

**Arundel Planning Board**  
**Minutes**  
**August 28, 2014**  
**M L Day School Library**

**Board:** John Der Kinderen, Jamie Lowery, Rich Ganong, Roger Morin, Marty Cain, Tom McGinn, Tad Redway, Planner, Ann Tardif, Board Secretary

**Public:** Chip Haskell, Richard Lovejoy, Donna Der Kinderen, Harry Porter, Susan Kamuda, Dan Dubois, Bud Legros, Rene & Therese Turgeon, Paul Sfredo, Phil Labbe, Wayne Parry, Cathy Sawyer, Nicholas Cotsis, Paul Haug, Linda & Bob Zuke

**Call to Order**

Chairman Ganong called the meeting to order at 7 pm. Attendance was taken and the agenda was reviewed.

**I. Approval of Agenda**

*Der Kinderen moved to approve the agenda of August 28, 2014. Morin seconded the motion and it passed with all in favor.*

**II. Public Comment** ( non-agenda items)

There were no comments from the audience.

**III. Approval of Minutes:** 8/14/2014

*Morin moved to approve the minutes of August 14, 2014 as written. McGinn seconded the motion and it passed with five in favor and one (Ganong) abstention.*

**IV. Pending Applications**

**Item 1: AIM Recycling USA Conditional Use Application-** Discussion of Site Walk findings and ruling on requested submission waivers- 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 Road, Tax Map 12, Lot 9 in the BI district. AIM Recycling USA is the owner/applicant and Jared Jacobs is the applicant's agent.

Chip Haskell is present this evening representing AIM Recycling.

Traffic count information was submitted to the Board by the applicant. The traffic count submitted was based on facilities they own in larger cities so the numbers were scaled back for Arundel. The estimate indicates approximately 28 trips per hour; this number is well below the threshold for the Department of Transportation and will not require a permit. The applicant would propose that no further traffic study be done and have requested a waiver by the Board for that submission requirement.

Jamie Lowery asked the applicant to review the DEP process. Mr. Haskell explained that the site currently has a solid waste permit from the DEP and the applicants will file an amendment with the DEP and get a copy of that application to the Board. The applicant has requested a waiver for submittal of the final DEP permit prior to the Board considering the application and will obtain this permit before final approval.

Storm water management was discussed and the applicant indicated they would submit the calculations given to the town to the DEP as well. The pond on site will be re-designed and will manage the storm water runoff on the site.

Screening- The Board indicated that the applicant will need to provide visual screening from the neighbor based on the requirements of the ordinance.

Tom McGinn asked the applicant to explain the flow of traffic on the property. Mr. Haskell did so and the Board indicated that the flow of traffic will need to be indicated on the submitted plan.

Mr. Haskell indicated that the applicant proposes to use a combination of reclaim pavement and #600 Mirifi Geofabric, which is installed subsurface and provides a separation between the gravel and the sub-grade in lieu of bituminous paving on the site and they have submitted a waiver request to the Board for this as well. He indicates that his material acts as an impervious surface.

The applicant has submitted a plan which depicts a representation of their other buildings but the one they are actually proposing for this site will be 30' x 48'. The Board indicated that the correct building dimensions will need to be submitted on the final plan.

The applicant has noted the site distance on the plan as the Board had requested.

**Waiver Requests addressed by the Board:**

DEP Permit- the Board will accept the DEP permit application and continue their review. The actual permit will be needed prior to final plan approval by the Board.

**Traffic Study:** *Der Kinderen moved to grant the waiver of a traffic study in lieu of the documentation provided by the applicant. Morin seconded the motion and it passed with all in favor.*

**Ground Water Study-** The nearest well will be marked on the plan and has been located with GPS. The applicant will be monitoring the pond on site based on the requirements in the DEP permit. Any blasting that may be necessary will be done more than 600 ft. away from the nearest well. The applicant was agreeable to Mr. Cain's recommendation that monitoring occur prior to and after any blasting. Mr. Haskell indicated that the property owner has been contacted and they will discuss monitoring with them.

*Der Kinderen moved to grant the waiver of the ground water study based on the proposed surface providing an impervious surface. Morin seconded the motion and it passed with all in favor.*

*McGinn moved to grant the waiver for the requirement of bituminous paving in favor of the applicant using the alternative impervious surface.*

*The Planner commented that the Board may wish to review the documentation on the proposed surface prior to acting on this waiver request.*

*The board concurred and McGinn withdrew his motion.*

**High Intensity Soil Survey-** *Lowery moved to waive the requirement for a high intensity soil survey, and, the Board will accept a medium intensity soil survey. Der Kinderen seconded the motion and it passed with all in favor.*

Mr. Haskell will submit all the requested items to the Planner.

**V. New Applications**

**Item 1: Laura Lane Private Way Extension: Subdivision Revision & Private Way Ruling:** Proposal to extend a private way from cul-de-sac of approved subdivision road, Laura Lane, into a 65 acre parcel, Tax Map 10, Lot 10 in the R2 district, for the purpose of creating a family division of 1-2 lots. Rene Turgeon is the owner and applicant.

The applicant is present this evening and submitted his request to the Board this evening in writing.

The Planner explained that the applicant owns property which is the back lot of a subdivision which was approved by the Board in 1988. The condition of approval at that time was that in order to add any more lots the cul-de-sac would be removed, the road continued and then the cul-de-sac replaced at its new terminus. The other issue is that the gravel road currently serves 8 lots and any increase over 8 lots requires paving of the road.

The applicant is asking the Board to consider this a private way off of a subdivision road. He indicates that there is an existing road maintenance agreement in place.

The applicant presented the Board with a map of the subdivision. John Der Kinderen indicated that the map does not have the appropriate dimensions on it and that will be necessary.

The Planner indicated that what the Board needs to decide is whether or not they will consider this an amendment to an approved subdivision or a private way off of the cul-de-sac.

The Board indicated that they will need a more detailed plan including a copy of the original recorded subdivision plan, a copy of the road maintenance agreement and a document indicating the standards to which the road was constructed.

The applicant indicates that he has hired a surveyor but before he proceeds with investing more money and if this is considered an extension of the existing road and he might be required to pave it he wanted Board input.

Mr. Lowery questioned whether or not the applicant would need acknowledgement from the other lot owners in the subdivision to extend this road. The Planner indicated that the matter would need to be researched.

The Board informed Mr. Turgeon that they would need, at minimum, to see the recorded subdivision plan to make a decision on how to consider this application.

Mr. Turgeon again indicated he did not wish to invest large amounts of money and get nowhere. Mr. Der Kinderen suggested that he consult with an attorney and get a legal opinion due to the complexity of the situation.

The applicant indicated he will get back to the Planner and provide the original subdivision plan, any subsequent plans, and the road maintenance agreement as well as a legal opinion.

## **VI. Zoning Ordinance Amendments**

### **Item 1: Townhouse Corner District: *Discussion with Action- Adoption of recommended changes***

**The Planner projected a map of the proposed TCD on the white board for the benefit of the audience and the Board.**

The Planner reminded the Board that they need to discuss the following items regarding the TCD

- Boundary of the District
- Square Footage limit for restaurants
- Determine what constitutes low impact manufacturing.

**Boundary:** Mr. Richard Lovejoy would like John Cluff Ln. to be included in the TCD. The Board noted that the provisions of the proposed Contractor Storage Yards in the ordinance would cover the existing use by Mr. Lovejoy. There were some concerns from

property abutters with the inclusion of John Cluff Ln. not so much in terms of the Contractor Storage Yard, but rather the possibility of low impact manufacturing being allowed in the district.

The Planner also brought the Boards attention to item #1 under the Permitted Uses for the TCD which reads:

1. All legally existing businesses and associated structures operating in the TCD district as of June 10, 2015.

Cain asked when the uses on John Cluff Ln became non-conforming. The Planner believes it was in 2005 by the change to the Comp Plan, if not earlier. The lots are now in the R3 zone.

Cain thinks that John Cluff Ln. should be included in the TCT. Morin countered that they will become legally conforming once the Contractor Storage Yard provision is passed.

The Planner indicated that the map was shown in the Comprehensive Plan and did not include John Cluff Ln. Donna Der Kinderen commented that the Comprehensive Plan purposely did not set the boundary.

Richard Lovejoy expressed a concern that he would not have the required 5 acre minimum for Contractor Storage Yard. The Planner indicated that there is a provision in the Contractor Storage Yard ordinance which makes them a permitted use simply by completing the registration process for Contractor Storage Yards.

The Board heard comments from various audience members both for and against the inclusion of John Cluff Ln. in the TCD.

McGinn commented that he does understand the concerns of the residential owners and does not feel the boundary changes should be made now that the Comprehensive Plan has been passed. He thinks the provision of the Contractor Storage Yards in making Mr. Lovejoy's business a legal conforming use should be enough to satisfy Mr. Lovejoy's concern.

The Chairman, Mr. Ganong polled the Board for their opinion on including John Cluff Ln. in the TCD.

Cain-In favor of including.

McGinn- Not in favor because of abutting residents concerns and the fact that the CPC did show the map without the inclusion of John Cluff Ln. and was approved by voters.

Lowery- Not in favor.

Morin- Not in favor as the Contractor Storage Yard provision will resolve the issue.

Ganong- Not in favor, agreed with both McGinn and Morin's comments.

Der Kinderen- In favor, sees no good reason not to include them also sees potential for development there.

***Der Kinderen moved to include John Cluff Lane in the Townhouse Corner District. Cain seconded the motion.***

***Vote: Four opposed, two in favor, motion failed.***

Bob Thibodeau, property owner on John Cluff Ln. stated that he understands the Board's decision and would ask that the Board place the Contractor Storage Yard provision on a separate warrant article to be voted on to protect the business owners on John Cluff Ln. with a fear that the entire ordinance will get voted down.

Ganong informed Mr. Thibodeau that it is the Board of Selectmen that set the warrant articles and determines how they are written.

Cain commented that the board should make a note of the request so it is not forgotten.

**Square Footage-Restaurants:** The Board had decided at the last meeting that restaurants would not be limited by number of seats but by square footage. The Board reviewed the square footage of several area restaurants, information the Planner obtained from the tax assessors of the town in which the restaurant is located.

The mean square footage for restaurants polled was 3,200 square feet with approximately 139 seats at 34 sq. ft. per seat.

Ganong commented that the Board needs to come to an agreement on what the appropriate square footage of a restaurant in the TCD should be.

The Board agreed that a restaurant in the TCD will be allowed up to 5,000 square feet, the same as any other business in the TCD.

Wayne Parry asked if a restaurant wanted 6,000 square feet can the Board waive the limit. The Chair replied that the board doesn't have the authority to waive that limit; the applicant would have to seek an ordinance amendment.

Contractor Storage yards in the TCD: The Board began discussing whether both Contractor 1 and 2 storage yards are appropriate in the TCD. They did agree that CSY 1 is appropriate in the TCD. They began the discussion about CSY 2 but did not make any decisions due to the late hour of the meeting. Discussion will continue at a future meeting.

## **VII. Planner's Report**

- 1. Arundel Seasonal Cottages-** Tad indicated that the project on Portland Rd. is on track to begin construction in September.
- 2.** There is the possibility of a small development for people 55+ yrs. old that may be coming to the board in October. It will be approximately 7 lots.
- 3.** There have been a few people in with potential projects they wish to develop in the Gateway District area of Portland Rd.
- 4.** There will be a few private way exemptions coming forth soon.

Mr. Morin informed the Board that he will be unavailable to attend the next three Planning Board meetings.

## **Adjourn**

*Der Kinderen moved to adjourn at 9:10 pm, Cain seconded the motion and it passed with all in favor.*

Respectfully Submitted by:

Ann Tardif  
Planning Board Secretary