

## Arundel Planning Board Minutes

August 9<sup>th</sup>, 2018 - 7:00pm

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

**Board Attendees:** Mr. Bergen, Ms. Roth, Mr. Morin, Mr. McGinn, Mr. Cain, Town Planner Mr. Redway, Secretary Ms. Goulet, Mr. Lowery arrives late at approximately 8pm

**Attendees:** Jason Vafiades, David Jones, William Stilphen, Craig Millett, Brenna Millett, Frances Legros, Craig Raincourt, Stacy Gile, Dewey Gile, Jeff Stolp, L. Howe, Dan Erickson, Sandra Guay, Jessica Robichaud, Nedra Santiago, Terrence Knight, Chip Bassett, Keith Paris, Dana Libby, Karen Lessard, Dick Prentice, Tim Stentiford, Jason Nedeau, Emily Nedeau

**Call to Order:** Mr. Bergen calls meeting to order at 7:02pm.

### I. APPROVAL OF AGENDA:

**Motion:** Mr. Morin motions to approve the agenda with Item #5 under New Applications tabled.

**Vote:** All in favor.

### II. APPROVAL OF MINUTES

July 26<sup>th</sup> Minutes tabled due to a lack of quorum. Mr. Bergen notes that he should be added to attendance.

### III. CITIZEN COMMENTS

Citizen comment period opened at 7:05pm.

Mr. Bassett voices concern that the most recent Private Way Committee meeting, 5-foot sidewalks were proposed as being required. This requirement would tie into the LUO and subdivision ordinance, and should be corrected.

Citizen comment period closed at 7:08pm.

### IV. PENDING APPLICATIONS

**Item 1: Pave Tec Corp Contractor Yard: *Conditional Use:*** 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.

Applicant's agent confirms that the water study has now been completed by a third party and how the sound study completed on site was done in specific relation to the parking areas.

**Motion:** Mr. McGinn motions that the application be considered complete. Mr. Morin seconds.

**Vote:** All in favor.

Mr. Raincourt, representative for the Gile's, voices possible conflict of interest that Board Member Cain may have due to his business relationship with Mr. Stilphen. It's asked if the Board feels that Mr. Cain can be objective.

Mr. Cain answers directly and emphatically that he does work on Mr. Stilphen's trucks but that is where the relationship ends. Mr. Cain is confident in his ability to remain objective on this matter.

Attendee, Mr. Bassett, asks if the survey the applicant has provided identifies a wetland area of more than 10-acres. If so, do plans reflect the setback?

Mr. Bergen suggests that this line of questioning be explored more at the public hearing.

**Motion:** Mr. Morin motions that the public hearing be scheduled on August 23<sup>rd</sup>. Mr. McGinn seconds.

**Vote:** Mr. Bergen, Mr. Morin, Mr. McGinn and Mr. Cain in favor. Ms. Roth opposed. Motion carries 4-1.

## **Item 2: Champagne Energy: Preliminary Site Plan Review: *Determination of***

***Completeness:*** Proposal to install and operate a 12,000-gallon propane filling station open to the public on a 6.65 acre site currently used as a fleet parking lot at 833 Old Post Road, Tax Map 1, Lot 1A in the BI District. Champagne Energy is the owner and applicant. Eric Williams, PE of SGC Engineering LLC, is the applicant's agent.

Mr. Redway circulates a letter from the Fire Chief indicating that no special fire suppression requirements will be made of the business owner. It is also noted that the applicant no longer wishes to utilize the new tank for public use. The new tank will now be fleet use only and this renders 3 of the 6 requirements from the board, the extension nozzle, the signage and alert for need of service, irrelevant.

**Motion:** Mr. Morin motions that the Board deem the application complete. Mr. Cain seconds.

**Vote:** All in favor.

**Motion:** Mr. McGinn motions to schedule a public hearing on August 23<sup>rd</sup>, 2018. Mr. Cain seconds.

**Vote:** All in favor.

## **V. NEW APPLICATIONS**

**Item 1: The Capable Canine: *Conditional Use Application:*** Proposal to convert a portion of an existing residential structure into a dog kennel and training facility on an 8.9-acre

parcel located at 863 Alfred Road, Tax Map 5, Lot 1 in the R-4 District. Jessica Robichaud is the owner and applicant.

Ms. Robichaud provides site plan maps to the Board.

Mr. Bergen notes that it appears as if the setback requirement has been made and asks about composting methodology.

Ms. Robichaud states that she needs to do more research on the subject. The Maine site was difficult to navigate.

The Board decides that 6(+) spaces of parking, 1 handicap accessible, should be available since 11 dogs could be on site OR classes with up to 6 dogs at one time could be held. The trees buffering from neighbors are adequate at this time and it's not required that the vinyl slats be installed. Formal surety will not be required – the Certificate of Occupancy will be adequate. The applicant is notified that her sign could be a little larger than proposed, must be four feet from the roadway and include the 911 designation.

**Item 2: Legros Lane: *Private Way Application:*** Proposal to extend Legros Lane an additional 625 linear feet for the purpose of providing legal access and frontage for two residential lots exempt from subdivision review under 30-A MRSA 4401.4 and 4401.4.D-4. Frances V. Legros is the owner and applicant. Dana Libby RLS is the applicant's agent.

Dana Libby presents:

- Wetlands have been mapped
- Road is engineered
- Application is for 2 added lots; 1 family gift, 1 to sell, 1 remaining
- Currently 5 lots are served; 8 will be served

**Motion:** Mr. Lowery motions to schedule a site walk on August 23<sup>rd</sup> at 6pm. Mr. McGinn seconds.

**Vote:** All in favor.

**Item 3: Brookside Estates: *Revision of Approved Subdivision:*** Proposal to amend record subdivision plan by conveying 3,546 sf of designated Open Space land to Lot #14C-05 in a 10-lot cluster subdivision and age restricted community. The 11.98-acre lot is located at 182 Log Cabin Road, Tax Map 32, Lot 14C in the R3 and Shoreland Overlay Districts. J Group LLC is the owner/applicant and the owner's name is Jason Nedeau.

Mr. Nedeau explains that Lot 5 wants to/has already extended the property's back deck by 4 feet. This infringes upon the rear setback. To alleviate the problem, Mr. Nedeau is looking to grant the owner of Lot 5 an extra 15 feet. The granted area will be taken from the designated open space shown on the plan.

The Board advises the applicant to do one of two things:

- Obtain letters from remaining lot owners that this change to the agreed upon Open Space is acceptable.
- Seek legal counsel to identify if permission of existing lot owners is needed. If not, counsel to provide a letter stating so.

The Board states that a vote will be taken when the applicant has accomplished either of these requests.

**Item 4: Request for Amendment to Land Use Ordinance:** Request to add “Museum” to the list of Conditional Uses specified in the Business Industrial Office District (BI) in LUO section 6.6.2. Motorland Classic Cars is the applicant and Sandra Guay Esq. of Woodman, Edwards et al is the applicant’s agent.

Ms. Guay reviews the request.

Mr. Redway notes that parking standards will need to be reviewed. Current requirements are tailored to much smaller facilities.

Mr. Lowery inquires as to why Motorland is looking to go through such lengths to accomplish something that could, technically, be folded into the current business model.

Mr. Stentiford highlights that adding Museum to the conditional uses would allow Motorland to advertise as such. Additionally, down the road, Motorland *may* choose to pursue a 501c status to allow for car owners to donate an antique vehicle and receive a tax break.

In summary: The Board is in favor of Staff work to draft appropriate language to approve and send along to special meeting for consideration.

**Item 5: Request for Amendment to Land Use Ordinance:** Modification of Section 9.3.14.2 to extend the period of registration of an existing Contractor Yard as an “Existing Operation” from August 1, 2016 to August 1, 2020. The applicant is John West.

ITEM 5 WAS TABLED

**Item 6: Proposed Amendment to Land Use Ordinance:** Amendment to definition of a Front Lot Line in section 3.2 of the Arundel Land Use Ordinance for parcels abutting private ways that provide no legal access.

Draft reads as follows:

**LOT LINES:** *The lines bounding a lot as defined below:*

1. **Front Lot Line:** *On an interior lot, the line separating the lot from the street. On a corner or double frontage lot, the lines separating the lot from either street. On a back lot, the line closest to and most parallel to*

*the street from which the vehicular access to the lot is gained. However, a lot line bounding a private way that was not created by the lot owner or his/her predecessors-in-title and over which the lot owner does not have a legal right of ingress and egress, shall be classified as either a side or rear lot line as defined below.*

2. **Rear Lot Line:** *The lot line opposite the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of lesser dimension. (Amended June 13, 2007)*
3. **Side Lot Lines:** *Any lot lines other than the front lot line or rear lot line.*

Mr. Redway states that the Town Counsel has given his draft their approval.

Mr. Lowery voices concern that this amendment only applies to a Private Way. What if a subdivision is created that eventually becomes a public way? The Board discusses and notes that occurrence could be handled at a future date and would be more complex to draft an amendment that encompasses both scenarios.

**Motion:** Mr. McGinn motions to approve the definition as amended. Mr. Lowery seconds.

**Vote:** Ms. Roth abstains. All others in favor.

## **VI. OTHER BUSINESS**

It's noted that the Private Way Committee has proposed significant changes. A staff review committee will now evaluate submissions and NOT the Planning Board.

Mr. Bassett points out that by eliminating Private Ways, besides those falling into the State's exemption categories, the Committee is proposing language that will then cause all non-exempt roadways to be treated as "minor roads".

Mr. Redway reminds the Board that a quorum will be needed at the Legros site walk. Better efforts need to be made or Saturday site walks may need to be reintroduced.

No formal submission to use Mountain Road for construction use, and not just an emergency exit, has been received from Cape Arundel Cottage Preserve.

Ms. Roth motions to adjourn at 9:48. Mr. McGinn seconds.

## **Adjourn**

Respectfully submitted,

Corinne A. Goulet  
Secretary to the Planning Board