

Arundel Planning Board Minutes

April 12th, 2018 @ 7:00pm

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

Board Attendees: Mr. Cain, Mr. McGinn, Mr. Morin, Mr. Bassett, Mr. Ganong, Mr. Bergen
Town Planner Mr. Redway, Secretary Ms. Goulet

Attendees: Chris Coppi, Dana Libby, Anthony Trottier

Call to Order: Chair Bassett calls meeting to order at 7:04pm.

I. APPROVAL OF AGENDA:

Motion: Mr. McGinn motions to approve the agenda as written. Mr. Ganong seconds.

Vote: All in favor.

II. APPROVAL OF MINUTES:

Motion: Mr. Ganong motions to approve the March 15th, 2018 Minutes with the change of '?' to a '.' on page 4. Mr. McGinn seconds.

Vote: All in favor.

Motion: Mr. McGinn motions to approve the March 22nd, 2018 Minutes as written. Mr. Ganong seconds.

Vote: All in favor.

III. CITIZEN COMMENTS:

Citizen comment period opened and closed at 7:10pm. No comments to note.

IV. PENDING APPLICATIONS:

Item 1: Amani Acres: *Subdivision Pre-Application:* Proposal for a four (4) lot standard subdivision on 23 acres located off Brimstone Road, Tax Map 18, Lot 1A; in the R4 and RP districts. Gary & Kari Bracy are the owners and applicants and Corner Post Land Surveying is the consulting agent.

Mr. Libby opens discussion to request a waiver for a storm water drainage study. Primary reasoning being that there is no road within the subdivision; there are only driveways. An easement will be developed for drainage area along the property line.

Mr. Redway states that the location of noted drainage swale will need to be identified.

Mr. Cain requests that the applicants be sure to remove the drainage areas that have been indicated as not being needed on the plan.

Mr. McGinn raises a concern regarding the possible need for a fire hydrant but it's established that one is only needed within 500' when it's public water. Since this is not public water supply it will be required a hydrant will be within 2500 linear feet.

Motion: Mr. Ganong motions to allow for the waiver of the storm water drainage study. Mr. Morin seconds.

Vote: All in favor; motion carries.

Item 2: Trottier Paving: Conditional Use Pre-Application: *Proposal to operate a Contractor Yard 2 for a commercial paving company on a 10.06 parcel of land; Tax Map 5, Lot 3, Located at 44 Tunnies Way in the R4 district. Anthony and Katlyn Trottier are the owners and applicants.*

Chair Bassett notes that the site walk created some concern regarding the required 35' rear setback. The Chair is also concerned about the materials that may be stored on site, regardless of whether they are temporary or permanently stored.

Mr. Redway notes that he will follow up with DEP to check what products would be acceptable to store on site and what would not be allowed.

Motion: Mr. McGinn motions to allow the applicant to remove existing parking from the 35 foot setback and then stabilize what was disturbed with loam and seed, then leave that area undisturbed. Mr. Bergen seconds.

Vote: 3 in favor, 3 against; Mr. McGinn, Mr. Bergen and Mr. Bassett in favor, Mr. Ganong, Mr. Morin, and Mr. Cain against. Motion fails.

The applicant is charged with identifying where the property line is and what, if any, activity has occurred within the 35' setback. With this information in hand, the topic will be reconsidered when the applicant is next presenting to the Board.

Mr. Ganong voices concern about the fuel tank present on site and whether or not a containment field is necessary. The applicant was under the impression that a containment field was unnecessary if the tank is under a certain size.

The applicant has applied for several waivers;

Motion: Mr. McGinn motions to approve the waiver for the required topographic survey. Mr. Ganong seconds.

Vote: All in favor; motion carries.

Motion: Mr. McGinn motions to approve the waiver for the required soil survey. Mr. Ganong seconds.

Vote: All in favor; motion carries.

Motion: Mr. McGinn motions to approve the waiver for the required traffic impact study. Mr. Ganong seconds.

Vote: All in favor; motion carries.

Mr. Bergen suggests that The Board defer decisions regarding the ground water study until Mr. Redway is able to identify, based on DEP feedback, what types of materials may be stored upon the property.

Motion: Mr. Bergen motions to approve the waiver for the required market study. Mr. Cain seconds.

Vote: All in favor; motion carries.

Motion: Mr. Ganong motions to approve the waiver for the required fiscal impact study. Mr. Cain seconds.

Vote: All in favor; motion carries.

In closing, Mr. Trottier confirms the steps required of him moving forward.

V. LAND USE ORDINANCE REVISIONS:

Items discussed and shown here in reverse order from the Agenda

Item 6: Proposed amendments to the Arundel Land Use Ordinance: Amend the typographical error in road crown specifications LUO Table 5.13.2.1 from a crown cross slope of $\frac{3}{4}$ inch/foot to $\frac{1}{4}$ inch/foot to confirm to the *Arundel Street Design and Construction Ordinance*.

Motion: Mr. Ganong motions that the Board accept the Planner's recommendation to amend the LUO Section 5.13.2.1 to conform to standards in the Arundel Street Design and Construction Ordinance. Mr. Bergen seconds.

Vote: Mr. Cain against. Mr. McGinn, Mr. Morin, Mr. Bassett, Mr. Ganong, and Mr. Bergen in favor. Motion carries.

Item 5: Proposed amendments to the Arundel Land Use Ordinance: Add LUO sections 9.2.9 and 10.6.4 requiring applicants to demonstrate technical and financial capacity to complete a project under Conditional Use or Site Plan Review.

Motion: Mr. Morin motions to approve the amendment in sections 9.2.9 to read:

"9) That the applicant has demonstrated having the technical resources and capacity to construct and/or complete the project as approved.

10) That the applicant has demonstrated having the financial resources and capacity to construct and/or complete the project as approved."

In 10.6.4 should be similarly revised to read:

"10) That the applicant has demonstrated having the technical resources and capacity to construct and/or complete the project as approved.

11) That the applicant has demonstrated having the financial resources and capacity to construct and/or complete the project as approved."

Mr. McGinn seconds.

Vote: All in favor; motion carries.

Item 4: Proposed amendments to the Arundel Land Use Ordinance: Amend LUO section 10.6.3.4 to require seven (7) day notification period in lieu of the current ten (10) day notification period for Site Plan Review applications.

Motion: Mr. McGinn motions to approve the amendment as written. Mr. Ganong seconds.

Vote: All in favor.

Item 3: Proposed amendments to the Arundel Land Use Ordinance: Set public hearing date for revisions to LUO section 5.9 Landscaping and Buffering.

This proposed amendment has been tabled until minutes can be reviewed.

Item 2: Proposed amendments to the Arundel Land Use Ordinance: Set public hearing date for revisions to LUO section 9.3.19, *Equestrian Facilities*.

Motion: Mr. Ganong motions to revise section 9.3.19.1B of the Town Ordinance to make the maximum number of equines boarded 1 equine per 1 acre, with a maximum of six (6) in all zoning districts.

No second on that motion or vote occurred.

Extensive discussion ensues on the topic regarding maximum number of equines in all zones as well as if it's possible to enforce a restriction on the total number or max percentage of equines that are boarded on a facility. Essentially, 1 equine per acre will be allowed in the R1 zone and 1 equine per ½ acre in remaining zones is kept as a standard across the LUO. It is surmised that it would not be possible to enforce a maximum number of equines boarded or percentage of equines boarded on a property.

Additionally, a grandfather clause is suggested to protect existing facilities in their entirety.

Mr. Bergen makes a statement that he feels it to be of great importance that the Board do everything in its power to preserve the agrarian nature of Arundel.

Motion: Mr. Ganong motions that 9.139.1D read that dimensional requirements are the same as those for a residential driveway.

Vote: All in favor. Motion carries.

Mr. Ganong motions to adjourn at 10:01pm. Mr. McGinn seconds.

Adjourn

Respectfully submitted,

Corinne A. Goulet
Secretary to the Planning Board