

Arundel Planning Board Minutes

June 27th, 2019 - 7:00pm

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

Board Attendees: Mr. Cain, Mr. McGinn, Mr. Morin, Mr. Lowery, Ms. Roth, Mr. Ganong, Secretary Ms. Goulet

Attendees: Judith Pitchforth, Noah Pitchforth, Barry Pitchforth, Jim Rooney, Michael Nadeau, Steve Doe, Dan Dubois, Paul Gadbois, Walter Woods, Charles Burnham, James Logan, Bob Maskell, Wendy Maskell

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 written. Mr. McGinn seconds.

Vote: Unanimous in favor.

II. PUBLIC COMMENT:

Citizen comment period opened and closed at 7:03pm with no comments to record.

III. APPROVAL OF MINUTES:

None to approve at this time.

IV. NEW APPLICATIONS

Item 1: Pitchforth Subdivision: Amendment to a Major Subdivision Plan – Pre-Application: Proposed amendment to an approved subdivision of multi-family units where the applicant proposes to subdivide off a net 2-acre parcel in lieu of constructing an approved duplex located at 132 Log Cabin Road, Tax Map 38, Lot 18A in the R3 District. Barry Pitchforth is the applicant and owner and Stephen Doe, RLS of Sebago Technics, Inc is the applicant's agent.

Mr. Doe presents. This is a previously approved subdivision plan. The originally proposed duplex would not be built in this amendment. In its place, a single family home would be built that would match the allowed density approved with the duplex. Access will be off of Pitchforth Drive.

Mr. McGinn voices concern regarding the net density of the remainder of the lot the 4-unit sits on. Clarification will be needed from the Planner on this.

Motion: Mr. Morin motions to hold a site walk on July 11th, 2019 at 6pm. Mr. McGinn seconds.

Vote: Unanimous in favor.

Item 2: American Iron & Metal: Major Conditional Use Application: Determination of Completeness: Application for renewal of an expired conditional use permit for a 43,000 sf solid waste disposal facility and metal recycling yard located on a 22.9 acre parcel located at

2244 Portland Road, Tax Map 12, Lot 9 in the BI District. American Iron and Metal is the owner and applicant and CES Inc. is the applicant's agent.

Neither applicant or applicant's agent is present when the application is initially up for discussion. Mr. Lowery suggests that discussion be deferred to the end of the meeting in the event someone shows. No one does. Item tabled until the next meeting.

V. PENDING APPLICATIONS

Item 1: B&B Trucking: *Plenary Site Plan Review: Proposal to a truck repair facility with associated parking and support facilities on a 2.04-acre parcel of land, Tax Map 4, Lot 13 in the Alfred Road Business District. Robert Maskell is the owner and applicant and Paul Gadbois, PE is the Applicant's agent.*

Mr. Gadbois notes that the red maples from the original plan have been replaced with a species that's more tolerant. Other additions have also been made to the landscape plan based on recommendations of the Planner.

Mr. Ganong reads the Findings of Fact.

**Town of Arundel
Arundel Planning Board
FINDINGS OF FACT AND NOTICE OF DECISION
B & B Trucking**

WHEREAS on April 25, 2019 the Arundel Planning Board received a Plenary Site Plan application from Robert Maskell to reconstruct a truck repair facility with associated parking and support facilities on a 2.04-acre parcel of land, Tax Map 4, Lot 13 located at 232 New Road in the Alfred Road Business District.

WHEREAS the Planning Board conducted a site walk on May 23, 2019;

WHEREAS, on May 30, 2019, the Planning Board deemed the resubmitted application complete and scheduled a Public Hearing for June 13 2019.

WHEREAS, on June 20, 2019 the Planning Board conducted a public hearing, in conformance with LUO section 9.2.9.

AND WHEREAS the Arundel Planning Board has determined the following *Findings of Fact and Notice of Decision*:

FINDINGS OF FACT

1. The owner of the property is Robert Maskell.
2. The property is located at 232 New Road, Tax Map 4, Lot 13 in the Alfred Road Business District.
3. The property formally contained a truck repair facility that was demolished and the area of the parcel reduced to facilitate the Maine Department of Transportation realignment of the intersection of Old Alfred and New Road. The applicant has proposed reconstructing a new 3,625-sf repair facility with three bays located in the northern section of the property with a driveway access to Old Alfred Road.
4. The property also contains an existing single story 1,235 sf residence that will be retained on the site as a rental. The Maine Department of Transportation will be providing two (2) parking spaces with direct access from New Road to the residence to meet the Town parking requirements. The existing on-site septic system have been evaluated and found to be functional.
5. The new truck repair building will be serviced by 2 customer passenger car parking spaces located on the northeast side of the building and 14 truck parking spaces located to the south of the facility. An enclosed dumpster will be located in the northwest corner of the truck parking lot to accommodate waste materials.

6. Tractor trailers are proposed to be parked longitudinally on the east side of the truck parking lot. No truck rentals shall be operating on the site.
7. The truck repair building will be serviced by the on-site well and a new septic system. The HHE 200 for the facility has been submitted to the Planning Board.
8. The proposed site development meets all of the dimensional standards of the AR District.
9. Stormwater runoff from the new building, parking lots, and other impervious surfaces are graded to stay contained within paved surfaces and discharge into an existing man-made pond at the southeast corner of the property. The applicant proposes to install a drop-inlet control structure in the pond to use the existing freeboard in the pond to accommodate detained runoff from a 25-year storm. Runoff from the pond/retention structure will discharge off-site into an adjacent intermittent stream and wetland area. Drip edge gravel-sand bed will recharge runoff from the proposed repair building. The net increase in impervious surface is a negligible 538 sf. NO runoff from the building of the parking lots shall flow towards adjacent residential wells.
10. There will be no lighting of the parking lots except for cutoff wall pack lights mounted over the entrance to each bay, plus a door light at the main entrance to the building located at the northeast corner of the proposed building.
11. The applicant proposes to screen the parking lots from adjacent and existing residential structures by a 6-foot high cedar stockade fence. To further soften the appearance of the fence and screen the rooflines of parked vehicles, the applicant proposes to install a line of 7 + Thuja plicata *Green Giant* arborvitae on the west side of the fence. In addition, the applicant will install three (3) Katsura street trees (*Cercidiphyllum japonicum*) along the Old Alfred Road and other foundation plantings.
12. The applicant has submitted a suitable soil erosion control plan.
13. Record plans sets of improvements include a site plan, soil erosion plan, detail sheets, and post development stormwater plan prepared by Paul Gadbois, PE and dated 4-5-19 with revisions through to 6-26-19/23/19 with revisions through to 6-13-19.

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 that the use is compatible. Mr. Cain seconds.
- Vote:** Unanimous in favor.
- Vehicle repair facilities are permitted uses in the Alfred Road Business District the use is consistent in scale and use with other uses in the surrounding neighborhood and the district.*
- 9.2.9.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood.
- Motion:** Mr. Cain motions that the use is consistent with the Comprehensive Plan and anticipated future development.
- Vote:** Unanimous in favor.
- The Comprehensive Plan specifies automobile sales and service facilities to be appropriate in and the use is consistent with the long-range plan for the Alfred Road Business District.*
- 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 that there is adequate and safe pedestrian and vehicular access. Mr. McGinn seconds.

Vote: Unanimous in favor.

The proposed parking layout exceeds the minimum requirements for a truck repair facility as specified in LUO section 5.12.4.

9.2.9.4 That there is adequate water supply and sewage disposal available to service the use.

Motion: Mr. McGinn motions that there is adequate water supply and sewage disposal available. Mr. Morin seconds.

Vote: Unanimous in favor.

The applicant has submitted an HHE 200 design for the proposed new septic system serving the new truck facility and has submitted documentation to the Arundel CEO that the existing septic system is sufficient to meet the demands of the existing residential home.

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.

Motion: Mr. Morin motions that there will be no noise, dust, odor, vibration or smoke generated that would adversely affect neighbors. Mr. Cain seconds.

Vote: Unanimous in favor.

Noise, Dust and Smoke: The nature of the business does not generate any additional noise, dust or smoke.

Glare: The applicant has provided photometric data verifying that the proposed cutoff lighting fixtures on the building will meet the lighting standards of LUO §5.10.

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. Cain motions that the physical characteristics are suitable for the proposed use. Mr. McGinn seconds.

Vote: Unanimous in favor.

The proposed use will not measurably change the existing topography, slopes, soils, or vegetative cover of the site from the previous use.

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

Motion: Mr. McGinn motions that the use will not constitute a nuisance. Mr. Morin seconds.

Vote: Unanimous in favor.

No additional nuisances will be generated by the proposed use.

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

Motion: Mr. McGinn motions that the applicant has met all pertinent portions of the Arundel Land Use Ordinance in the design of the proposed activities. Mr. Morin seconds.

Vote: Unanimous in favor.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions, the Arundel Planning Board hereby approves the Plenary Site Plan application of Robert Maskell to reconstruct a truck repair facility with associated parking and support facilities on a 2.04-acre parcel of land, Tax Map 4, Lot 13 located at 232 New Road in the Alfred Road Business District, subject to the following conditions:

1. The applicant shall not operate a truck rental business nor permanently store trailers or parts vehicles on the site without first securing a permit modification from the Arundel Planning Board.

2. The buffering stockade fence shall be maintained in good working condition for as long as the truck repair facility operates on the site. Similarly, all specified landscaping/ buffering materials shall be maintained and replaced if plant material dies or is damaged.
3. Prior to construction, the applicant will submit a surety in conformance with LUO §10.7.2 in the amount of site improvement sites as determined by the Town Planner.
4. No Certificate of Occupancy shall be issued until the Code Enforcement Officer receives certification from the design engineer and a written statement from the Town Planner that all improvements mandated by this permit have been installed in accordance with the record drawings.

Motion: Mr. Cain motions for the approval of the Findings of Fact and Notice of Decision. Mr. McGinn seconds.

Vote: Unanimous in favor.

Item 2: Oak Ridge Terrace: Major Preliminary Subdivision Application: Proposal to develop a 14 lot subdivision on a 66.9 acre parcel identified as Tax Map 17, Lot 15A, at the intersection of South Skillings Road and Limerick Road in the R-2 and Shoreland Zones. Walter Woods is the property owner and Jason Vafiades is the applicant of record.

Mr. Vafiades' fill in, Charlie Brown, presents the plan as it has developed since it was last brought before the Board. Each lot is to be served by individual septic. Laurel Lane will be used as access and its entirety will be brought up to town specifications. A 15,000 gallon cistern is to be installed for fire suppression as recommended by the fire chief. With the access off of Laurel Lane, there is no longer any wetland impact. Laurel Lane is being upgraded with the intent that it will be adopted by the town.

A Planning Board Peer Review will be conducted.

Michael Nadeau (attendee) questions the subdivision law and how it applies in this case. Suggests that the applicant should have to wait 5 years before the number of proposed subdivisions could occur.

The Board will obtain documentation from Mr. Woods legal representative and have the Town Attorney review.

Motion: Mr. Cain motions to determine the application complete for PRELIMINARY purposes. Ms. Roth seconds.

Vote: Unanimous in favor

Possible Public Hearing to be scheduled on July 25th.

VI. AMENDMENT TO THE SUBDIVISION REGULATIONS:

Item 1: A Joyful Noise Day Care Center: Request to Amend Subdivision Regulations: Proposal to construct a 5,000 s/f daycare center serving approximately 100 children and 14+/- staff members on a proposed 120,000 s/f lot serviced by an existing private drive from Route 111 on Tax Map 4, Lot 23 in the AR District. The project also includes a proposed 5 lot

commercial subdivision. BDF Holdings Inc is the property owner and applicant. Paul Gadbois, PE is the applicant's agent.

The applicant is hoping to get ordinance addressed to all for or make 250+ trips exempt in the event DEP gives approval for use.

The Board discusses the option of drafting a trip exemption for roadways that terminates at and intersects with State Routes 1 or 111. Board decides to have the Planner draft the exemption, hold a public hearing, and send to the Selectmen for consideration.

VII. OTHER BUSINESS

None to discuss.

Motion: Ms. Roth motions to adjourn at 8:56pm. Mr. Morin seconds.

Vote: Unanimous in favor.

Adjourn

Respectfully submitted,



Corinne A. Goulet
Secretary to the Planning Board