

**Arundel Planning Board
Minutes-Regular Meeting
March 10, 2016 at 7:00 pm
Fire Station Meeting Room 468 Limerick Road**

Board Attendees: Rich Ganong, Tom McGinn, Marty Cain, John Der Kinderen, Roger Morin, and Tad Redway, Town Planner

Public Attendees: Wayne Poulin, Doris Poulin, Tim Lemieux, Steve Marcotte, Seevy & Maher; Pam Drew, Walter Pelkey, BH2M; Jason Nadeau, J Group; Jason Beaulieu, J Group; Trevor Parker, Brooke Souliere, Margaret Vose, Glen Perry, Mark Pinette, Old Oliver Farm, LLC; Jeff Becker, Sylvain Theriault, Manon Cote, Andrew Kaski, Bentley's Campground; Rick Licht, Licht Environmental Design.

CALL TO ORDER: Chair Ganong called the meeting to order at 7:03 pm. Attendance was taken.

I. APPROVAL OF AGENDA:

MOTION: Mr. Morin moved and Mr. Cain seconded the motion to approve the agenda as written.

DISCUSSION: Mr. McGinn requested that section II Approval of Minutes be moved to the end of the meeting

ACTION: Mr. Cain withdrew the motion second, Mr. Morin withdrew the motion.

MOTION: Mr. McGinn moved and Mr. Cain seconded the motion to approve the agenda with the amendments that Section II [Approval of Minutes] be deferred until the end of the meeting and that the minutes of November 12, 2015 be added to the Section II agenda.

VOTE: Unanimous in favor

III. PUBLIC HEARING

Item 1: Brookside Estates: Final 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.

Chairman Ganong opened the Public Hearing at 7:08 PM.

Walter Pelkey of BH2M presented a brief overview of the project.

Chair Ganong read into the record a letter from abutters Stephen and Sharon Wood objecting to the number and proximity of proposed wells in the Brookside Project and their potential impact upon neighboring wells and the ground water table in the area [copy attached]. Chair Ganong also read a similar letter from Mrs. Margaret Vose, also a project abutter [copy attached]. Mrs. Vose spoke from the audience providing further testimony that water yields both on her property, her parents property and the adjoining Thurlow property have been historically low- between 3 and 6 gpm. In summer Mrs. Voss states that her well can run dry.

The Chair closed the Public Hearing at 7:16pm.

Item 2: Old Oliver Farms, LLC: Conditional Use –Conditional Use Application- Proposal to institute an animal husbandry use and raise domesticated farm animals on an 80 acre farm site located on the former Oliver Farm located at 475 Mountain Road, Tax Map 16, Lot 12 in the R-2 zone. Mark Pinette dba Old Oliver Farm LLC is the owner applicant and Alan Shepard, Esq is the designated agent.

The applicant Mark Pinette provided an overview of his proposal to develop the former Oliver property into a livestock production farm. This application would enable him to raise up to 5,000 pounds of animals on the site until such time that the Town amends the LUO to permit a greater intensity of animal husbandry.

Wayne and Doris Poulin, residents of 457 Mountain Road, complained that the applicant's raising of cattle on the Hardscrabble Farm has been a continual source of foul odors and swarms of flies, especially during the summer. Last year there was a distinct odor of hog manure. They state that numerous complaints have been made to the Code Enforcement Officer without action. Mr. Pinette responded that the CEO has determined that animal husbandry is a grandfathered use on the property. Mr. Poulin stated that the herd has grown to over 15 head of cattle, which is much more than what the grandfathered use was.

Mr. Tim Lemieux of 460 Mountain Road also complained that the manure odor and fly problem at Hardscrabble Farm is "oppressive" in the summer and asked if this new application was going to exacerbate the nuisance.

Mr. Trevor Parker of Parker 72 Parker Woods Road stated that the applicant is diligent in his livestock management and has always run a clean operation, and therefore he is in support of the application. Mr. Jeff Becker of 546 Mountain Road stated that the Oliver Farm is across the street from his residence and that he is in support of the applicant's proposal.

Chair Ganong closed the public hearing at 7:30

IV. PENDING APPLICATIONS

Item 1: Brookside Estates: *Final 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.

Mr. Der Kinderen stated that abutters and local residents have consistently reported water availability and yield problems with existing wells around the project. Why has the applicant's team failed to adequately address these obvious problems and how the Brookside project will not exacerbate water supply conditions?

Steve Marcotte, geologist from Seevy & Maher, stated the project site and environs have good bedrock formations and are located next to a major recharge source in Goff Mill Brook. Moreover, the well logs provided from the Maine Geologic Service as well Mrs. Vose's testimony testify to adequate water supplies on the site. Mr. Marcotte stated that a yield of 6 gpm is more than adequate given the average water usage of a typical 4-person residential dwelling and the flow rate of common plumbing fixtures. The proposed units in Brookside will have a household population of two adults with little demand on daily flows.

Mr. Marcotte provided the Board with a lengthy dissertation on the dynamics of water production from drilled wells in Maine's bedrock aquifers, and addressed many of the common misperceptions about water yields from such formations. In response to the Planner's inquiry, Mr. Marcotte stated that an "adequate" yield for a drilled well would be .25 gallons per minute averaged over a 12 hour period.

Regarding Mrs. Vose's dry well phenomenon, Mr. Marcotte stated that her well is relatively shallow and therefore has less storage capacity. In addition her pump may not be situated deep enough in the well to adapt to season water column fluctuations. Regarding Mr. Wood's observations, Mr. Marcotte stated that Mr. Wood is citing a dug well condition which is unpredictable and inadvisable in these geologic conditions.

Chair Ganong asked the applicants if they would commit to replacing the Vose well if it went dry after the Brookside wells were installed. The applicants stated they could not make such a commitment without knowing more about prevailing conditions in the Vose well.

In response to the Board's inquiries, the Planner reported that the Town Attorney has submitted seven pages of proposed amendments to the Brookside covenants and Homeowner documents; however none of these amendments are deal breakers. The applicant reported that their attorney has reviewed the Town Attorney's March 10th review and will accept the recommended changes.

Mr. Ganong read the Findings of Fact and Motions for Subdivision approval prepared by the Town Planner, a copy of which is attached to these minutes.

Motion: Der Kinderen made a motion to strike Condition # 12. Motion failed to be seconded.

Motion: Mr. Der Kinderen moved to approve the Brookside Estates Subdivision and Conditional Use application as stated in the Findings of fact and Notice of Decision, subject to the addition of Condition # 15 as follows: "All applicable covenants as referenced in the Findings of Fact item 8.E, shall be approved by the Town Attorney prior to the issuance of Building Permits."

Second: Mr. Cain seconded the motion.

Vote: Unanimous in favor.

Item 2: Old Oliver Farms, LLC: Conditional Use –Conditional Use Application- Proposal to institute an animal husbandry use and raise domesticated farm animals on an 80 acre farm site located on the former Oliver Farm located at 475 Mountain Road, Tax Map 16, Lot 12 in the R-2 zone. Mark Pinette dba Old Oliver Farm LLC is the owner applicant and Alan Shepard, Esq is the designated agent.

Mark Pinette gave an overview of his application:

- The 5 animal units will be grazed on Old Oliver Farm.
- There is no manure collection planned for the grazing lands on Old Oliver Farm but the applicant has started a composting operation on the property using imported material from other unnamed sources.
- The 5 animal units may be shuttled between the non-conforming Hardscrabble Farm and Old Oliver Farm.
- The 5 animal units will be kept in the enclosed pasture, but a calf may be kept in the barn on Old Oliver Farm.
- There is no fence enclosure around the barn to date.
- The applicant maintains that poultry was raised on the Old Oliver Farm, however that fact has not been confirmed and deemed a legal non-conforming use by the Arundel CEO. Until it is the applicant is subject to the 5 animal unit restrictions.

Chair Ganong read the Findings of Fact and Motion of Approval prepared by the Town Planner, a copy of which is attached to these minutes.

Motion: Mr. Der Kinderen made a motion that the applicant is in conformance with LUO section 9.7.H.1. Seconded by Mr. McGinn.

Vote: Unanimous in favor.

Motion: Mr. McGinn made a motion determining that the applicant is in conformance with LUO section 9.7.H.2. Seconded by Mr. Der Kinderen.

Vote: Unanimous in favor.

Motion: Mr. Der Kinderen made a motion determining that the applicant is in conformance with LUO section 9.7.H.3, and that the word "normal" be substituted with "regular". Seconded by Mr. Cain.

Vote: Unanimous in favor.

Motion: Mr. Morin made a motion determining that the applicant is in conformance with LUO section 9.7.H.4 and to replace the phrase "*There is an existing manure pit established on the adjacent Hardscrabble Farm property and manure will be composted at that location*" with the following: "*The area is a grazing field and no on-site water or sewage disposal system is required*". Seconded by Mr. McGinn.

Vote: Unanimous in favor.

Motion: Mr. Morin made a motion determining that the applicant is in conformance with LUO section 9.7.H.5 and to delete the phrase “*The applicant must observe Best management Practices in managing the manure composting pit and cover the piles to minimize flies and other noxious insects.*” Seconded by Mr. McGinn.

Vote: Unanimous in favor.

Motion: Mr. McGinn made a motion determining that the applicant is in conformance with LUO section 9.7.H.6 Seconded by Mr. Morin.

Vote: Unanimous in favor.

Motion: Mr. Morin made a motion determining that the applicant is in conformance with LUO section 9.7.H.7. Seconded by Mr. Cain.

Vote: Unanimous in favor.

Motion: Mr. Cain made a motion determining that the applicant is in conformance with LUO section 9.7.H.8. Seconded by Mr. Der Kinderen.

Vote: Unanimous in favor.

Motion: Mr. Der Kinderen made a motion that the applicant is in conformance with LUO section 9.7.H.1 seconded the motion. Seconded by Mr. McGinn.

Vote: Unanimous in favor.

Motion: Mr. Der Kinderen made a motion to approve the Conditional Use application of Old Oliver Farm LLC subject to the conditions and restrictions of these Findings of Fact/Conditions of Approval.. Seconded by Mr. McGinn.

Vote: Unanimous in favor.

Item 2: Tibbetts Farm Store: Conditional Use Pre-application: Proposal to establish a Farm Retail operation in a 480 sf existing building at the McDonald Farm located at 967 Alfred Road, Tax Map 8, Lot 8 in the R-4 district and Shoreland Overlay district. Scott MacDonald is the owner and Jonathan Tibbetts is the applicant.

Chair Ganong confirmed that the applicant was misinformed by the Board at the site walk that this application was not on tonight’s agenda. As such the applicant was not in attendance to present their conceptual plans. The Board did discuss the applicant’s proposal for the parking lot and informed the Planner that the applicant would be in contact to prepare his formal Conditional Use application. The Board was in agreement that the parking lot would have to be engineered.

V. NEW APPLICATIONS

Item:1 Bentley’s Campground: Conditional Use Application: - Proposal to expand the existing RV campground Phase 2-7 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.

Rick Licht of Licht Environmental Engineering gave an overview of the proposal to expand the existing Bentley’s Campground to 137 new RV campsites in 5 successive phases. Specifics of the proposal include:

- The installation of a fire hydrant on the east side of Route 1 near the Campground entrance, plus the addition of a fire pond with dry hydrant in phase 4;
- Plans and profiles of roads, provided per Mr. Lowery’s request;
- Septic system designs and leach fields for all phases;

- Gating tote road on north side of the property to minimize unauthorized travel;
- Installation of a new construction road on north side of property linking to staging area on Bentley's adjoining personal property.
- Agreement that all construction vehicles shall access the site from Route 1 and not Old Post Road;

Ms. Manon Cote complained that tractor trailer vehicles are still running along the northern tote road at 6:30 in the morning. Mr. Licht stated that that situation would end with the gating of the road. Ms. Cote stated that are semi-trailers with Bentley Warren logos affixed. Mr. Kaski stated that this is a local driver who stores the vehicle in Bentley's garage every night. Mr. Licht stated that they will come up with a plan to minimize the nuisance.

Chair Ganong stated that YouTube videos show that there have been events staged in the campground last year that showed tenting in the grass access road, where there are no approved lots. Mr. Licht stated that they were aware of this violation and it would not be repeated.

Mr. Redway asked the occupancy rate of RV sites by tent campers, and how that would impact compliance with section 8.3.C.2 where two lavatories and two toilets (1 per sex) must be provided for every ten tent sites. The concern is that the existing bathhouse is insufficient in facilities and too remote from the proposed eastern campsites to be in compliance with 8.3.C.2. Mr. Licht said he would investigate this issue and report his findings to the Board.

Motion: Mr. Der Kinderen moved to deem the Conditional Use application complete and schedule a Public Hearing on April 14, 2016. Seconded by Mr. Morin.

Vote: Unanimous in favor.

IV. LAND USE & SUBDIVISION ORDINANCE REVISIONS

Item 1: Discussion: Proposed *Fire Protection Ordinance and modifications to Land Use and Subdivision Ordinances*

Chair Ganong acknowledged that the Planning Board had received the proposed addition of LUO section 5.7 *Fire Protection*, versions A-1 B-1, and B-2 from the Town Planner as requested. The Fire Chief has also submitted a letter to the Board endorsing version B-1. However, given the late hour, the Board will postpone discussion until the March 24, 2016 meeting.

II. APPROVAL OF MINUTES:

Motion: Mr. Morin moved to approve the Planning Board minutes of November 12, 2015 as written. Seconded by Mr. Der Kinderen.

Vote: Unanimous in favor.

Motion: Mr. McGinn moved to approve the Planning Board minutes of January 28, 2016 as written. Seconded by Mr. Cain.

Vote: Aye: Chair Ganong, Mr. Cain, and Mr. McGinn. **Abstain:** Mr. Der Kinderen and Mr. Morin.

Motion: Mr. McGinn moved to approve the Planning Board minutes of February 25, 2016 as written. Seconded by Mr. Der Kinderen.

Vote: Aye: Chair Ganong, Mr. Cain, Mr. Der Kinderen, and Mr. McGinn. **Abstain:** Mr. Morin.

V: Planner's Report

The Planner reported that the Comprehensive Plan Public Hearing is on April 5, 2016 in the ML day Gym.

At its Monday March 14, 2016, the Board of Selectmen will be determining the date of the special Town Meeting for consideration of the LUO format change sanctioned by the Planning Board.

Currently there is no pending Staff Review Applications. Mr. Redway relayed a request from the CEO that in future subdivisions and private way applications, that the Planning Board withhold building permits rather than Certificates of Occupancy until the road infrastructure is complete.

ADJORNMENT: Mr. Der Kinderen moved to adjourn at 10:15 pm, with Mr. Cain seconding the motion, and it passed with all in favor.

Respectfully Submitted,

Tad Redway
Planning Board Secretary, Pro Temp

Attachments: *FOF/NOD Brookside Estates*
 FOF/NOD Old Oliver Farm, LLC
 Letter from Margaret Vose
 Letter from Stephen & Sharon Wood

ARUNDEL PLANNING BOARD
Findings of Fact and Approval Motion
Brookside Estates Subdivision
March 10, 2016

WHEREAS, on July 23, 2015 the Planning Board received from J Group LLC a proposal to develop 14 age-restricted homes in a cluster subdivision located on a 17.3 acre parcel located at 182 Log Cabin Road, Tax Map 32 Lot 14C in the R3 and SO districts.

WHEREAS on August 20, 2015 the Planning Board conducted site walk of the proposed age-restricted cluster subdivision site. The applicant notified the Board that due to survey discrepancies and business decisions the plan would have to be modified and the density reduced.

WHEREAS, on October 22, 2015 the Planning Board received from J Group LLC a Preliminary Subdivision Plan application 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

WHEREAS on December 10, 2010, the Arundel Planning Board conducted a public hearing in accordance with Article 7.1.1 of the Arundel Subdivision Ordinance and section 9.7.F.1 of the Arundel Land Use Ordinance.

WHEREAS on February 25, 2016 the applicant submitted a Final Subdivision Plan application to the Planning Board for consideration, minus the completed covenants and homeowner association documents restrictions;

WHEREAS, on March 10, 2016 the Planning Board conducted a Public Hearing on the Final Plan submission, after making all required public and abutter notifications;

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

FINDINGS OF FACT

1. The owner with right title and interest of Tax Map 32, Lot 14C is J Group LLC.
2. The proposed development, called Brookside Estates, 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.
3. The applicant proposes to develop 10 age-restricted housing units on cluster subdivision lots ranging between 20,000 square feet to 26,646 square feet in area with on-site septic systems and drilled wells in specific areas on each lot as designated the record subdivision plan.
4. Since the age restricted community designation awards the applicant with a density bonus of five (5) additional lots in the project under LUO 8.14.C.1.c, the occupants of all units must meet the age-restrictions so required by the Federal Older Persons Act of 1995 and those restrictions specified in the Brookside Homeowner's Rules and Regulations in perpetuity.
5. All residential units shall be constructed with operating Automatic Residential Sprinkler Systems in conformance with NFPA 13D, and approved by the Arundel Fire Chief.
6. All lots will have driveway access and frontage on the 700 foot long Private Way named "Scouts Way" providing vehicular ingress and egress to Log Cabin Road. This private way meets the design standards of LUO 7.7.B.1

7. The 6.25 acres of undeveloped land created by the cluster design shall be deeded in permanent open space to the Homeowner's Association as specified in the Brookside Rules and Regulations. No tree cutting will be within the designated open space, except for hazard trees recreational trails, including the 25 foot wide buffer strip delineated on Lots 1-5 on the record Subdivision Plan.
8. The applicant has submitted plans and engineering drawings for the proposed subdivision in the following documents:
 - a. A hydrogeologic nitrate study prepared by Seevy & Maher and dated October 2015 with revisions to 1-26-16.
 - b. Final Subdivision Plan set for Brookside Estates, prepared for J Group, prepared by BH2M, dated 10-1-15 with revisions to 1-25-16.
 - c. Maine Department of Transportation Traffic Movement Permit
 - d. Letter of Financial Capacity submitted by Biddeford Saco Savings Institution and dated March 9, 2016.
 - e. Homeowners Association draft documents including *Brookside Estates Rules and Regulations, Declaration of Protective Covenants, Conditions, Restrictions, and Road Maintenance Agreement, Bylaws of the Brookside Subdivision Homeowner's Association; Deed of Brookside Subdivision Conservation Easement*, dated 2-26-16.

CONFORMANCE WITH ARTICLE XI PERFORMANCE STANDARDS

After due review and consideration the Arundel Planning Board has determined the Final Subdivision Plan application to be in conformance with the criteria of Section 11 of the Arundel Subdivision Ordinance as follows:

11.1 Water Pollution: The proposed project will not discharge runoff directly into any water body and provides a method of disposal and treatment that will not require a license or permit from the Maine DEP and meets the Town water pollution control standards;

11.2 Water Supply: The proposed subdivision is not within 1,000 of a public water supply and therefore individual wells and on-septic systems will be installed for each residential and commercial lot.

In lieu of a static water reservoir, the applicant proposes to install automatic residential fire sprinkler systems in conformance with NFPA 13D and 13R where applicable as approved by the Arundel Fire Chief.

11.3 Impact on Existing Water Supplies: The proposed project will not require and therefore not impact established public water supplies or suppliers. Well logs from the surrounding properties indicate adequate water supply for individual wells. To insure that adequate water supply exists on Lots 1 and 10, the applicant is required to drill wells on these lots, complete with sealed casing extending at least 15 feet into the bedrock prior to the conveyance of Lots 1 and 10.

11.4 Soil Erosion Control Plan: The applicant has submitted a plan demonstrating adequate soil erosion control measures to protect downstream properties and exposed slope during the construction process.

11.5 Traffic Conditions: The vehicle trip generation of this project is anticipated to be less than 60 trips per day, thereby not achieving a Level of Service E rating during the peak hour. Maine DOT has issued a Traffic Movement Permit for the Scouts Way private way intersection.

- Given the geometry of the land and the nature of the development, the Planning Board did not require the applicant to provide future road accesses to adjacent properties.

11.6 Sewage Disposal: Sewage disposal shall be accommodated by on-site septic systems. A hydrogeologic nutrient plume model has been prepared by Seevy & Maher that show that the septic systems will not cause groundwater contamination provided that all systems and well configuration are installed as shown on the Record Plan, that all well casings are grouted and sealed to the bedrock, and no shallow or dug wells will be permitted within the project.

11.7 Solid Waste: The proposed project will not generate undue solid waste volumes that will tax the Town's capacity to dispose of solid waste.

11.8 Impacts on Scenic Beauty Historic Sites and Rare Natural Areas: The applicants have designated a large portion of the property for permanent open space that will be retained and maintained by the Homeowner's Association.

- The limits of project forest land removal are delineated on the record plans.
- There are no archeological, historic, or critical shoreland areas identified on the site, nor are any areas identified by the Maine Natural Heritage Program on the site.
- The shoreline along Goff Mill Brook will be protected in perpetuity by the Conservation easements and Homeowner's Rules and Regulations.
- The project is not located within 1,320 feet of any Deer wintering yard identified by the Department of Inland Fisheries and Wildlife.
- No portion of the Project is within a Resource Protection District.

11.9 Conformance with the Comprehensive Plan: The project is in conformance with the 2015 Comprehensive Plan for the R-3 and SO districts.

11.10 Financial & Technical Ability: To insure the project is constructed in accordance with the approved plans, the applicant shall provide the Town with a performance surety in the amount of \$152,996 and instrument approved by the Town Planner.

11.11 Impact on Water Quality or Shoreline: The project is not located in the watershed of Brimstone Pond and therefore exempt from the standards of 11.11.

11.12 Impact upon Ground Water Quality: A Groundwater and nitrate assessment was prepared by Seevy & Maher indicating that the proposed project will not have a deleterious impact upon groundwater or potable water supplies on each of the subdivided lots.

11.13 Floodplain Management: The project is not located in any FEMA identified 100-year floodplain

11.14 Freshwater Wetlands: The applicant has identified all freshwater wetlands on the project site and has designed the project to have minimal impact upon these resources.

11.15 Stormwater Management: The applicant has presented a stormwater management plan complete with stormwater detention controls that achieve peak discharge rates for the 2, 5, 10 and 25 year frequency storms.

11.16 Reservation of Open Space, Common Lands, Fire Protection Facilities, and Private Way: The applicant has provided Homeowner's Covenants and Documents to reserve designated open spaces as perpetually undeveloped and owned in common by all property owners in the project. Clearing of vegetation within the designated common open space shall be limited to the provision of walking trails, and removal of hazard trees. Clearing for wildlife habitat enhancement shall require permits from the Code Enforcement Officer and Town Planner.

- A Road Maintenance Agreement has been submitted and approved and must be attached to each and every deed in the project assigning equal fiscal responsibility for maintenance of road and stormwater infrastructure and common property.

- Scouts Way shall remain a private way owned and maintained by the Homeowner's Association and shall not be maintained in any way by the Town of Arundel.

CONCLUSIONS OF THE PLANNING BOARD

1. The criteria of Title 30-A MRSA §4404 have been met.
2. The standards of the Arundel subdivision regulations have been met.
3. The standards of Section 8.4 of the Arundel Land Use Ordinance have been met.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Final Subdivision Plan of J Group for the development 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, as shown on the approved plans and subject to the following conditions:

1. The subdivision must be recorded in the York County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board otherwise it shall become null and void.
2. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications.
3. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan.
4. Failure to complete substantial construction of the subdivision within 2 years of the date of approval of the Plan shall render the Plan null and void.
5. Before any construction activity commences on the site, the applicant shall submit to the Town Planner a monetary Performance Assurance in the amount \$152,996.00 in one of the instruments sanctioned in Article 13 of the Arundel Subdivision Ordinance.
6. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
 - a. Notify the Code Enforcement Officer and Town Planner in writing of the commencement of construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications, requirements, and conditions of approval shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - b. Deposit with the Municipal Officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If, upon satisfactory completion of construction and cleanup, there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
7. Between November 1 and November 15 the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are

properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems that were encountered.

8. Upon completion of street construction, the subdivider shall submit to the Town Planner "As built" plans of all infrastructure improvements.
9. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until their control is placed with a lot owners association.
10. The subdivider shall record a deed transferring ownership to the association within 45 days of final completion and inspection of the subdivision. A copy of the recorded deed shall be submitted to the Town Planner with 60 days of final approval.
11. Brookside Estates is an Age Restricted Community regulated by the Brookside Rules and Regulations and other pertinent Homeowner's Association documents, and by the Town of Arundel Land Use Ordinance. Any deviation in the occupancy restrictions of the age-restricted units of Brookside Estates will render the entire development in violation of the Arundel Land Use Ordinance and subject to subsequent penalties and injunctions specified in 30-A MRSA section 4452.
12. *Scouts Way* shall forever remain a private way and shall not be accepted or maintained by the Town of Arundel.
13. All residential units within Brookside Estates shall be constructed with an Automatic Fire Protection Sprinkler System in conformance with NFPA 13D and/or 13R.
14. The applicant is required to successfully drill productive water supply wells on Lots 1 and 10, complete with grouted casing extending at least 15 feet into the bedrock, prior to the conveyance of Lots 1 and 10. A successful well shall be considered a well with potable and safe drinking water with a yield of at least 5 gpm.
15. All applicable covenants as referenced in the Findings of Fact item 8.e, shall be approved by the Town Attorney prior to the issuance of Building Permits.

So approved by the Arundel Planning Board this 10th day of March 2016.

Arundel Planning Board
FINDINGS OF FACT AND MOTION FOR APPROVAL
Conditional Use Permit Animal Husbandry
Old Oliver Farms LLC

WHEREAS on January 14, 2016 the Arundel Planning Board submitted a preliminary Conditional Use application from Old Oliver Farms LLC to and raise 5 animal units (5,000 pounds of animal weight) consisting of domesticated farm animals on an 80 acre farm site located on the former Oliver Farm located at 475 Mountain Road, Tax Map 16, Lot 12 in the R-2 zone. Mark Pinette dba Old Oliver Farm LLC is the owner applicant and Alan Shepard, Esq is the designated agent.

WHEREAS, on February 11, 2016, the applicant submitted a revised site plan for the project showing fence lines and proposed grazing areas.

WHEREAS, on February 25, 2016, the applicant waived the requirement for a Site Walk, waved the inventory of animal units, and determined the application to be complete.

WHEREAS on march 10, 2016 the Arundel Planning Board conducted a public hearing on the proposed project;

WHEREAS, the Arundel Planning Board has arrived at the following findings of fact:

FINDINGS OF FACT

1. The applicant and owner of the property is Mark Pinette dba Old Oliver Farm LLC.
2. The property is located at 475 Mountain Road, Tax Map 16, and Lot 12 in the R-2 zone.
3. The property consists of 80 acres of open grassland and woodlands , and the applicant has cleared a section of the woodland adjacent to his existing animal husbandry operation at Hardscrabble F.arm
4. The applicant proposes raise up to 5 animal units (5,000 pounds of animal weight) on the Oliver Farm property rotating livestock periodically from the adjacent Hardscrabble Farm.
5. The applicant requires no permits from the Department of Agriculture or the Department of Environmental Protection for the proposed activity.
6. The plan will not generate any increased net peak runoff from the site.
7. Uncovered manure will be kept on the Hardscrabble property at least 150 feet away from residence, and more than 300 feet from a body of water.
8. The proposed grazing area is currently fenced.

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 property has historically been an agricultural farm and livestock is currently raised on the adjacent Hardscrabble Farm.
- 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 permits animal husbandry in the R-2 district with limitations.

- 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 proposal will not generate any ~~normal~~ regular vehicular trips.

- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.

~~There is an existing manure pit established on the adjacent Hardscrabble Farm property and manure will be composted at that location. The area is a grazing field and no on-site water or sewage disposal system is required~~

- 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: Livestock will produce noise. The location of the livestock away from residences should minimize these nuisances. .

Dust: The majority of the site is grassed so there should be no issue with dust.

Odor: This use will generate odor from animals and manure collection. ~~The applicant must observe Best management Practices in managing the manure composting pit and cover the piles to minimize flies and other noxious insects.~~

Vibration/Smoke: No vibration or smoke issues are generated on-site.

Glare: The applicant is installing no lighting

- 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 applicant proposes no major changes to the existing site.

- 9.7.H.7 That the use will not constitute a public or private nuisance.

No additional nuisances will be generated by the proposed expansion.

- 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.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of Old Oliver Farms LLC to and raise 5 animal units (5,000 pounds of animal weight) consisting of domesticated farm animals on an 80 acre farm site located on the former Oliver Farm located at 475 Mountain Road, Tax Map 16, Lot 12 in the R-2 zone, subject to the following conditions:

1. The applicant shall at no time permit more than 5 animal units (5,000 pounds of animal weight) to be located on the Old Oliver Farm property.

2. The applicant shall observe all Best management Practices required by NRCS and the Maine Department of Agriculture.
3. Any change from the approved plans shall require submittal of revised plans to the Board.

SO APPROVED by the Arundel Planning Board this 10th day of March 2016

_____	_____
_____	_____
_____	_____

Dear Mr. Redway,

Thank you for sending us the Notice of Public Hearing scheduled by the Arundel Planning Board on March 10, 2016. Although my wife and I will not be able to attend, we did wish to submit comments regarding the proposed subdivision that abuts our property in Arundel. Our primary concern is the proposed subdivision's effect on the area's water quality and quantity.

It is our understanding that a well and septic system are proposed to be located on each of 10 very small lots in close proximity on approximately 12 acres, and that no test well will be dug prior to development. It would seem to be irresponsible, at the very least, to approve the application without site-specific data. I know, from having lived earlier with my parents in the old farmhouse to the south of the subject property, that water quality and quantity were constant concerns of theirs in the past. The area's soils tend to be shallow to marine clay, with underlying bedrock, and marginal, at best, as a water supply source. Without an existing municipal water supply or waste water treatment infrastructure, we believe it would be short-sighted to locate that many units on that small an area, resulting in more problems in the future.

Thank you for taking the time to read and consider our comments.

Steve and Sharon Wood

Dear Mr. Redway,

I'm writing to express some of my concerns with the proposed development at Brookside Estates. As an abutter along the southern side of the proposed subdivision I have received a notice of the public hearing on the subdivision application on March 10, 2016. I plan to attend but wanted to share my concerns prior to the hearing.

My biggest concerns are regarding the water supply and quality. It is my understanding that the plan includes ten individual wells, several of which will be close to the property line we share with the proposed subdivision. Our well is approximately 75 feet south of the property line. The depth of our well is 173 feet and the water flow is approximately 6 gallons per minute (see attached.) The water has an extremely high iron content, and we have a softener and iron filter installed in our house. Even though the water is filtered for iron, every porcelain fixture in our house is stained orange from the rust in the water. There have been rare occasions (the most recent occurring during the summer of 2015) when moderately heavy usage causes the well to essentially run dry and it takes several hours to recharge.

According to Beach (Everett) and Wilda Thurlow, the former owners of the property on which the proposed subdivision sits, the well they had drilled is much deeper than ours and has a substantially lower flow rate. The property immediately to our south was previously owned by my parents, Alfred and Grace Wood. A well was drilled on that property in 1994 which is approximately 150 feet deep with a flow rate of 4 gallons per minute.

Given that it appears that the bedrock in the immediate area produces low flow rates, I am very concerned about the effect on the water table of ten new wells in close proximity to our well, which already produces a marginal quantity and quality of water. So many houses in such a small space would seem to be better suited to an area with a public water supply. I would request that the board address this issue at the public hearing [on March 10](#).

Sincerely,
Margaret Vose