

Arundel Planning Board Minutes

February 27th, 2020 - 7:00pm

Mildred L. Day School Library - 600 Limerick Rd. Arundel

Board Attendees: Mr. Cain, Mr. McGinn, Mr. Lowery, Ms. Roth, Mr. Ganong, Mr. Bergen, Planner; Mr. Redway, Secretary; Ms. Goulet

Attendees: Amy McNally, Gary Welch, Joy Welch, Randy Dubois, Dawson Dubois, Sol Fedder, Rick Dubois, Chad Binette, S. Binette, Ben Fitzpatrick, Jamie Paschal, Mario Binette, Paul Gadbois

Call to Order: Chair Ganong calls meeting to order at 7:01pm.

I. APPROVAL OF AGENDA:

Motion: Mr. Cain motions to approve the Agenda as presented. Mr. McGinn seconds.

Vote: Unanimous in favor.

II. PUBLIC COMMENT:

Citizen comment period opened and closed at 7:02pm with no comments to record.

III. APPROVAL OF MINUTES:

Motion: Mr. Bergen motions to approve the January 23rd, 2020 Minutes as written.

Mr. McGinn seconds.

Vote: Mr. Lowery abstains. Remaining members in favor.

IV. PUBLIC HEARINGS:

Item 1: Dubois Automobile Salvage-Conditional Use Renewal: *Proposed application to renew an existing permit to continue operation of an existing 85,000 sf +/- automobile salvage area on a 3.6 acre site located at 2 Irving Road, Tax Map 19, Lot 6 in the R-4 District. Randrick Trust is the applicant.*

Public Hearing opened at 7:03pm and closed at 7:04pm with no public commentary to record.

V. PENDING APPLICATIONS:

Item 1: Dubois Automobile Salvage-Conditional Use Renewal: *Proposed application to renew an existing permit to continue operation of an existing 85,000 sf +/- automobile salvage area on a 3.6 acre site located at 2 Irving Road, Tax Map 19, Lot 6 in the R-4 District. Randrick Trust is the applicant.*

Mr. Ganong asks the Board if there should be a requirement for a survey for the *next* renewal.

The applicants note that they feel this is unnecessary and burdensome. The existing poles and GPS coordinates should be adequate.

Ms. Roth expresses concern of the precedent set by not requiring updated documentation as technology allows. What about new applicants? Could they not look at this situation and ask why they couldn't do something similar?

In an informal poll, the Board indicates that the current documentation is adequate.

Mr. Redway also notes that, if a Board member were to attend the next site walk and felt something was changed, a peer review could be requested.

Motion: Mr. McGinn motions that the current map with GPS coordinates remain as accepted documentation. Mr. Bergen seconds.

Vote: Mr. Ganong and Ms. Roth opposed. Mr. Cain, Mr. McGinn, Mr. Lowery and Mr. Bergen in favor. Motion passes.

Mr. Ganong reads the Findings of Fact.

FINDINGS OF FACT AND MOTION FOR APPROVAL

Conditional Use Application for Randrick Trust Automobile Salvage Yard

WHEREAS, on January 9, 2020 the Arundel Planning Board did receive a Conditional Use permit application from Randrick Trust to relicense an existing 85,000 +/- sf automobile salvage yard automobile salvage area on a 3.6-acre site located at 2 Irving Road, Tax Map 19, Lot 6 in the R-4 District;

WHEREAS on January 18, 2020 the Arundel Planning Board conducted a public site walk of the existing facility;

WHEREAS on January 23, 2020 the Planning Board determined the application complete.

WHEREAS on February 13, 2020 the Planning Board conducted a public hearing on said application;

WHEREUPON the Arundel Planning Board reviewed and given due consideration of the applicant's amended application and has arrived at the following findings and conclusions:

FINDINGS OF FACT

1. The land owner and applicant with right title and interest is Cynthia Dubois, Trustee for Randrick Trust.
2. The property is located at 2 Irving Road and is identified as Arundel Assessors Tax Map 19 lot 6;
3. The parcel consists of 3.6 acres of grassland currently containing salvage vehicles of various types and is contained within a 98-acre parcel.

4. The applicant proposes to continue utilizing the designated area for storage of salvage commercial vehicles and automobiles.
5. The applicant has general plans of the salvage area entitled Automobile Salvage Re-Licensing Plan N/F Dubois 2 Irving Road as prepared by Albert Frick Associates Inc. dated April 9, 2010 with revisions through to June 17, 2010.
6. The existing facility is not located over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey;
7. Neither the designated facility nor any abandoned or salvage vehicle is located within the 100-year floodplain as mapped by FEMA, nor is the facility located within 300 feet of a church, school, public park, cemetery, recreational area, or neighboring dwelling.
8. The designated facility has been configured to be situated more than 300 feet from the upland edge of Brimstone Brook and other natural watercourses on the property.

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 9.2.9 of the Arundel Land Use Ordinance as follows:

9.2.9.1 The use is compatible with and similar to the general categories of uses of neighboring properties, in that -

The use is not permitted in the R-4 district but is a pre-existing non-conforming use and cannot be expanded beyond the existing boundaries.

Motion: Mr. Cain motions that the use is a pre-existing non-conforming use and has standing as an existing use. Mr. McGinn seconds.

Vote: Unanimous in favor.

9.2.9.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood, in that -

The use is in conflict with the comprehensive plan and the anticipated development of the neighborhood as an agricultural and low-density residential zone. The use is legally non-conforming and therefore has standing as an existing use.

Motion: Mr. Cain motions that the use is a legally non-conforming use and has standing as an existing use. Ms. Roth seconds.

Vote: Unanimous in favor.

9.2.9.3 There is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the proposed use, in that-

The site has ready access via a gravel road from the Dubois Livestock complex and adequate sight distance and access to Irving /Brimstone Road.

Motion: Mr. McGinn motions that there is adequate pedestrian and vehicular access to the site. Mr. Cain seconds.

Vote: Unanimous in favor.

9.2.9.4 **That there is adequate water supply and sewage disposal available to service the use in that-**Water supply is not essential to the operation of the facility. Waste liquids are drained from incoming vehicles and incinerated on site. The draining operation is conducted in the barn on impervious surfaces.

Motion: Mr. Cain motions that there is adequate water supply in that none is necessary and any waste liquids are drained and incinerated on site. Mr. McGinn seconds.

Vote: Unanimous in favor.

9.2.9.5 ***That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties,***

All vehicular fluids shall be drained from all vehicles before storage within the salvage yard. Waste petroleum fluids will be burned on site, and waste coolants shall be recycled in accordance with State of Maine regulations.

Motion: Mr. McGinn motions that the fluids will be drained and incinerated as needed and coolants will be recycled according to State regulations – causing no noise, dust, odor, vibration or smoke to adversely affect neighboring properties. Mr. Bergen seconds.

Vote: Unanimous in favor.

9.2.9.6 ***The physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use, in that-***

The physical characteristics of the site are suitable for the use. The underlying impervious soils prevent percolation of petroleum fluids into the groundwater and proposed improvements and erosion control measures shall preserve the integrity of the existing lands.

Motion: Mr. Cain motions that the physical characteristics of the site are suitable for the use. Mr. Bergen seconds.

Vote: Unanimous in favor.

9.2.9.7 ***That the use will not constitute a public or private nuisance.***

The facility will not present public or private nuisances to the adjoining property owners or the neighborhood. The site will not be visible from the street and most adjoining property owners.

Motion: Mr. Cain motions that the use will not present a public or private nuisance to the neighboring properties. Mr. Lowery seconds.

Vote: Unanimous in favor.

9.2.9.8 ***The proposed use conforms to all other requirements and applicable provisions of this ordinance, particularly any pertinent shoreland zoning standards.***

The applicant has designed the facility in compliance with all other performance standards and technical requirements of the Land Use Ordinance.

Motion: Mr. McGinn motions that the applicant has designed the facility to comply with the Land Use Ordinance of Arundel. Mr. Cain seconds.

Vote: Unanimous in favor.

THEREFORE, BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the application of **Randrick Trust** to continue operation of the existing Automobile Salvage facility contingent upon the following conditions:

1. The applicant shall maintain all State of Maine Permits in full force and shall maintain compliance with all state regulations and standards at all times.
2. No salvage parts or vehicles shall be stored outside of the designated area shown on the record maps, nor shall any materials be located closer than 300 feet to any stream, intermittent stream, well, or body of water. No salvage materials shall be stored within the Shoreland Zones located on the property.
3. This conditional use permit shall expire on February **27, 2023**. Failure to renew this conditional use permit prior to its expiration date shall result in the loss of legal non-conforming status of the salvage operation.

Motion: Mr. Cain motions to approve the Findings of Fact w/ the corrections. Mr. Lowery seconds.

Vote: Unanimous in favor.

VI. NEW APPLICATIONS:

Item 1: KKWWD Water Storage Tank: Amendment to Major Conditional Use Permit: *Proposal to increase the diameter of an approved 1.3 million gallon water tank with a 62.5-foot diameter to a 1.5 million gallon water tank with a 67.5 foot diameter on a 13.34-acre parcel, Tax Map 15, Lot 8a in the BI District Kennebunk, Kennebunkport, and Wells Water District is the owner and the applicant, and Jamie Paschal, District Engineer is the applicant's agent.*

Mr. Paschal reviews the change in the application which is essentially an increase in girth of the originally proposed tank of 8% with no change in height.

Mr. Ganong asks the Board if they feel that this could/should be handled by peer review. If the proposed change was 5% or less he feels that would be de minimis but wants to see what the Board feels in this situation.

Motion: Mr. Lowery motions that the Board defer the Amendment to staff review with the Board's recommendation to approve given the minimal proposed change. Mr. McGinn seconds.

Vote: Unanimous in favor.

Item 2: 35 DMR Drive: Plenary Site Plan Review - Determination of Completeness: *Proposal to construct a 4,251-sf metal building complimenting an existing 3,440 sf commercial building on a 2.83-acre site located at 35 DMR Drive, Tax Map 1 Lot 1D in the BI district. Gary Martin is the owner and applicant and Amy Mc Nally, Esq. is the applicant's agent.*

Mr. Redway points out that DMR Drive is outside of the official ROW and, as a result, encroaches on an adjacent property. Staff review has raised this as a concern and feels it should be resolved prior to determination of completion.

After discussion the Board agrees and recommends that the applicant provide a road maintenance agreement, easement, or other solution prior to Determination of Completeness. The subject is tabled until such a time.

Item 3: Gary's Auto Salvage: Conditional Use permit renewal: *Application for permit renewal is 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.*

Sitewalk should be scheduled.

Motion: Mr. Bergen motions to hold a site walk on March 7th, 2020 at 8am. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 4: BDF Holdings Inc: Major Subdivision Application: *Proposal to subdivide an 31.5 acre parcel, Tax Map 4, Lot 23 at 715 Alfred Road in the AR District into 4 lots, subdivide the existing 5,000 sf building on proposed Lot 2 into an additional 4 units, and make improvements to the existing Heavy Hammer Lane to bring it into conformance with Town commercial driveway standards. BDF Holdings is the owner and applicant.*

Each lot maintains the required 100ft of frontage on Rte. 111. Site walk is in order – please flag lots as needed.

Motion: Mr. Bergen motions to hold a site walk on March 7th, 2020 at 9am. Mr. Lowery seconds.

Vote: Unanimous in favor.

Item 5: Champion Auto Body: Amendment to Major Conditional Use Permit: *Proposal to permit limited automobile sales at an existing auto repair facility located on a 2.17 acre site located at 1617 Portland Road, Tax Map 29 Lot 20P in the DB-1 District. Mario Binette is the owner/applicant.*

Mr. Redway recaps how the original plan met 2015 standards when it was approved at that time but the current Zoning Ordinance prohibits automotive display areas.

Motion: Ms. Roth motions that, by virtue of the original approval, Champion Auto Body is allowed to park and sell cars in the location indicated on the plan. Mr. Cain seconds.

Vote: Unanimous in favor.

VII. OTHER BUSINESS:

Mr. Redway reminds the Board that there is a Workshop on March 5th that will focus on the Townhouse Corner zone change language. COMP plan members should be invited.

Mr. Ganong inquires where the Town is with the sewer district investment? There is talk of how Kennebunk is planning on expanding services into West Kennebunk instead of toward Arundel. Lack of progress on this front is causing big players to look elsewhere – seemingly, Marriot was considering the purchase of a parcel on Rte. 1 but moved on because of the lack of sewer service.

Mr. Redway notes the continually lengthening list of new applications.

Mr. McGinn voices concern regarding the lack of buffer on the lot closest to Log Cabin Road in the Scout's Way development.

Motion: Ms. Roth motions to adjourn at 8:55pm. Mr. McGinn seconds.

Vote: Unanimous in favor.

Adjourn

Respectfully submitted,



Corinne A. Goulet
Secretary to the Planning Board

