

**Arundel Planning Board
Minutes
January 9, 2014 at 7:00 p.m.
Mildred L. Day School Library**

Board: Tom McGinn, James Lowery, Bob Coon, John Der Kinderen, Roger Morin, Marty Cain, Tad Redway, Planner, Ann Tardif, Board Secretary

Public: John Fornella

Call to Order: Chairman Morin called the meeting to order at 7:02 p.m. Attendance was taken and the agenda was reviewed.

I. Approval of Minutes: *December 12, 2013*

Der Kinderen moved to approve the minutes of December 12, 2013 as written. Coon seconded the motion and it passed with five in favor and one (McGinn) abstaining.

II. Old Business

Item 1: OneSteel Recycling: Conditional Use Application-Determination of Completeness: Proposed application to renew expired permit to continue operation of an existing 43,000 +/- sq. ft. solid waste recycling facility on a 22.9 acre site located at 2244 Portland Rd., Tax Map 12, Lot 9 in the BI District. OneSteel Recycling is the owner/applicant and Jared Jacobs is the applicant's agent.

John Fornella is present this evening representing the applicant.

It was noted that on December 18, 2013 OneSteel was sold to AIM. At the recommendation of the Planner the applicant will submit a letter indicating that the sale occurred and provide a copy of the purchase and sale agreement. This letter will be attached to the application to show the change in the applicant name.

On January 4, 2014 there was a site walk scheduled for OneSteel. There were only three board members present for the site walk, therefore, a quorum was not achieved. Those members present included Roger Morin, James Lowery and Rich Ganong. The Planner reminded the Board that a site walk is optional for conditional use applications. The Board was confident in relying upon the observations and comments of those members who did attend and did not feel that a new site walk was necessary.

Lowery moved to waive the need for a new site walk for OneSteel and that the Board will be reliant upon the observations of those who attended on Jan. 1, 2014. Coon seconded the motion and it passed with all in favor.

Discussion of Site Walk:

Morin commented that there were only a few issues noted on the site walk.

1. There is a second detention pond on the site that is not on the plan the applicant submitted.

Lowery commented that the pond was a DEP requirement and wondered if there were a change made that had triggered the need for a DEP permit. John Fornella explained that there is a DEP permit in place and the Board will be provided a copy of that permit. He further explained that at some point OneSteel had built new storm water ponds at all of their facilities so this second pond may be part of that upgrade that occurred. He will look further into the matter and report his findings back to the board. Lowery also asked that the applicant submit the most recent storm water study done as well as the DEP permits.

2. Landscaping: Morin commented that the 25' buffer in the front of the property appeared to be lacking.

The Planner reviewed the landscaping/buffer requirements with the applicant. He was informed of the need for a 25' buffer around the parking areas as well as in the front of the lot. The plan will need to be corrected to show these buffers.

The Board also asked that the plan depict the "as built" site and that the location of any hazards on the site be shown as well.

Item 2: Gary's Auto Salvage Conditional Use Renewal: Proposed renewal for an existing auto salvage yard on a portion of a 16.5 acre site located at 258 River Rd., Tax Map 40, Lot 3 in the R4 District. Gary Welch is the owner and applicant.

The applicant is not present this evening.

There was a site walk scheduled for Jan. 4, 2014. There were only three Board members present, James Lowery, Roger Morin and Rich Ganong. Although there was not a quorum for the site walk, the Board was confident that their observations would be adequate and there was no need to re-schedule another site walk.

McGinn moved to waive the need for rescheduling another site walk and to rely upon the information provided by those that were present on January 4, 2014. Lowery seconded the motion and it passed with all in favor.

Discussion of Site Walk:

Morin commented that one item of concern was the leased portion of the parcel occupied by Larry's Auto. It did not appear on the plan, nor was it mentioned in the application.

The Planner explained that Larry's Auto leases space from Gary's Auto and restores salvaged cars for resale. The CEO inspects the garage yearly and issues a certificate of compliance for auto sales to the State. This has been an ongoing operation for a number of years, predating the current CEO. The Planning Board can assume this is a pre-existing, non-conforming business.

Lowery questioned whether or not Larry's Auto should be listed as a co-applicant to establish his standing for future reference by the Planning Board.

The Planner feels the best approach to this would be to reference Larry's Auto in the findings of fact to codify the use and the existence of the business on the property and to protect his standing with the town.

The Board was agreeable to this solution.

Lowery suggested the Board hold a public hearing for the application on February 13, 2014, assuming the applicant is available on that date. The Board was in agreement with his suggestion and the applicant will be contacted by the Planner.

III. Zoning Ordinance Amendments:

Item 1: Zoning Ordinance Amendment: Discussion of request to modify section 8.4 of the Land Use Ordinance to increase threshold lot size for mandatory cluster subdivision from 6 to 13 acres.

The Planner presented the Board with possible amendment options, should they choose to move forward with amending the cluster subdivision regulations.

The board held lengthy discussion about the pros and cons of cluster subdivision and whether or not they felt there was any benefit, either to the town or the developer.

Lowery suggested that perhaps there could be a provision for a waiver if certain site constraints or impracticalities might make a cluster subdivision infeasible.

Lengthy discussion ensued and ultimately the Board asked the Planner to come up with a proposed plan.

The board determined that they would like to continue to promote open space preservation so they were not in favor of completely eliminating cluster subdivisions from the ordinance. They would however be amendable to considering the threshold of 4-7 lots as a possibility for waiver of the cluster subdivision requirement if the applicant could meet certain criteria, which the Planner will draft. At this time they agreed that 8 or more lots will require cluster subdivision to be done. They also asked the Planner to draft a list of possible incentive items for developers who choose to cluster subdivide as the Board had previously discussed.

The Planner also suggested that the Board should consider thresholds for minimum and maximum acreage where these standards would apply.

This item will be placed on an upcoming agenda as soon as possible.

Item 2: Zoning Map Change: Discussion to request to change Shoreland Resource Protection (RP) and Natural Resource Protection (NRP) district boundaries on land surrounding Brimstone Pond on property identified as Map 19, Lot 7 and Map 23, Lot 15.

Bud Legros had presented this request to change the zoning map to the Board at the December 12, 2013 meeting. The Planner provided a detailed list of the State vs. Existing Arundel Shoreland Zoning regulations for comparison. There are many areas that the Town restricts that the State does not. The Board agreed to review the comparison list and be prepared for discussion at the next meeting so possible changes to the ordinance can be drafted and reviewed for presentation at the June town meeting.

Item 3: Discussion with Action: Re-schedule meeting with property owners in the proposed DB-2 district to discuss the proposed change from residential to commercial uses.

The Board discussed the date for re-scheduling this meeting and agreed on January 23, 2014. The Planner will notify the property owners.

Item 4: Review Schedule for Proposed Ordinance Amendments

The Planner reminded the Board that time is of the essence if they hope to present the five defined mixed use districts at the June Town Meeting. The Planner will be drafting the sections for the Board to review. The Planner will present a meeting schedule for the Board to consider and it may involve extra meetings to accomplish the goals of the Board.

IV. Public Comment: There were no audience members present for comments.

V. Planner's Report

1. There will be an upcoming application for a change of use. There is a property on the River Rd. which is a former fish hatchery; they are looking to convert it to a residential use with an expansion.
2. The Staff Review Committee recently approved a Private Way exemption for West Lane.
3. The Planner was at a recent Comprehensive Plan Review Committee meeting where there is a large push to re-examine the Route 111 corridor to consider making it a commercial zone from the power lines to the Lyman town line. Some committee members are opposed to this concept. As a result, Tad will be conducting a photometric study with several random residents. He will be attempting to get a feel for their vision of "rural quality" to assist the CPRC in defining Arundel's "rural quality".
4. Kate's Butter: work is progressing at the plant on Route 111. They are not operational yet but are moving along.
5. Seasonal Cottage Resort: The Planner informed the Board that the Selectmen are currently reviewing the proposed TIF district that the developer had requested. The Board will be kept informed of the progress.
6. Wellness Center- The Planner informed the Board that the property owner has confirmed that they are not in the flood plain, however, they have not yet submitted an application for their proposed expansion.

Adjourn

Der Kinderen moved to adjourn at 9:43p.m. McGinn seconded the motion and it passed with all in favor.