

Arundel Planning Board Minutes

July 11th, 2019 - 7:00pm

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

Board Attendees: Mr. Cain, Mr. Lowery, Ms. Roth, Mr. Ganong, Mr. Morin, Mr. Bergen, Planner; Mr. Redway, Secretary; Ms. Goulet

Attendees: Dave Fitzpatrick, Barry Pitchforth, Noah Pitchforth, Steve Doe, Sandra Guay

Call to Order: Chair Ganong calls meeting to order at 7:01pm.

I. APPROVAL OF AGENDA:

Motion: Mr. Morin motions to approve the agenda as written. Mr. Lowery seconds.

Vote: Unanimous in favor.

II. CITIZEN COMMENTS:

Citizen comment period opened and closed at 7:03pm.

III. APPROVAL OF MINUTES:

Minutes from June 20th are tabled to allow the members to review thoroughly.

Motion: Ms. Roth motions to accept the June 27th Minutes as written. Mr. Morin seconds.

Vote: Mr. Bergen abstains. Remaining members in favor.

IV. ELECTION OF OFFICERS:

Motion: Mr. Morin nominates Mr. Ganong as Chairmen of the Board. Mr. Cain seconds the nomination.

Vote: Unanimous in favor.

Motion: Mr. Morin nominates Ms. Roth as Vice Chair of the Board. Mr. Bergen seconds.

Vote: Unanimous in favor.

Motion: Mr. Lowery nominates Mr. Bergen as secretary of the Board. Mr. Morin seconds.

Vote: Unanimous in favor.

V. PUBLIC HEARING:

Item 1: 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.

Public Hearing opened at 7:08pm and closed at 7:09pm with no comments to record.

VI. PENDING APPLICATIONS:

Item 1: 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.*

Moved to the end of the agenda to allow the opportunity for either the applicant or applicant's agent to arrive.

Item 2: 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.*

Site walk was completed prior to the Planning Board Meeting. Mr. Redway indicates that the applicant must supply the HHE-200, the net residential calculation must be recalculated and that the metes and bounds must be shown on the plan.

The applicant requests to be included in the next Planning Board meeting but it's discussed that a two week notice is required for documentation. It's more likely that, if all documentation is provided, an approval could be secured on August 8th and an Public Hearing could be held on August 22nd.

Item 3: A Joyful Noise Day Care Center: *Request to Amend Subdivision Regulations:* *Request to amend section 12.2.B.2.e of the Subdivision Standards to exempt a more than 250 trips per day from a commercial/industrial subdivision accessing a State Highway from providing a second means of egress for the project. BDF Holdings Inc and A Joyful Noise Day Care Center are the petitioners and Paul Gadbois, PE is the petitioners' agent.*

The applicant notes that they continue to wait for MDOT's verdict on whether or not they would permit a second means of egress to the property.

Mr. Redway reminds the Board that one reason for the requirement of two means of egress is for fire safety purposes.

Mr. Ganong informs the Board that he's brought the proposed change to the Selectmen and they only requested that Log Cabin Road be included in addition to Routes 1 and 111.

The Board discusses changing some of the proposed language. Namely:

- "commercial subdivisions or commercial projects" instead of just "commercial projects"
- add Log Cabin Road
- replace the word access with "primary connection"
- strike "in the event MDOT denies two access points"

Modified proposal to read as follows:

Developments containing over 25 dwelling units or which generate average daily traffic (ADT) of over 250 trips per day, shall have at least two street connections either with existing public streets, or with streets shown on an approved subdivision plan or site plan for which a performance guarantee has been filed and accepted. Commercial subdivisions or commercial projects generating 250 trips or more per day and with primary connection to Route 1, Route 111, or Log Cabin Road may be exempted from providing two connections to Route 1 or Route 111.

Motion: Mr. Lowery motions to approve the proposed amendment of Subdivisions Standards section 12.2.B.2.e (as shown above). Mr. Morin seconds.

Vote: Unanimous in favor.

Motion: Mr. Morin motions that a Public Hearing be held on July 25th. Mr. Bergen seconds.

Vote: Unanimous in favor.

Mr. Fitzpatrick inquires if a Nitrate study would be required, if a shell permit (for the building) could be issued, and if Jim Stockman is an acceptable choice to assist in lighting design.

It's indicated that the Board can require a hydro-geologic study in areas of shallow bedrock soils, which this is. No, the Town does not issue shell permits, and yes, Mr. Stockman is acceptable.

Item 1: REVISITED: American Iron & Metal: Major Conditional Use Application: Determination of Completeness:

Neither applicant or applicant's agent have arrived. Applicant must be notified that the application will be denied if no one is present at the next meeting.

Item 4: Motorland Classic Cars: Request for Reconsideration of a Major Conditional Use Permit: Request to reconsider conditions attached to a Major Conditional Use Permit issued for museum parking associated with a used auto sales and service facility located on a 4.9+/- acre site at 2564 Portland Road, Tax Map 2, Lot 1, in the BI District. Motorland LLC is the owner and applicant. Sandra Guay, Esq is the applicant's agent.

Ms. Guay is asking for reconsideration of overflow parking for occasional events. The available "mass gathering" permit that can be issued by the Selectmen does not quite apply to the activity envisioned.

There is significant discussion regarding frequency of events, maximum number of overflow vehicles, safety concerns (valet parking? Someone directing traffic? Entrance size?). Some members also voice concern about Motorland's history of plan changes.

Motion: Mr. Lowery motions to amend the Findings of Fact. Overflow parking to be allowed no more than one time per month with one week's notice to Code Enforcement.

No second on Mr. Lowery's motion. Motion dies.

Motion: Ms. Roth motions that the Board reconsider the Findings of Fact with the applicant to provide additional information to address concerns. Mr. Morin seconds.

Vote: Mr. Ganong against. Remaining members in favor.

VII. OTHER BUSINESS:

There are two other proposed amendments for the Board to consider tonight.

- 1) A revision to Article III definitions which changes the standard for measuring substantial completion of an approved subdivision infrastructure and improvements from 30% to 85%.

Motion: Mr. Bergen motions that the Board submit the change from a 30% to 85% standard for measuring completion. Ms. Roth seconds.

Vote: Unanimous in favor.

Motion: Mr. Lowery motions that a Public Hearing be held regarding the revision on July 25th. Mr. Bergen seconds.

Vote: Unanimous in favor.

- 2) A revision to Section 12.7.D which would remove flag lots from the list of unacceptable lot configurations.

The Board opts to leave this Section alone – no revision.

Motion: Ms. Roth motions to adjourn at 8:55pm. Mr. Bergen seconds.

Vote: Unanimous in favor.

Adjourn

Respectfully submitted,



Corinne A. Goulet
Secretary to the Planning Board