

Arundel Planning Board Minutes

September 10, 2020 - 7:00pm

Planning Board Zoom Meeting

Board Attendees: Rich Ganong, Chair; Susan Roth, Vice Chair, Tom McGinn, Secretary; Marty Cain, Jamie Lowery, and Roger Morin

Attendees: Stacy Giles, Bill Stilphen, and Alicia Ouellette.

Call to Order: Chair Ganong calls meeting to order at 7:00 PM.

I. APPROVAL OF AGENDA:

Motion: Mr. Cain motions to approve the Agenda as written. Mr. McGinn seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES-

Minutes were not available. No action taken.

III. PUBLIC COMMENT: No public comment.

IV. PUBLIC HEARINGS

Item 1: PaveTek Inc: Major Conditional Use Application- Determination of Completeness: Proposal to construct a 1,196 square foot garage to store construction equipment for an existing bituminous paving business located on a 5-acre parcel of land, Tax Map 37 Lot 8A, located at 31 Stilphen Way in the R4 District. William Stilphen is the owner and applicant.

Chair Ganong opened the public hearing at 7:04 pm

There was a discussion on the definition of Pole Barn.

The Chair closed the public hearing at 7:08 pm

V: PENDING APPLICATIONS

Item 1: PaveTek Inc: Major Conditional Use Application- Determination of Completeness: Proposal to construct a 1,196 square foot garage to store construction equipment for an existing bituminous paving business located on a 5-acre parcel of land, Tax Map 37 Lot 8A, located at 31 Stilphen Way in the R4 District. William Stilphen is the owner and applicant.

FINDINGS OF FACT

1. The owner of the property and the applicant is William Stilphen on behalf of Pave Tech Corp.
2. The property is located at Stilphen Way in the R4 district. There are no Shoreland Zoning Districts on or directly adjacent to the proposed site.
3. Pave Tech has a valid conditional use home occupation permit issued in 2003 and 2004 to operate a paving business on the site with road worthy equipment restricted to two dump trucks and two trailers, and assorted paving equipment such as a paver sidewalk paver, rollers and hand tools that can be carried on the trailers and trucks.
4. The applicant proposes construct a 1,196 square foot 4-bay pole barn with no exterior doors to store construction equipment for the existing bituminous paving business in the northeastern portion of the 5-acre lot. The applicant also proposes to install a coniferous buffer and restoration along the northeastern boundary with Lot 8 where a parking lot encroachment has occurred in the past.
5. The proposed pole barn will require a small amount of fill on its western end to support the construction. The barn will also be situated outside of the front lot line with Stilphen Way,

and no removal of vegetation from the front yard setback will be removed as part of this construction project.

6. The existing stationary trailer used for equipment storage at the northeast corner of the lot will be relocated to the southeastern corner of the existing parking lot.
7. The pole barn will be open sided on the eastern end, will have no plumbing facilities, will have internal electrical service but no exterior lighting. The barn will be used only to house the existing equipment inventory permitted in the conditional use permit of 2003 and 2004.
8. Adequate parking is supplied on the existing site for employees and the residents of the dwelling and accessory apartment.
9. Documentation provided by the applicant include site plan Sheet C-101 entitled *PaveTek Home Occupation Amended Site Plan* prepared by Atlantic Resource Consultants, dated August 13, 2020, *Erosion Control Notes and Details* Sheet C-300 prepared by Atlantic Resource Consultants, dated August 13, 2020; *Landscape Rehabilitation Plan* Sheet C-301 prepared by Atlantic Resource Consultants, dated August 13, 2020; and building elevation sketch of the proposed pole barn entitled *Bill Stilphen, Vehicle Storage* dated August 18, 2020 and prepared by HSW.

CONFORMANCE WITH CONDITIONAL USE CRITERIA

After due review and consideration, the Arundel Planning Board concluded as follows with respect to whether the applicant's proposed expansion has demonstrated compliance with the conditional use permit performance criteria under LUO § 9.2.9:

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

The Board concludes that this standard has been met. The record evidence established that while the neighborhood is largely residential, there are other businesses located there, including the Red Apple Campground, as well as various home occupations and a log yard, which uses are specifically allowed under the LUO in the mixed use R4 district.

Motion: Mr. Cain motions that the use is a permitted use in the district and is compatible with the surrounding neighborhood. Mr. Morin seconds.

Vote: Unanimous in favor.

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

The Board concludes that this standard has been met because the Comprehensive Plan specifies that the R4 district is to serve as a mixed-use district in the future, supporting a mixture of residential, forestry, farming and resource-based industries such as gravel pits, quarries, and log yards, and contractor operations such as contractor yards.

Motion: Mr. Cain motions that the use will be served by adequate water and septic service. Mr. Lowery seconds.

Vote: **Aye-** Mr. McGinn, Mr. Lowery, Mr. Cain, and Mr. Morin **Nay-** Ms. Roth

- 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.

The Board concludes that this standard has been met because the proposed use will not result in significant trip generation and the proposed plan will reduce pedestrian-vehicle

conflicts on the property. No changes are proposed to occur to driveway access or internal circulation.

Motion: Mr. Cain motions that adequate and safe vehicular and pedestrian access and parking are provided for the proposed use. Mr. McGinn seconds.

Vote: Unanimous in favor.

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

The Board concludes that this standard has been met because the operation will not place any demands on existing on-site septic or water supplies.

Motion: Mr. Morin motions that the use will be served by adequate water and septic service. Mr. McGinn seconds.

Vote: Unanimous 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 Board concludes that this standard has been met. The proposed pole barn is not programmed to accommodate any more vehicles than those permitted by the Planning Board in its 2003 and 2004 conditional use permit. There will be no additional outdoor lighting to produce glare, and the storage barn will not generate any additional activity that what legally occurs on the property presently.

Motion: Ms. Roth motions that the use will not generate undue noise, dust, vibration, glare or other nuisances. Mr. Morin seconds.

Vote: Unanimous 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.

The Board concludes that this standard has been met because the applicant is proposing no expansion of existing parking areas on the site. The proposed pole barn will be located on existing gravel area thereby not increasing impervious surface and increased stormwater peak runoff. Therefore, there is no anticipated impact to existing slopes, vegetative cover, soils, or increased stormwater drainage from the site. The applicant also has committed to restoring and replanting the disturbed area illustrated on Sheets C101 and C-301, thereby restoring neighboring land to a natural condition and providing a visual barrier to the adjacent property Lot 8.

Motion: Mr. McGinn motions that the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use. Mr. Cain seconds.

Vote: Unanimous in favor.

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

For the reasons stated above, The Board concludes that this standard has been met. The applicant proposes no additions to the inventory of motorized or over the road equipment permitted by the 2003 and 2004 conditional use permit. If anything, the pole barn may reduce noise impacts to adjoining properties.

Motion: Mr. Morin motions that the use will not constitute a public or private nuisance. Mr. Cain seconds.

Vote: Unanimous in favor.

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

The Board concludes that this condition has been met. Other than the performance criteria specified above and whether the use is an appropriate fit for the particular neighborhood, no other performance criteria are indicated nor have any other concerns been expressed.

Motion: Mr. Lowery motions that all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met. Mr. McGinn seconds.

Vote: Unanimous in favor.

THEREFORE, BE IT RESOLVED that based on the above findings and conclusions, the Arundel Planning Board hereby approves the Major Conditional Use application of William Stilphen to construct a 1,196 square foot garage to store construction equipment for an existing bituminous paving home occupation on a 5-acre parcel of land, Tax Map 37 Lot 8A, located at 31 Stilphen Way in the R4 District, subject to the following conditions:

1. There shall be no removal of vegetation from within the front yard setback line of Lot 8A in order to facilitate the construction of the pole barn. The design engineer shall flag the limits of vegetational clearing prior to the initiation of construction.
2. Soil erosion control. Measures as depicted don Sheet C-300 of the plan set shall be installed before any construction begins.
3. The applicant shall post a surety in the face amount of \$6,000 with the Town Planner to ensure the completion of the Landscape Restoration Plan as shown on Sheet C-301 of the submitted plan set. The seventeen (17) specified White spruce (*Picea glauca*) trees shall be no less than six (6) feet in height at planting.

SO APPROVED by the Arundel Planning Board this 10th day of September 2020

Motion: Ms. Roth motions to approve the application as read in the findings. Mr. Morin seconds.

Vote: Unanimous in favor.

VI. LAND USE ORDINANCE REVISIONS

Item 1: Discuss and Prioritize Bucket List of Ordinance Revisions for 2021 Town Meeting

Chair Ganong referred to the list of items and assigned all members to choose five items of priority from the list.

VII: OTHER BUSINESS

There was no other business discussed.

ADJOURN

Motion: Mr. McGinn moved and Mr. Cain seconded the motion to adjourn the meeting at 7:41pm

Vote: *Unanimous in favor.*

Respectfully submitted,
Tom McGinn
Interim Secretary to the Planning Board