal pool.

Ganong – Asked board if satisfied with the tri-party agreement idea?

Coon said he assumed Redway and applicant discussed all but would like a provision for timing of surety plan within 30-60 days to be able to issue a stop work order.

Redway said he didn't think blasting would be limited to phase 1 and 2 once it starts. He felt the instrument was agreed to, but suggested the board limit what's considered "prep. work". Licht said they're fine with "Site preparation and cutting."

Didn't need motion on financing since prior findings—in-fact allow Redway to dictate the vehicle of assurance. Just need to define commencement of construction. ie Digging or blasting.

McGinn motioned to allow site preparation work for up to a month without tri-party agreement in place, beginning today and work to be limited to the red and green zones. Coon seconded. Motion Carried with 3 favor and 1 (Cain) opposed.

V. Land Use Ordinance Amendments. Item 1.0 – Gateway District: Proposed Design Standards

Alternatives are 1) Townhouse Corner District and 2) DBI District.

Discussion- Redway - Board and public concerns dictate designs to be to scale and character of neighborhoods. Suggestion was to start with designs that are already working in other districts. The Townhouse Corner District is similar to Gateway, although maximum size is twice of Gateway. Large buildings should be broken up to look residential.

The second alternative is DBI District which allows more variety with things like peaked roofs. Otherwise, there is not a lot of difference. DBI focuses more for commercial looking. The signage is dramatically different. Gateway is very simple. One square foot for every 2 lineal feet of building. It's agreed that simple is better.

Ganong: Likes Gateway being modeled by Townhouse. It is a much smaller district,

Coon: Agreed with Townhouse corner model but while reformatting districts, would prefer to standardize format standards to avoid chances of error during process. Conversation went to a "Boiler Plate" format of the standards of which all agreed.

McGinn caught a typo that planner corrected on his form for 8/12 roof vs 12/8.

Cain- Commented that signs show way and there aren't enough street lights.

Decision was made to "Boiler plate the table and content"

McGinn motioned to Approve the content of Alternative I with formatting to be put into same outline as DBI Coon seconded. Motion Carried with 3 favor and 1 (Cain) opposed.

VI. Planner's Report:

Seasonal cottages are starting Tuesday, Administrative Review

Expand Branch Brook Review

Several other projects. – Another business going into Enterprise Drive

AIM submitting revision, permit application with copy of permit for Dec. meeting

Southern Maine Marine—Structure Problems—trusses are off, wall are up.

Ganong: County Connection – Jim Motorland at old Mainely RV

Staff on election Day – photo preference study

100 samples – which 4 images 10% return which is excellent

If downtown was between Campground and River Rd, what would you want image to be. Route 1 was most preferred

Still tabulating results – at town hall desk to be filled out. Two are in neck to neck.

Dan Dubois: Conditional requirement for Katie's butter is an educational piece. Planner to send official letter asking about. Carton says

Made in Arundel, Maine but Hannaford store stickers say OOB

Coon: Asked about Supreme Court's ruling with Dubois land?

Redway: Law court decided town has right to regulate and it's not subject to Right to Farm. Condition of approval is to have code enforcement inspections. **Town council is working on addressing these issues. (This was line that was changed)**

Cain – Recoup legal fees? Staff standpoint terms of approval = site visit

Coon: permit must have lapsed by now.

Special Meeting will be Tues, Nov. 18th at 7 pm at firehouse. McGinn and Cain can not make it but will talk to others

McGinn motioned to adjourn at 9pm, seconded by Coon. Motion passed - all in favor.