

Arundel Planning Board
Regular Meeting
February 25, 2016 at 7:00 pm
ML day School Library 600 Limerick Road

Board Attendees: Rich Ganong, Tom McGinn, Marty Cain, John Der Kinderen, Jamie Lowery, and Tad Redway, Town Planner

Public Attendees: Kelly & Jonathan Tibbetts, John Tibbetts, Jason Beaulieu, Donna Der Kinderen, and Velma Hayes.

CALL TO ORDER: Chair Ganong called the meeting to order at 7:00 pm. Attendance was taken.

I. APPROVAL OF AGENDA:

MOTION: Mr. McGinn moved and Mr. Der Kinderen seconded the motion to approve the agenda as written.

VOTE: Unanimous in favor.

II. APPROVAL OF MINUTES: Minutes deferred.

III. PUBLIC HEARING

Item 1: Proposed Revisions to Land Use Ordinance: Reorganization and Reformat of Existing Land Use Ordinance, with heading additions, spelling corrections, reference corrections, and additional text in areas requiring connectivity and clarification.

Chairman Ganong opened the Public Hearing at 7:05 PM. Donna Der Kinderen, Chair of the Comprehensive Plan Review Committee, observed that the organization of the format change did not parallel that of the Comprehensive Plan amendment enacted by the voters in June 2015. She recommended that the Gateway District and the Townhouse Corner District be incorporated into Section 7.0 and that the title of that section be changed from "Business Districts" to "Business/Mixed Use Districts" and Section 8.0 be changed from "Mixed Use Districts" to "Rural Districts" and contain only the Rural Conservation and the Natural Resource Conservation Districts.

Mrs. Der Kinderen also pointed out several spelling and reference errors to be corrected.

Mrs. Velma Hayes spoke in favor of modifying the new format in accordance with Mrs. Der Kinderen's suggestions.

The Chair closed the Public Hearing at 7:14pm.

IV. PENDING BUSINESS

Item 1: Proposed Revisions to Land Use Ordinance: Decision to forward proposed LUO revisions to Board of Selectmen consideration at a Special Town Meeting.

Chair Ganong opened the discussion by explaining why the Board made the organization decision: since the AR, DB1, DB2, and BI districts allowed residential activities as secondary activities ancillary to business uses, they were fundamentally different that the GW and TC districts which permitted both residential and businesses uses equally. Mr. Cain echoed the Chair's observation. Mr. Der Kinderen advocated following amalgamation of all districts under the heading of Mixed Use Districts. Mr. McGinn and Mr. Lowery stated that they had long contemplated the tabular organization and were comfortable with its current format.

Motion: Mr. Cain made the motion to approve the proposed format changes of the LUO and forward them to the Selectmen for consideration at a Special Town Meeting. Motion Seconded by Mr. Lowery.

VOTE: Aye: Mr. Ganong, Mr. Cain, Mr. Lowery, and Mr. McGinn Nay: Mr. Der Kinderen.

Motion passes 4-1.

Item 2: Old Oliver Farms, LLC: *Conditional Use –Conditional Use Application-* Proposal to institute an animal husbandry use and raise domesticated farm animals on an 80 acre farm site located on the former Oliver Farm located at 475 Mountain Road, Tax Map 16, Lot 12 in the R-2 zone. Mark Pinette dba Old Oliver Farm LLC is the owner applicant and Alan Shepard, Esq is the designated agent.

Motion: Since the applicant for item # 2 was not in attendance Mr. McGinn moved to defer consideration of the application until later in the meeting. Mr. Der Kinderen seconded the motion.

Vote: Unanimous in favor.

V. New Applications

Item:1 Brookside Estates: *Final Subdivision Application/ Conditional Use Application-* Proposal for a 10-lot cluster subdivision and age-restricted community on 11.98 acre lot 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 agent is Walter Pelkey of BH2M.

The Board reviewed the two potential solutions recommended by the Town Engineer and the Town Planner regarding potable water constraints on proposed Lots 1 & 10: 1) design the project to provide more wellhead options o for the two lots or, 2) mandate that on –site wells be drilled on the two lots with sealed casing imbedded at least 15 feet into the bedrock prior to the transfer of the lots.

Motion: Mr. Can move to accept Option 1 or pre-drill wells on Lots 1 and 10 as a solution to the potable water supply concerns. Seconded by Mr. Der Kinderen.

Vote: Aye: Mr. Cain, Mr. Der Kinderen, Chair Ganong, and Mr. Lowery. **Nay:** Mr. McGill.

Motion passes 4-1.

Applicant still needs to supply the Declarations, Covenants and Association documents and has elected to provide a letter of credit as a performance assurance.

Motion: Mr. Der Kinderen moved to accept the Final Application as complete and to set a public hearing date for March 10, 2016.

Vote : Unanimous in favor.

Item 2: Tibbetts Farm Store: *Conditional Use Pre-application:* Proposal to establish a Farm Retail operation in a 480 sf existing building at the McDonald Farm located at 967 Alfred Road, Tax Map 8, Lot 8 in the R-4 district and Shoreland Overlay district. Scott MacDonald is the owner and Jonathan Tibbetts is the applicant.

Mr. Der Kinderen recused himself as an abutter and removed himself from the dais.

Mr. Tibbetts provided the Board with an overview of his proposal to use the milk room at the McDonald barn off Rte 111 as a Farm Retail enterprise operating from July to November. Parking would be developed on site and the applicant has already contacted Maine DOT for a Driveway entrance permit.

Mr. Ganong expressed concern that Mr. Tibbetts was not the owner of the land containing the Farm Retail operation and all of the products would not be produced on the McDonald property. As such Mr. Tibbetts proposal was not in conformance with the requirements of a Farm Retail operation as defined in section 3.2 of the LUO. Mr. Lowery suggested that both the Tibbetts and McDonalds form an LLC or other partnership that would thereby meet the intent of the LUO. After much discussion the Board concluded such a formal arrangement could be acceptable.

Motion: Mr. Cain moved that a Pre-application site walk be scheduled for March 10, 2016 at 6:00pm. Mr. Lowery seconded the motion.

Vote: Unanimous in favor.

Item 2: Old Oliver Farms, LLC: Conditional Use –Conditional Use Application- Proposal to institute an animal husbandry use and raise domesticated farm animals on an 80 acre farm site located on the former Oliver Farm located at 475 Mountain Road, Tax Map 16, Lot 12 in the R-2 zone. Mark Pinette dba Old Oliver Farm LLC is the owner applicant and Alan Shepard, Esq is the designated agent.

The applicant presented the Board with the stamped survey as requested and answered questions regarding the movement of livestock between the Old Oliver Farm parcel and the Hardscrabble Farm parcel. Mr. Pineete stated that the parcel did have a history of some poultry being raised consistently on the premises but although cattle have been raised on the property, it has not occurred within the last six years and no documentation exists for corroboration. The Planner advised the applicant that if he can find such documentation, the CEO would be the authority to determine if that would be considered “grandfathered”.

Motion: Mr. McGill moved that the conditional use application for 5 animal units on the Old Oliver Farm be deemed complete. Seconded by Mr. Lowery.

Vote: Unanimous in favor.

Motion: Mr. Cain moved to schedule a public hearing on the application for March 10, 2016. Seconded by Mr. McGinn.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES: resumed

Motion: Mr. McGinn moved to approve the Minutes of February 11, 2016 as written. Seconded by Mr. Der Kinderen.

Vote: Unanimous in favor.

IV. LAND USE & SUBDIVISION ORDINANCE REVISIONS

Item 1: Discussion: Proposed Fire Protection Ordinance and modifications to Land Use and Subdivision Ordinance

Chair Ganong requested the Board’s reaction to the sample Sprinkler and Fire Protection Ordinance that he handed out at the last meeting. There were no comments.

Mr. Redway asked what the Board’s priority is: 1) A stand alone fire protection ordinance, 2) Fire Protection performance standards in the LUO, 3) Fire protection revisions to the Subdivision regulations? The general consensus is that performance standard in the LUO should take precedent. The Planner stated that he would locate the Chair’s 2012 Impact Fee ordinance and put together a framework for the next meeting.

Issues to be addressed:

Mr. Cain proposes hydrants required every 1000 feet along Rte 1 and every 1000 feet into the interior lots along Rte 1.

Chair Ganong reiterated the Board’s consensus that a mandatory sprinkling should be required for all construction.

Item 3: Discussion: Proposal to introduce equestrian Centers and Riding Stables to Conditional Uses in the R-4 District.

Mr. Redway produced the proposed Performance standards for Equestrian Centers and Riding Stables in section 11.3.19 of the LUO, including definitions and proposed land use schedules for all districts as promised at the 2-11-16 meeting.

Much discussion ensued on the differences and similarities between horse riding stables and livestock rearing under animal husbandry and the differing impacts on residential, rural and business districts. Mr. Cain and Mr. Der Kinderen stated that animal husbandry and especially Mr. Pinette's dilemma should take precedent over equestrian riding stables.

The Board concluded that first zoning priority should remain with the fire protection performance standards.

No further action was scheduled regarding the Equestrian standards.

V: Planner's Report

The Planner reported stated that work on the Arundel Cottages was continuing to proceed on schedule. Several private way problems were emerging that may require Planning Board review. No Staff Review permits have been issued this year. The Selectmen have authorized the Town Attorney to enter into mediation talks with attorneys for Dubois Livestock Inc per the Court's orders.

The Board then proceeded to sign the record drawings for The RSU21 Conditional Use permit.

ADJORNMENT: Mr. Lowery moved to adjourn at 9:22 pm, with Mr. Cain seconding the motion, and it passed with all in favor.

Respectfully Submitted,

Tad Redway
Planning Board Secretary, Pro Temp