

**Arundel Planning Board**  
Minutes of Regular Meeting  
April 9, 2015 Called to order **7:02 PM**  
ML Day School Library  
600 Limerick Road

**Attendees:** Tad Redway, Town Planner, Richard Ganong, Chairman, Marie Burgie, Secretary

**Board:** Marty Cain, Bob Coon, John der Kinderen, Roger Morin, James Lowery

**Attendees:** Bill Reed, Sean Thies, Paul Gadbois, Mario Binette, Chad Binette, Caroline Saban, Taylor Wakefield, Troy Parker

**1. Approval of Agenda: *Morin motioned to approve, der Kinderen second - Unanimous***

**Approval of Minutes:** March 19th *Coon motioned to approve as amended, der Kinderen second, Lowery abstained, 5 Approved and passed*

**III. Public Hearings**

Item 1: **AIM Recycling USA: Major Conditional Use Application- open 7:06 closed 7:07** Proposed application to establish a 3.5 acre Automobile Salvage Yard within the existing Recycling Facility on a 22.9 acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District. AIM Recycling USA is the owner /applicant and Chip Haskell of CES is the applicant's agent. **No public questions.**

Item 2: **Open 7:07 closed 7:08 Champion Auto Body: Major Conditional Use Permit:** Proposal to construct a 4,000 square foot addition to an existing auto repair facility, with proposed site re-grading, parking area reconfiguration, and box trailer storage relocation on a 2.17 acre site located at 1617 Portland Road, Tax Map 29 Lot 20P in the CCS District. Mario Binette is the owner/applicant & Paul Gadbois is the owner's agent. **No public questions.**

**IV. Pending Applications:**

Item 1: **AIM Recycling USA: Major Conditional Use Application-** *Proposed application to establish a 3.5 acre Automobile Salvage Yard within the existing Recycling Facility on a 22.9 acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District. AIM Recycling USA is the owner /applicant and chip Haskell of CES is the applicant's agent.* Planner reminded board that they had addressed hydro-geo studies, landscaping, location of customer parking for salvage facility and more.

**FINDINGS OF FACT AND MOTION FOR APPROVAL**  
**Conditional Use Permit for Automobile Graveyard**  
**Salvage AIM Recycling of America**  
**2244 Portland Road Arundel Maine**

**WHEREAS** on July 24, 2014, the Arundel Planning Board received a Major Conditional Use Permit from **AIM Recycling USA, LLC** to establish a 3.5 acre Automobile Salvage Yard within the existing Recycling Facility on a 22.9 acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI Disttict. AIM Recycling USA is the owner /applicant and Chip Haskell of CBS is the applicant's agent.

**WHEREAS**, on August 28, 2015 the Arundel Planning Board conducted an advertised Public Site Walk on the premises.

**WHEREAS**, on February 12, 2015 the applicant resubmitted a revised Conditional Use application to the Planning Board.

**WHEREAS** on April 9, 2015 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 AIM Recycling USA, LLC.
2. The property is located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District.
3. The property is an existing scrap metal recycling and processing facility consisting of an existing 5,100 sf main building, scale house and truck scales sf building and a parking lot/storage yard of 56,708sf of combined pavement and gravel surface on a 2.17 acre lot.
4. The applicant proposes to construct an additional 1.5 acres to the developed area of the site in the creation of a 3.5+/- acre automobile salvage yard in which vehicles will be drained of fluids, and stripped of batteries, tires and other components. The remaining body parts will be salvaged by paying customers. Individual vehicles will be stored on site for salvage for a period of 3-6 weeks and then removed for recycling. In addition the applicant proposes to construct a vehicle preparation building, a point of sale building and a large vehicle storage yard.
5. The applicant is proposing to access Route 1 by the existing driveway entrance serving the recycling facility. Significant improvements were made to this entry in 2014 to accommodate the relicensing of the scrap metal processing operation. The ingress/egress point enjoys a 500 foot sight distance to the north and a the south in conformance with the minimum distances for a 45 mph road as specified in section 7.7.A of the Land Use Ordinance.
6. The proposed use as an auto repair facility qualifies as a conditional use in the CCS district.
7. The applicant proposes a total number of 6+ parking spaces to be provided on site.
8. Water service is currently provided by the Kemiebunk/Kennebunkport Wells Water District from the Route 1 mains, and on-site septic is located behind the existing building.
9. The applicant's development proposal involves significant site grading and site improvements. The applicant will be installing detention facilities to release zero peak runoff from the site and a pad storm water treatment basin for runoff emanating

10. directly from the vehicle display pad. All disturbed areas shall be loamed and seeded, as specified on the applicant's plan set.
11. A slat cyclone fence will be erected surrounding the auto salvage site in accordance with Section 8.2 of the LUO and will be augmented by retention of existing vegetation to visually buffer the use from Route 1 and surrounding residential properties.
12. NO site lighting or new signage is proposed.
13. Record plans submitted as part of the Conditional Use application include a plan set prepared by CBS Inc and dated 2-2015 with revisions. All plans, Attachments, Operating Procedures and Responses to the Town Engineer questions are made part of this motion of approval.

### 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 uses and the sizes of the structures are similar in scale and scope to surrounding properties and other land uses in the BI district.*  
*der Kinderen motioned to approve, Coon second - **Unanimously Approved***
- 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 such uses for the BI district as conditional uses and therefore the proposed use is in conformance with the 2005 Comprehensive Plan.*  
*de Kinderen motioned to approve, Coon second - **Unanimously Approved***
- 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 generate modest trip generation increases but not sufficient to cause a turning movement hazard at the entrance location. The applicant's driveway sight distances exceed the minimum standards of Section 7.7.A. for the existing 50 MPH speed limit and the applicant has a valid Street Opening Permit from Maine Department of Transportation.*  
*Morin motioned to approve, Cain second - **Unanimously Approved***
- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.  
*Existing onsite septic will be provided on site and water is provided to the site by Kennebunk Kennebunkport, Wells Water District. The proposed use will not increase the demands for water or septic flow on the property.*  
*Morin motioned to approve, Cain second - Vote I No (Coon) 5 **Approved***

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: The operation will not increase the amount of noise currently generated by the scrap recovery operations at the recycling yard*

*Fluid Recovery- all vehicular fluids will be collected prior to the display of the automobiles and recycled in accordance with DEP procedures.*

*Cutting: The public will not be permitted to operate cutting torches or similar salvage equipment in the recovery of auto parts.*

*Glare: The applicant is proposing no new lighting fixtures.*

*Morin motioned to approve, der Kinderen second - **Unanimously Approved***

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 to make significant grading changes to the site to accommodate the proposed auto storage pad. The improvements will cause a net increase in impervious surface on the site, which will be mitigated by a storm water management pond resulting in no increase in peak runoff rates during a 25-year storm event.*

*Coon motioned to approve as amended and read by Planner, Lowery second - **Unanimously Approved***

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

*No undue nuisances will be generated by the proposed use. The applicant proposes to install a 6-foot high slat fence along the eastern perimeter of the automobile salvage yard supplemented by retention of existing vegetation buffers between Route I, the use, and existing residential uses*

*Morin motioned to approve as amended and read, Cain second -*

**Unanimously Approved**

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 performance standards of Section & 2.B governing the Automobile Graveyard operations.*

*de Kinderen motioned to approve, Cain second - **Unanimously Approved***

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of AIM Recycling USA, LLC to construct and operate a 3.5 acre -F/- automobile salvage and sales operation on the property subject to the following conditions:

1. No improvements shall commence until an Automobile Salvage Yard license is issued by the Town of Arundel and until all State and DEP permits have been presented to the Town Planner.

2. No improvements shall be made to the site until all fees for third party reviews of the Conditional Use application be paid to the Town of Arundel.
3. All drainage pipes used for stormwater management purposes shall be no less than 15 inches in diameter.
4. The applicant shall notify the Town Planner's Office 24 hours before any site blasting and shall conduct a pre-blasting survey of all adjacent buildings and properties.
5. No Certificate of Occupancy shall be issued for the approved storage buildings until a sealed letter is presented to the Code Enforcement Officer and Town Planner by CES, Inc. certifying that all improvements have been installed in accordance with the approved plans.
6. All site improvements approved in this Planning Board action shall be substantially completed within two years of this approval date, otherwise this approval shall be deemed null and void.
7. Any change from the approved plans shall require submittal of revised plans to the Planning Board for approval.
8. The applicant shall submit duplicate test results of all water tests provided from monitoring wells so designated on the Site Plan to the Town Planner. Any contamination of the wells and water supplies of adjacent properties by the AIM Recycling and or salvage operation shall be remedied immediately and pollution sources abated.
9. This permit will expire on April 9, 2018 and must be renewed by the Planning Board by that date.

SO APPROVED by the Arundel Planning Board this 9<sup>th</sup> day of April

**2015 de Kinderen motioned to approve, Coon second**

Discussion that the water studies that are submitted to the state DEP will also be copies to the Town Planner on an annual basis, on-going and the Town Planner *de Kinderen motioned to approve as amended and read by Town Planner, Cain Second - Unanimously Approved*

**Item 2:** **Champion Auto Body: Major Conditional Use Permit:** Proposal to construct a 4,000 square foot addition to an existing auto repair facility, with proposed site re-grading, parking area reconfiguration, and box trailer storage relocation on a 2.17 acre site located at 1617 Portland Road, Tax Map 29 Lot 20P in the CCS District. Mario Binette is the owner/applicant and Paul Gadbois is the owner's agent.

**FINDINGS OF FACT AND MOTION FOR APPROVAL - Conditional Use Permit**  
for Expansion of Champion Auto Body  
1617 Portland Road Arundel Maine

WHEREAS on March 12, 2015, the Arundel Planning Board received a Conditional Use Permit application to construct a 4,000 square foot addition at Champion Auto Body, an existing auto repair facility, with proposed site re-grading, parking area expansion, and box trailer storage relocation on a 2.17 acre site located at 1617 Portland Road, Tax Map 29 Lot 20P in the CCS District. Mario Binette is the owner/applicant and Paul Gadbois is the owner's agent.

**WHEREAS**, on March 19, 2015 the Arundel Planning Board conducted an advertised Public Site Walk on the premises.

WHEREAS, on April 9, 2015 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 Mario Binette.
2. The property is located at 1617 Portland Road, Tax Map 29 Lot 20P in the CCS District.
3. The property is an existing auto body repair shop consisting of an existing 4,020 sf building and a parking lot/storage yard of 56,708sf of combined pavement and gravel surface on a 2.17 acre lot.
4. The applicant proposes to construct a 4,000 square foot steel building on existing gravel surface located to the north of the existing building.
5. The applicant is proposing to access Route 1 by the existing single driveway entrance located along the southern boundary of the property. The ingress/egress point enjoys a 500 foot sight distance to the north and the south in conformance with the minimum distances for a 45 mph road as specified in section 7.7.A of the Land Use Ordinance.
6. The applicant will be installing paved parking with 13 spaces provided for the proposed low impact manufacturing and warehouse uses and another 5 spaces provided in the front for the future retail expansion. In addition there is considerable paved area to facilitate the unloading of a semi-trailer truck. Total impervious parking area is 25,930 square feet. With the proposed 5,520 square feet of the proposed facility and the 1,225 sf retail expansion the total impervious acreage on the site is 34,478 sf or 40%, considerably less than the 70% permitted in the CCS.
7. The proposed use as an auto repair facility qualifies as a conditional use in the CCS district.
8. The applicant proposes a total number of repair bays to be operational on the site to be 11 bays requiring a total number of 33 parking spaces to be provided on site.
9. Water service is currently provided by the Kennebtmk Kennebtmkport Wells Water District from the Route 1 mains, and on-site septic is located behind the existing building.
10. The applicant's development proposal will be yielding no net increase in the amount of impervious surface on the site, resulting in no net increase in peak runoff generation. The applicant proposes to construct a drip strip around the proposed new building with a discharge into the wetland area to the west of the proposed building. All disturbed areas shall be loamed and seeded, as specified on Sheet 2 of the applicant's plan set.

11. The Planning Board has granted a waiver for landscaping along the southwestern boundary of the property and has determined existing landscaping along Route 1 meets the standards of the Land Use Ordinance. To be in compliance with Section 7.6.3.c.3 the applicant is proposing to install 6-foot high stockade fence along the northern boundary supplemented by loaming and seeding.

*Discussion took place regarding letter from neighbor asking to not have a landscaped buffer between properties citing previous security issues. Issue was that board would not be able to waive ordinance even though a resident didn't want protection from the town. Decision was made to have small fence at back*

12. Site lighting will be provided by shielded wall packs on the building and the catalog data provided with the Plan set indicates that not more than 0.5 lumens will fall onto adjacent properties.
13. Record plans submitted as part of the Conditional Use application include a two sheet plan set prepared by Paul Gadbois, PE and dated 1-29-15 with revisions to 3-30-15. All plans in the set are made part of this motion of approval.

#### 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 uses and the sizes of the structures are similar in scale and scope to surrounding properties and other land uses in the CCS district.*

***der Kinderen motioned to approve, Coon second - Unanimously agreed***

- 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 such uses for the CCS district as conditional uses and therefore the proposed use is in conformance with the 2005 Comprehensive Plan.*

***Morin Motioned to approve, der Kinderen second - Unanimously agreed***

- 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, the applicant's driveway sight distances exceed the minimum standards of Section 7.7.A.

***der Kinderen motioned to approve, Morin second - Unanimously agreed***

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

*Existing onsite septic will be provided on site and water is provided to the site by Kennebunk Kennebunkport, Wells Water District. The proposed use will not increase the demands for water or septic flow on the property.*

***Cain motioned to approve, der Kinderen second - Unanimously approved***

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 low-wattage Wallpack or equal lights with full cut-off shields that will not generate any dangerous glare for passing motorists or a nuisance to adjacent properties.*

***Morin motioned to approve, Lowery second - Unanimously approved***

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.

*Although the applicant proposes to make significant changes to the site, the net increase in impervious surface on the site will be zero. Tree cover will be retained on the perimeter of the site. The installation of drip edge treatment trench with discharge into an adjacent wetland will result in no increase in the downstream peak runoff generated by the site improvements during a 25-year storm event.*

***Cain motioned to approve, Coon second - Unanimously approved***

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 6-foot high solid fence along the northern property line between the use and existing residential uses.*

***Morin Motioned to approve, der Kinderen second - Cain opposed 5 approved***

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.*

***der Kinderen motioned to approve, Morin second - Unanimously approved***

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of Mario Binette to construct a 4,000 square foot building for auto body repair with associated drainage structure, fencing and landscaping, paved parking and other site improvements depicted on maps prepared by Paul Gadbois, PE and dated March 30, 2015 on a 2.17 acre parcel located at 1617 Portland Road, subject to the following conditions:

1. No disturbance of soil on the site shall occur until all soil and erosion control measures specified in Sheet 2 of the approved plan set are installed.
2. No Certificate of Occupancy shall be issued for the approved storage buildings until a sealed letter is presented to the Code Enforcement Officer and Town Planner by Paul Gadbois, PE certifying that all improvements have been installed in accordance with the approved plans.
3. All site improvements approved in this Planning Board action shall be substantially completed within two years of this approval date, otherwise this approval shall be deemed null and void.
4. Any change from the approved plans shall require submittal of revised plans to the Planning Board.
5. The site plan will be amended to depict a 6-foot stockade fence to be constructed along the northern boundary line from the westerly edge of the existing pine trees to the edge of the wetland in the rear of the property, or the applicant will submit a landscape plan acceptable to the Town Planner that achieves the same buffering result as the proposed fence.

SO APPROVED by the Arundel Planning Board this 9<sup>th</sup> day of April 2015 *der Kinderen*  
*motioned to approve conditions, Cain second - Unanimously agreed*

#### IV. New Applications

**Item 1: Parker Woods Drive Expansion: Private Way Application:** Proposal to extend Park Woods Drive 1,300 linear feet and make improvements to the entire length of the private way to meet the construction standards for a road servicing 3-7 residential lots on a 40.4 acre site located at 183 Downing Road, Tax Map 26, Lots 3 and 3C, in the R-4, Shoreland Overlay, and the NRC Zoning districts. Troy Parker is the owner and William Walsh III, PE is the owner's agent.

This is a previously approved family subdivision with two existing homes plus remaining land. Purpose of coming to planning dept. is for road design approval for widening and expanding it. Most of it goes through field. Mr Parker is giving lots to his children. Since there are over 4 lots in subdivision, they would have to cluster if this wasn't a family lot. The private way is a road that will serve more than three lots. The planning board will perform a site-walk at Parker Woods on Thurs., 4/16/2015 at 6pm. Coon abstained from site walk as he will be unable to attend meetings for the next two weeks.

#### V. Proposed Ordinance Change:

**Item 1 Discussion of Digital Signage in Business Districts - Went through sign ordinance previously and it was included in DB2 only. Cain wants sign at any business use property. Coon didn't want them on Rt1 because other towns have found multiple signs to be a problem. He felt strongly that people in the Townhouse corner district wouldn't want them. He felt it appropriate for M. Lowery agreed with**

Coon that Townhouse Corner wouldn't want them. He was a little more in favor in other business districts. Ok with Gateway district. der Kinderen had reservations about Townhouse Corner. Marty said before the board decided against, the people's input is important to find out where they would be wanted. The board took a vote on each district to have digital signage.

**DB1 - 4 - Agreed and 2 Opposed - Motion Passed**

**DB2 - Unanimously Agreed**

**Townhouse - 1 Agreed and 5 Opposed - Motion Failed**

**Gateway - 4 Agree and 2 Opposed - Motion Passed**

**BI - 5 Agreed and 1 Opposed - Motion Passed**

**ARD = Rt 111 - 3 Agree and 3 Opposed - Motion Failed**

**Item 2 Discussion of New Format - Changes to the format may be impossible to be completed before town meeting. Although for four years, the changes have been made in the new format, the information still needs to be merged without conflicts with the previous information. The board worked on clearer definitions of districts, with specific changes in each. It's possible to have the wording completed and then have a special meeting later with the new formatting of the performance standards. Board plans to do individual votes at town meeting, presenting business districts separately with clearer definitions of each. It is a disappointment to not present new ordinances in new format, but highly unlikely to get it done so quickly.**

VI. Planner's Report: none

**Adjourn: motion by Loweiy to adjourn, seconded by Coon at 9:42pm**

*Resy*

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*Jc cir*