

## **Arundel Planning Board Minutes**

April 26<sup>th</sup>, 2018 - 7:00pm

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

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

**Attendees:** Phil Labbe, Roger Taschereau, Jim Jones, Terry Merrill, James Nagle, Tomas Danylik, Velma Hayes, Keith Trefethen, Ben Fitzpatrick, Nicholas LeBlanc, Doug Holbrook, Mario Binette, Mark Welch, Robert Hanf, Sherrie Austen, David Jones, William Stilphen, Dewey Gile, Stacy Gile, Sandra Guay, Tim Stentiford, Bruce Muller, Donald Peck, Troy Parker, Karen Holbrook, Lynn Howe, Paul Gadbois, Mark Pinette, Jason Vafiades, Jeff Stolp, Wayne Munroe

**Call to Order:** Chair Bassett calls meeting to order at 7:02pm.

### **I. APPROVAL OF AGENDA:**

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

**Vote:** All in favor.

### **II. APPROVAL OF MINUTES**

No Minutes available for approval.

### **III. CITIZEN COMMENTS**

Citizen comment period open and closed at 7:05pm. No comments to be heard as all in attendance are present for items on the agenda.

### **IV. SELECTMEN PRESENTATION**

Selectman Danylik opens by indicating that the Selectmen are interested in actively starting discussion regarding the Arundel Road Standards. Part of the purpose of this evening's presentation is to allow residents to voice issues and hopefully put together a working group to resolve challenges with the Arundel Road Standards.

Town Manager Trefethen speaks up to recommend/ask that attendees send contact info to him if they would like to participate in the resolution process that will hopefully occur on upcoming Monday evenings when the Board of Selectmen are not meeting. Mr. Trefethen also states that how gifted lots, back lots, and family land will be handled will all be part of the discussion.

Don and Karen Holbrook of Mountain Rd. state that they'd bought land with the intent to subdivide for family but they are encountering issues with a ROW. Also, that the requirement for either a cul-de-sac or hammerhead to accommodate a 100' ladder truck was cost prohibitive and the process takes far too long to accomplish anything.

Troy Parker of Downing Rd. also purchased property with the intention of gifting to his children. He doesn't see issue with the current required width of the private roads or the need for a safety turn around. But does struggle with the required depth of gravel.

He also notes that surrounding communities have much more relaxed standards for private roads. Not requiring state spec gravel and no engineering required.

Mr. Taschereau, Public Works Director, comments upon how much time is dedicated by staff just on providing clarification regarding the road standards and requirements. This is compounded by the differing standards for 1, 2 or 3 lot road construction. Mr. Tashereau requests that a fifth person be added to the Staff Review group so that ties can be broken as needed. He also voices the impression that the Planning Board has a resistance to change.

Mr. Cain makes note that the requirements for sidewalks should be addressed as well.

Phil Labbe highlights a couple of scenarios he's run into as a contractor on customers' behalf.

- An existing, compliant, and perfectly functional road that is too narrow for further development without modification.
- Someone having/being required to upgrade a roadway that they do not own in order to build on a lot farther down the road that they do own.

Mr. Lowery notes that the review process should be under scrutiny as well as the road standards.

## V. PUBLIC HEARINGS

**Item 1: Motorland Classic Cars: Major Conditional Use Application – Determination of Completeness:** Request to convert a 9,900 sq ft automobile storage facility into a public auto showroom, remove 425 sq ft of an existing building, construct a public promenade with raised seating, and reorganize site parking to accommodate increased public parking as well as display parking. All on a 4.9+/- acre site located at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district. Motorland LLC is the owner and applicant, and Sandra Guay is the applicant's agent.

Public Hearing Open @ 7:32pm

Sandra Guay summarizes the project and Paul Gadbois points out previously discussed changes to the plan. No public comments made.

Public Hearing Closed @ 7:46pm

**Item 2: Ledgecliff Meadows Subdivision: Preliminary Re-Subdivision Plan:** Proposal to resubdivide a 6 lot cluster subdivision plan on a 20.77 acre parcel located on the current Ledgecliff Drive, formally Tax Map 4, Lots 24 and 25B in the AR district. Access to the re-subdivided lots will be provided by a 1,340 foot long commercial road called Ledgecliff Drive and relocated on the adjacent 30.48 parcel; Tax Map 4, Lot 23 in the AR district. Phillip Labbe is the owner of Map 4, Lots 24 and 25B and the applicant. Paul Gadbois, PE is the applicant's agent.

Public Hearing Open @ 7:47pm

Paul Gadbois summarized project. No public comments made.

Public Hearing Closed @ 7:49pm

## VI. PENDING APPLICATIONS

**Item 1: Motorland Classic Cars: Major Conditional Use Application – Determination of Completeness:** Request to convert a 9,900 sq ft automobile storage facility into a public auto

*showroom, remove 425 sq ft of an existing building, construct a public promenade with raised seating, and reorganize site parking to accommodate increased public parking as well as display parking. All on a 4.9+/- acre site located at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district. Motorland LLC is the owner and applicant, and Sandra Guay is the applicant's agent.*  
Application has previously been deemed complete.

Lighting Peer Review suggested installation of a dimmer function and Mr. Redway made a down angle request. The applicant notes that the lighting is turned off after hours but is willing to accommodate both requests.

Mr. Bassett asks that the applicant leave the rear exit door if at all possible but does concede that the applicant must follow the Fire Marshal's final decision on the topic.

Regarding the Surety Policy; the cost of the remaining improvements for calculation of appropriate letter of credit is stated as being \$200,000.

#### 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 That the use is compatible with and similar to the general categories of uses of neighboring properties.

**Motion:** Mr. Morin motions and Mr. McGinn seconds to approve.

**Vote:** All in favor.

9.2.9.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood.

**Motion:** Mr. McGinn motions and Mr. Lowery seconds to approve.

**Vote:** All in favor.

9.2.9.3 That there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use.

**Motion:** Mr. Morin motions and Mr. Bergen seconds to approve.

**Vote:** All in favor.

9.2.9.4 That there is adequate water supply and sewage disposal available to service the use. There is also a hydrant within 1000 feet of the site.

**Motion:** Mr. McGinn motions and Mr. Morin seconds to approve.

**Vote:** All 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. The nature of the business does not generate any undue noise, dust, or smoke. For glare: The applicant is installing additional lighting in accordance to recommendations made by J&M Lighting upon peer review and will meet the performance standards of LUO section 5.10.

**Motion:** Mr. McGinn motions and Mr. Morin seconds to approve.

**Vote:** All in favor.

9.2.9.6 That the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use.

**Motion:** Mr. McGinn motions and Mr. Cain seconds to approve.

**Vote:** All in favor.

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

**Motion:** Mr. McGinn motions and Mr. Morin seconds to approve.

**Vote:** All in favor.

9.2.9.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.

**Motion:** Mr. Bergen motions and Mr. Morin seconds to approve.

**Vote:** All in favor.

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions, the Arundel Planning Board approves the Conditional Use application of Motorland Properties LLC to convert a 9,900 sq ft automobile storage facility into a public auto showroom, remove 425 sq ft of an existing building, construct a public promenade with raised seating, and reorganize site parking to accommodate increased public parking as well as display parking. All on a 4.9+/- acre site located at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district, subject to the following conditions:

1)The applicant cannot secure a Certificate of Occupancy for the storage building as a showroom until the applicant presents the CEO and Planning office with a Letter of Approval from the Maine Fire Marshall.

2) The 12 employee parking spaces shall be designated on the record plan and signed to reserve it for that purpose.

3)The coniferous trees that were to be planted along the northeast boundary of the site shall be installed as originally approved on plans approved on July 14, 2016.

4)The applicant shall make all modification to the site lighting recommended by the Peer Review prepared by J&M Lighting Inc Peer Review, and date 4/24/2018.

5)The applicant shall reimburse the Town of Arundel for costs associated with the J&M Lighting Inc Peer Review within 30 days of receiving the invoice from the Town.

6)The applicant shall post a surety instrument in the amount of \$200,000 as required in Section 10.7 of the Land Use Ordinance to assure that all work is performed in accordance with the plans.

**Motion:** Mr. Morin motions and Mr. Bergen seconds to approve all Resolutions as stated.

**Vote:** All in favor.

**Item 2: Ledgecliff Meadows Subdivision: *Preliminary Re-Subdivision Plan: Proposal to resubdivide a 6 lot cluster subdivision plan on a 20.77 acre parcel located on the current***

*Ledgecliff Drive, formally Tax Map 4, Lots 24 and 25B in the AR district. Access to the re-subdivided lots will be provided by a 1,340 foot long commercial road called Ledgecliff Drive and relocated on the adjacent 30.48 parcel; Tax Map 4, Lot 23 in the AR district. Phillip Labbe is the owner of Map 4, Lots 24 and 25B and the applicant. Paul Gadbois, PE is the applicant's agent.*

Mr. Labbe request to table discussion for 60 days (instead of more typical 30) to accomplish remaining outstanding items. The Board's discussion leads to a suggested 90 window of time.

**Motion:** Mr. Lowery motions, and Mr. Morin seconds, to accept the request to allow up to 90 days for the applicant to return to the Board with outstanding items for final approval.

**Vote:** All in favor.

- The Board also suggests inquiring with DOT to see if they would only revoke the existing curb cut permit upon the approval of the new curb cut permit instead of at the time of application.

**Item 3: Pave Tec Corp Contractor Yard: *Conditional Use Application:*** *Proposal for the establishment of a Contractor Yard 2 operation for an existing paving contractor business located on an interior 5 acre parcel. Tax Map 37, Lot 8A, served by the private way Stilphen Lane with access off Sinnott Road in the R4 District. William Stilphen is the owner and applicant and Atlantic Resource Consultants are the applicant's agent.*

Mr. Bassett recuses himself due to conflict of interest/being an abutting landowner.

Applicant's attorney, D. Jones, requests the opportunity to revise and/or correct the Noise Study and the Ground Water Study as they had been submitted due to deficiencies noted by the Town and Mr. Redway.

The Board is amenable to allowing the applicant time for correction purposes.

## **VII. LAND USE ORDINANCE REVISIONS**

**Item 1: Proposed amendments to the Arundel Land Use Ordinance:** *Discussion regarding regulations on commercial animal husbandry limitations in residential and rural districts.*

Attendee, Mr. Munroe, offers direction based on his expertise in the field of resource conservation. Suggests utilizing the AU (Animal Unit) of measurement because it's the most common methodology used. He also raises the concept of allowing a higher animal density if a property owner secures a Comprehensive Nutrient Management Plan than if they do not.

The Board discusses minimum lot sizes for commercial animal husbandry by zone, debates the use of AU vs. Stocking Unit, and debates the possible requirement of asking for residents for a Schedule F.

## **V. OTHER BUSINESS**

Mr. Redway makes note of several issues:

-Elizabeth Way is close to meeting necessary standards but still has things to accomplish.

-Cross Roads is looking to divide up the property.

-Some new applications waiting in the wings.

-A driveway entrance has been "blown out" on Rt 1.

-There appears to be an attempt to cross properties between Curtis & Downing Roads in effort to get from point A to point B. In Code Enforcement's hands.

-Seasonal Cottages is hoping to use Mountain Rd. for construction access. Mr. Redway has referred them to Mr. Taschereau.

Mr. Morin motions and Mr. McGinn seconds to adjourn at 10:02pm.

### **Adjourn**

Respectfully submitted,

Corinne A. Goulet  
Secretary to the Planning Board