

Arundel Planning Board
Draft Minutes-Regular Meeting
December 10, 2015 at 7:00 pm
ML Day School Library 600 Limerick Road

Board: Tom McGinn, Marty Cain, John Der Kinderen, Bob Coon, Jamie Lowery, Roger Morin, Tad Redway, Town Planner

Public: Ed Herczeg, Broker; Tim Stentiford; *Motorland*; Matt and Lisa True, *ServPro*; Jason Nadeau & Jason Beaulieu of *J Group*, Walter Pelkey, *BH2M*; , Paul Gadbois *Paul Gadbois, PE*; Phillip Labbe; Margaret Voss; Albert Frick, *Albert Frick Associates*; Bud Legros; Sylvain and Manon Theriault;

CALL TO ORDER: Chairman McGinn called the meeting to order at 7:04 pm. Attendance was taken.

I. APPROVAL OF AGENDA:

MOTION: Mr. Der Kinderen moved and Mr. Lowery seconded the motion to approve the agenda as written.

VOTE: Unanimous in favor.

II. APPROVAL OF MINUTES:

Outstanding minutes were tabled until January meeting.

III. PUBLIC HEARINGS

Item 1: Brookside Estates: *Preliminary Subdivision Application/ Conditional Use Application-* Proposal for a 10-lot cluster subdivision and age-restricted community on 11.98 acre lot located at 182 Log Cabin Road, Tax Map 32, Lot 14C in the R3 and Shoreland Overlay Districts. J Group LLC is the owner/applicant and the owner's agent is Walter Pelkey of BH2M.

Chair McGinn declared the Public Hearing open at 7:10. Walter Pelkey of BH2M was on hand to answer public questions. No members of the public spoke. Chair McGinn closed the hearing at 7:12 pm.

Item 2: Motorland : *Conditional Use Application:* Proposal to construct a 60 foot x 220 foot metal storage building and 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. Neal Griffeth of Caribou Maine is the owner, *Motorland* is the applicant, and Paul Gadbois PE is the applicant's agent.

Chair McGinn declared the Public Hearing open at 7:13. Paul Gadbois was on hand to answer public questions. No members of the public spoke. Chair McGinn closed the hearing at 7:14 pm.

VI: PENDING APPLICATIONS:

Item 1: Brookside Estates: *Preliminary Subdivision Application/ Conditional Use Application-* Proposal for a 10-lot cluster subdivision and age-restricted community on 11.98 acre lot located at 182 Log Cabin Road, Tax Map 32, Lot 14C in the R3 and Shoreland Overlay Districts. J Group LLC is the owner/applicant and the owner's agent is Walter Pelkey of BH2M.

The Board reviewed the peer review comments from the Town Engineer, Woodard & Curran, dated December 7, 2015, as well as the response submission from BH2M dated December 10, 2015. The applicant's have met the requested changes proposed by Woodard & Curran regarding stormwater and road construction issues and confirmed the DEP PBR application status. Concerns raised by Woodard & Curran regarding the suitability of the nitrate loading study will be addressed by Sevee & Mahar by the end of the week.

Ms. Margaret Voss, an abutter to the south, reported that neither she nor her brother (Mr. Wood) to the west had received a notice of the Public Hearing. Mr. Redway stated that he would double check his records. Mr. Coon suggested a Public hearing be scheduled prior to Final Subdivision approval to insure that the required public hearing mandate is fulfilled.

The applicant requested that the Planning Board grant Preliminary Subdivision approval for the project pending a positive outcome of the nitrate study review. After much discussion the Board, concurred.

MOTION: Mr. Der Kinderen moved that the proposed Brookside Cluster Subdivision application met the preliminary performance standards in Section 11 of the Arundel Subdivision Ordinance and that it should be granted Preliminary approval, pending approval of the Nitrate Mitigation study. Mr. Cain seconded the motion.

VOTE: Unanimous

The Planner was instructed to prepare a Findings of Fact for Board approval for the January 7, 2015 meeting. The applicant shall prepare revised cost estimates and Homeowner's and Age restricted Community Covenants for consideration, as well as

Item 2: Motorland: Conditional Use Application: Proposal to construct a 60 foot x 220 foot metal storage building and 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. Neal Griffeth of Caribou Maine is the owner, *Motorland* is the applicant, and Paul Gadbois PE is the applicant's agent.

The Board discussed the December 5, 2015 site walk.

Mr. Gadbois reviewed the applicant's responses to the Town Planner's report and the Planning Board's requirements at the November 11, 2015 meeting. The applicant's pre and post development stormwater evaluation showed a slight increase in peak runoff to be offset by the requested drip edge infiltration system was to be installed along the perimeter of the building. The Board discussed several other details of the application.

Chair McGinn read the following Findings of Fact for approval:

FINDINGS OF FACT AND MOTION FOR APPROVAL
Motorland Storage facility

WHEREAS on November 11, 2015 the Arundel Planning Board received a conditional use application to construct a 60 foot x 220 foot metal storage building and 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.

WHEREAS, on December 5, 2015 the Planning Board conducted a site walk of the proposed project site.

WHEREAS, on December 10, 2015 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 Neal Griffeth of Caribou, Maine and the applicant is *Motorland*. The applicant has submitted an executed Purchase and Sale Agreement to acquire the parent lot from the current owner.
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*.

4. The applicant has received a Site Plan approval to divide the property into two parcels, modify display lot lighting and erect a landscape buffer fence along the southern border of the newly divided lot in conformance with sections 8.25.4, 8.25.5.4.c, and 8.25.5.2.c of the Arundel Land Use Ordinance.
5. The applicant now proposes to construct a 60 foot x 220 foot metal storage building on the site to provide cold storage for automobiles. The facility shall not be used as a showroom for vehicles and the general public shall not have access to the facility.
6. In addition the applicant is proposing to extend the existing display lot to include 20 additional parking spaces to be located along the western perimeter and to provide a 30-foot wide paved parking apron on the north east and south sides of the proposed building for vehicle maneuvering.
7. Additional lighting will consist of (3) 100w wall packs located over the entries to the proposed building.
8. Stormwater analysis reveals that there will be a slight increase in the peak runoff generated by the activity but a drip strip shall be installed along the roofline of the building to capture and infiltrate concentrated runoff.
9. Erosion control, drainage, paving, lighting, and parking layouts are depicted on the plan set entitled Site Plan for Motorland dated October 22, 2015 with revisions to November 25, 2015 and prepared by Paul Gadbois, PE.

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.

MOTION: Mr. Morin moved and Mr. Cain seconded to approve the finding. **VOTE:** Unanimous.

- 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.*

MOTION: Mr. Der Kinderen moved and Mr. Morin seconded to approve the finding. **VOTE:** Unanimous.

- 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.*

MOTION: Mr. Morin moved and Mr. Cain seconded to approve the finding. **VOTE:** Unanimous.

- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.
The proposed use will not require septic or water service.

MOTION: Mr. Der Kinderen moved and Mr. Morin seconded to approve the finding. **VOTE:** Unanimous.

- 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.

MOTION: Mr. Der Kinderen moved and Mr. Morin seconded to approve the finding. **VOTE:** Unanimous.

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 drip edge treatment along the perimeter of the proposed building will infiltrate runoff 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 nuisances will be generated by the proposed use. The applicant proposes to install a 8-foot high solid fence along the southern property line between the use and existing residential uses.*

MOTION: Mr. Morin moved and Der Kinderen seconded to approve the finding. **VOTE:** Unanimous

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.*

MOTION: Mr. Morin moved and Mr. Cain seconded to approve the finding. **VOTE:** Unanimous

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of Motorland to construct a 60 foot x 220 foot metal storage building and 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, subject to the following conditions:

1. The proposed drip edge will be periodically cleaned and maintained in order to preserve its function to infiltrate collected runoff into the ground, and shall be replaced when and if it fails;
2. The applicant shall install the 8-foot high solid landscape fence on the southern perimeter in accordance with the approved plans within 120 days;
3. The applicant shall perform all lighting fixture modifications prescribed on the Remedial Lighting Plan prepared by J & M Lighting Design Inc and dated 10-20-2015 prior to the conveyance of the 120 days,
4. 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 10th day of December 2015

MOTION: Mr. Cain moved to approve the Findings of Fact and Approval as amended. Mr. Der Kinderen seconded.

VOTE: Unanimous

Item 3: ServPro: Plenary Site Plan application Determination of Completeness- Proposal to convert an residential building under construction to a 2,872 square foot commercial service structure containing a *Servepro* business located on a 1.77 acre parcel at 782 Alfred Road, Tax Map 4, Lot 32 in the AR district. Matt and Lisa True are the owner/applicants.

The applicant presented revisions to the proposed plan, including the following:

- Wider driveway entry radii resulting in requisite 15 foot buffer strip;
- Parking for five vehicles based on employee numbers;
- Proposed cutoff wall pack security lights and plan;
- Proposed tree plantings;
- Stormwater Management plan showing that post development stormwater generated by the proposal will not exceed capacity of the culvert under Rte 111.

MOTION: Mr. Cain moved to determine the *ServPro* application complete subject to submission of revised cost estimates, and to schedule a public hearing for January 7, 2016. Mr. Coon seconded the motion.

VOTE: Unanimous

- Item 4:** **Ledgewood Meadows Subdivision: *Major Subdivision Application-Preliminary Approval Review:*** Proposed development of a 2-lot commercial subdivision and a four lot cluster subdivision on 20.76 acres located at 14 Ledge Cliff Drive, Tax Map 4, Lots 24 and 25B, in the CCN and the R4 zones. Phillip & Judith Labbe are the applicants and Paul Gadbois, PE is the owner's agent.

Applicant reviewed the Preliminary submission and with the submission of the road maintenance agreement and the draft Homeowners Covenants, requested that the preliminary application be approved. In response to a question from the Board regarding the timing of the public hearing, Mr. Redway reported that public hearing is not required to be conducted prior to the Preliminary Approval, but must be conducted before Final Approval. Submission items required prior to the Final Approval were determined to be cost estimates, surety, final Homeowner's Agreement approved by Town Attorney, and dry hydrant fittings approved by the Arundel Fire Chief.

MOTION: Mr. Der Kinderen moved to approve the Preliminary Subdivision Application for the Ledgewood Cluster Subdivision, subject to the provision of Homeowner's Covenants and cost estimates. Motion seconded by Mr. Lowery.

VOTE: Unanimous

- Item 1:** **Bentley's Campground: *Conditional Use: Pre-application Sketch Plan-*** Proposal to expand the existing RV campground in five additional phases developing an additional 137 new sites with utility hookups and support facilities on 46.28 acres Tax Map 30, Lot 24 located at 1601 Portland Road in the DB-2 district. Bentley Warren III is the applicant and Rick Licht of Licht Environmental Design is the applicant's agent.

Mr. Frick provided an overview of the proposed expansion of Bentley's Campground into the newly created DB-2 district. The applicant is requesting a conceptual approval of the project as a concept as well as conditional use approval of 25 sites in Phase # 2 and 4 sites in the staging area of the original project area. Sites are scheduled to be serviced by sewer, water, electric, cable and designed for RV and tent use. No expansion of bathhouse facilities is proposed. The applicant also requests to develop a construction entrance to Old Post Road during the construction season.

The applicant has received DEP Site Location and NRPA permits, and a MDOT Turning Movement permit.

Mr. and Mrs. Theriault, abutters to the project, addressed the Board complaining that a woods road has been consistently been used by the applicant to transport equipment and material between Route 1 and the rear of the site. This activity has been very disruptive to their tenants.

Issues raised by the Board:

- Fire protection and the lack of pressurized fire flows to the project;
- The need for increased bathhouse facilities to meet tent users needs;
- The desirability of diverting construction traffic onto Old Post Road rather than Route 1;
- Visual buffering to adjacent residences.

The Planning Board scheduled to conduct a site walk on December 17, 2015 at 9:00 AM. Follow-up site walk for members who cannot attend will be organized by the Planner. The applicant's consultant gave all members of the Board permission to enter and inspect the property at any time.

VI: PLANNER'S REPORT

Mr. Redway reported on the status of *Seltrain Automat Kalashnikova* Home Occupation application at the Kate's Homemade Butter residence, and proposed program changes at the new Vinegar Hill Playhouse (formally Arundel Playhouse). The Planner also reminded the Board to attend the December 16, 2015 ZBA hearing for both the Dubois Livestock Administrative Appeal of the Town's 80k Enforcement action and RSU21's variance request for increasing lot coverage at the M.L. Day elementary School project. In addition the Board was reminded of the December 17th meeting to review revisions to the LUO.

ADJOURNMENT: Mr. Coon moved to adjourn at 10:25 pm, with Mr. Morin seconding the motion, and it passed with all in favor.

Respectfully Submitted,



Tad Redway
Planning Board Secretary, Pro Temp