

Arundel Planning Board Minutes
May 9th, 2019 - 7:00pm
Mildred L. Day School Library - 600 Limerick Rd. Arundel

Board Attendees: Mr. Cain, Mr. Lowery, Ms. Roth, Mr. Bergen, Town Planner; Mr. Redway, Secretary; Ms. Goulet

Attendees: Dan Dubois, Jason Vafiades, Ed Leblanc, Carole Court, Ronald Court, Stacy Gile, Dewey Gile, Charles Bassett, June Labbe, Kristin Woodward, Roger Taschereau, Kevin Allen, Diane Robbins, Paul Gadbois, Donna der Kinderen, Joanne Dewitt, Velma Jones Hayes

Call to Order: Mr. Lowery calls meeting to order at 7:00pm.

I. APPROVAL OF AGENDA:

Motion: Ms. Roth motions to approve the agenda. Mr. Cain seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES:

The approval of the April 25th Minutes is tabled due to lack of quorum.

III. CITIZEN COMMENTS:

Citizen comment period opened and closed at 7:05pm. No comments to record.

IV. PUBLIC HEARINGS

Item 1: *Revision of LUO 13.2 and amendment of the Land Use Map to transfer Hidden Meadows subdivision from the BI District to the R2 district.*

Public Hearing opened and closed at 7:07pm with no commentary to record.

Item 2: *Adoption of LUO § 9.3.6 Commercial Animal Husbandry Farms and associated definitions to be added to LUO §3.2.*

Public Hearing opened at 7:10pm.

Ms. der Kinderen recommends an edit in paragraph 1 to remove "are".

Mr. Bassett raises concerns regarding the definition of Commercial Animal Husbandry, the income criteria of \$15,000 net or 40% annual income is not appropriate, that the Ordinance appears to be proposed to benefit one individual and that the requirement of a nutrient management plan is unwarranted/does not mirror State requirements.

Mr. Redway clarifies that the Ordinance is looking for "a" nutrient management plan and not "the" Nutrient Management Plan. Mr. Redway also informs the attendees that changes in the Ordinance as presented could require resubmission to Maine Department of Agriculture. The resubmission process would eliminate this Item from consideration at the Town Meeting.

Mr. Dubois also expresses dislike for the \$15,000 net revenue threshold. He feels it is not the Town's business and inquires how it would be enforceable.

Mr. Lowery points out that the Committee wrestled with this figure for quite some time. The amount was not decided upon lightly.

Public Hearing closed at 7:41pm.

Item 3: *Amendments to LUO § 6.1 Urban Residential District R-1.*

Public Hearing opened at 7:41pm.

Ms. der Kinderen points out that Commercial Animal Husbandry is not on the list of Conditional Uses

Mr. Redway clarifies that some of the listed uses have been eliminated because they are covered under the associated uses of others. Example: Land management roads has been eliminated but it's covered under uses such as timber harvesting.

Mr. Bassett notes that Boarding House has been removed. He highlights how AirBnB type short term rentals have become issues in other nearby communities and encourages the Board to remain aware of potential future issues in Arundel.

Public Hearing closed at 7:53pm.

Item 4: *Amendments to LUO §3.2 definition of Home Occupations and repeal and replacement of § 9.3.24 Home Occupations to identify Type 1 and Type 2 Home Occupation activities.*

Public Hearing opened at 7:53pm. Mr. Redway explains the Amendments. Public Hearing closed at 7:57pm with no commentary to record.

Item 5: *Amendments to LUO §9.3.14.2 to extend deadline for registration of existing contractor yards and addition of contractor yards to the list of permitted and conditional uses in the residential and rural districts.*

Public Hearing Opened at 7:53pm.

Mr. Allen points out that there are inconsistencies in where the contractor yards are currently permitted/conditional uses and where the revised Ordinance is indicated they are now allowed – in some of the areas listed they are already conditional uses.

Ms. Howe looks to identify what the approval process would be for the Contractor 2 Yards/Applicants that would come forward to become a registered site. Would the applicant be required to follow performance standards? Would there be a site walk?

Mr. Redway confirms that this has been the process in the past.

Mr. Lowery further clarifies – if the window isn't reopened, an owner in a zone where the use is not conditional any longer, would *not* be able to become confirming. The same holds true if an entity opts not to come forward within the window if approved.

Mr. Bassett voices disapproval for the fuel containment system requirement for fuel storage tanks under 500 gal as it is more restrictive than State standards.

Mr. Dubois speaks to state that he sees this extension as a positive action, an olive branch.

Public Hearing closed at 9:06pm.

Item 6: Elimination of Correctional Pre-Release facilities from LUO §3.2 and the Ordinance.

Public Hearing opened at 9:06pm and closed at 9:07pm with no commentary to record.

Item 7: Amendment to LUO §10.6.3.6 increasing the length of requested extensions from 30 to 60 days in the site plan review process.

Public Hearing opened at 9:07pm and closed at 9:09pm with no commentary to record.

Item 8: Arundel Farm Stand: Site Plan Pre-Application: Proposal to construct a 1,020 s/f Farm Retail building to be serviced by a 480 foot log commercial driveway with two parking areas containing 20 parking spaces on a 2.02 acre parcel. Located on Portland Road, Tax Map 36, Lot 13, in the DB-1 district. Peter Faulkner, Trustee is the owner and Ed & Sara LaBlank are the applicants.

Public Hearing opened at 9:09pm and closed at 9:10pm with no commentary to record.

V. RECOMMENDATION TO THE BOARD OF SELECTMEN

Item 1: Revision of LUO 13.2 and amendment of the Land Use Map to transfer Hidden Meadows subdivision from the BI District to the R2 district.

Motion: Mr. Cain motions to submit this amendment to the Selectmen with the Planning Board's recommendation. Mr. Bergen seconds.

Vote: Unanimous in favor.

Item 2: Adoption of LUO § 9.3.6 Commercial Animal Husbandry Farms and associated definitions to be added to LUO §3.2.

There was significant discussion regarding the \$15,000 net threshold but no true commitment to retain or remove this portion of the proposed ordinance.

The Board reviews the changes that should be made based on the public's comments:

- Specific notation for manure pile distance from wells (water supply)
- Rephrasing of the definition of nutrient management plan language and appropriate referencing of State resources

Motion: Ms. Roth motions to submit the discussed changes (2) to Maine Department of Agriculture with the understanding that if the State requires that the review timeline be restarted that the LUO regarding Commercial Animal Husbandry will be submitted to the Selectmen with the Planning Board's recommendation as it's currently written. Mr. Cain seconds.

Vote: Unanimous in favor.

Item 3: Amendments to LUO § 6.1 Urban Residential District R-1.

Motion: Mr. Cain motions to submit this amendment, with the addition of Commercial Animal Husbandry to the list, to the Selectmen with the Planning Board's recommendation to add it to the Warrant for Town Meeting. Mr. Bergen seconds.

Vote: Unanimous in favor.

Item 4: Amendments to LUO §3.2 definition of Home Occupations and repeal and replacement of § 9.3.24 Home Occupations to identify Type 1 and Type 2 Home Occupation activities.

Motion: Mr. Cain motions to submit this amendment to the Selectmen with the Planning Board's recommendation. Mr. Bergen seconds.

Vote: Unanimous in favor.

Item 5: Amendments to LUO §9.3.14.2 to extend deadline for registration of existing contractor yards and addition of contractor yards to the list of permitted and conditional uses in the residential and rural districts.

Motion: Mr. Cain motions to submit this amendment, as a separate Warrant, to the Selectmen with the Planning Board's recommendation. Mr. Bergen seconds.

Vote: Unanimous in favor.

Corrections will be made regarding the identification what zones Contractor Yard 2's are permitted or conditional. Corrections will be available at the second public hearing.

Motion: Mr. Bergen motions that the Planner be authorized to make the appropriate discussed corrections to the proposed amendment in advance of the second public hearing, on May 30th, on the topic. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 6: Elimination of Correctional Pre-Release facilities from LUO §3.2 and the Ordinance.

Motion: Mr. Cain motions to submit this amendment to the Selectmen with the Planning Board's recommendation. Mr. Bergen seconds.

Vote: Unanimous in favor.

Item 7: Amendment to LUO §10.6.3.6 increasing the length of requested extensions from 30 to 60 days in the site plan review process.

Motion: Mr. Cain motions to submit this amendment to the Selectmen with the Planning Board's recommendation. Ms. Roth seconds.

Vote: Unanimous in favor.

VI. PENDING APPLICATIONS

Item 1: Arundel Farm Stand: Site Plan Pre-Application: Proposal to construct a 1,020 s/f Farm Retail building to be serviced by a 480 foot log commercial driveway with two parking areas containing 20 parking spaces on a 2.02 acre parcel. Located on Portland Road, Tax Map 36, Lot 13, in the DB-1 district. Peter Faulkner, Trustee is the owner and Ed & Sara LaBlank are the applicants.

Mr. Vafiades reviews progress and provides the Board with the DEP NRPA permit as well as the elevation of the planned structure for the site.

Mr. Lowery reads the Findings of Fact & Motion for Approval

Town of Arundel
Arundel Planning Board
FINDINGS OF FACT AND MOTION FOR APPROVAL
Andersen Farms Farm Stand

WHEREAS on April 25, 2019, the Arundel Planning Board received a Site Plan pre-application from Ed and Sara LaBlank to construct a 1,020 sf Farm Retail building, serviced by a 480-foot log commercial driveway with two parking areas containing 20 parking spaces on a 2.02-acre parcel located on Portland Road Tax Map 36, Lot 13 in the DB-1 district.

WHEREAS on February 21, 2019 the Planning Board conducted a site walk of the subject parcel. the Planning Board conducted a site walk

WHEREAS on April 25, 2019, the Arundel Planning Board received a Plenary Site Plan application for the proposed project.

WHEREAS, on May 9, 2019, the Arundel Planning Board conducted a public hearing of the project in accordance with Section 10.6.3.3 of the Arundel Land Use Ordinance;

AND WHEREAS the Arundel Planning Board has determined the following Findings of Fact and Notice of Decision:

FINDINGS OF FACT

1. The owner and the applicant is Peter Faulkner and the applicant is Ed and Sara LaBlank
2. The property is located on Portland Road Tax Map 36, Lot 13 in the DB-1 district.
3. The property is approximately 2.02 acres in size and is characterized by Naumburg poorly drained soils and emergent wetlands vegetation punctuated by upland swath of gravel in the middle of the lot that was the base material of a driveway or road.
4. The applicant proposes to build a 1,020 sf Farm Retail building near the frontage with Portland road within the designated wetland area supported by a driveway and parking both near the proposed farm stand and further to the southeast at the terminus of a 480 foot driveway.
5. The Farm stand is also proposed to contain wash and bathroom facilities and will be serviced by a septic system to the rear of the lot on the gravel deposits. An HHE-200 permit has been prepared by James Logan.
6. The farm stand will be serviced by public water from Kennebunk, Kennebunkport Wells Water District and electrical service supplied from existing poles on Portland Road.
7. The facility will not be installing any outdoor lighting for the parking lot.
8. At the request of the Planning Board, the applicant has prepared a assessment of the wetlands both on the property and off-site and determined that based on the contiguous rules in LUO § 8.6.2, the existing wetlands do not qualify as a Shoreland Overlay District. The amount of fill within the emergent wetland will not exceed the 4,350-sf required for a DEP Wetlands Alteration Permit.
9. The applicant has submitted a landscape plan that meets the requirements of LUO §5.9.5 and §6.4.8.
10. The design of the proposed farm building meets the design standards of §6.4.4.
11. Documentation provided by the applicant include an Existing Conditions Plan, a Site Plan, a Grading Utility and Layout Plan and a Detail Sheet, prepared by Atlantic Resource Consultants and dated January 7, 2019, with revisions.

CONFORMANCE WITH SITE PLAN APPROVAL CRITERIA

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 10.6.4 of the Arundel Land Use Ordinance as follows:

1. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 5, 9, and 10 of this Ordinance;
2. The proposed project has will require no additional permits from the State of Maine aside from a Driveway Entrance permit from the MDOT.
3. The proposed project does not unreasonably impact public safety and fire protection, and will not create a financial burden for the Town of Arundel in the provision of emergency services and law enforcement to the project site and the neighborhood.
4. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources;

5. The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event and will not have an undue impact on municipal stormwater facilities or downstream properties;
6. The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood;
7. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community;
8. The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life of surrounding parcels.
9. The proposed project will have a positive fiscal impact on municipal government.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Plenary Site Plan application of Arundel Machine Tool Company to construct a 1,020 sf Farm Retail building, serviced by a 480-foot log commercial driveway with two parking areas containing 20 parking spaces on a 2.02-acre parcel located on Portland Road Tax Map 36, Lot 13 in the DB-1 district, subject to the following conditions:

1. The applicant shall submit a performance surety in the amount of \$86,000 in compliance with LUO §10.7 prior to the commencement of construction.
2. All soil erosion control devices shall be installed prior to the commencement of site work, and no site work shall be shut down for the winter until all required soil stabilization mechanisms prescribed herein are made effective.
3. No Certificate of Occupancy shall be issued until the Code Enforcement Officer receives a certification from the design engineer that all improvements have been completed in accordance with the approved plans.

Motion: Mr. Cain motions to accept the Findings of Fact as read. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 2: Arundel Machine: Plenary Site Plan Review Application – Determination of Completeness: *Proposal to construct a 22,163 square foot expansion to the existing manufacturing facility with associated parking and site improvements located on a 7.76 acre parcel Tax Map 12, Lot 7-3 is located at 20 Technology Drive in the BI District. In addition, Arundel Machine also proposes to construct a new 11,200 square foot manufacturing facility on the adjacent 3.75 acre parcel, Tax Map 12, Lot 7-2 with associated parking, site improvements, and interconnectivity with circulation and parking facilities on Lot 7-3. DCB Properties is the owner and applicant and Paul Gadbois, PE is the authorized agent.*

Mr. Gadbois notes that Austrian Pine will be used for the landscape plantings in lieu of arborvitae and that the lighting installation will proceed as originally planned.

Mr. Lowery reads the Findings of Fact and Motion for Approval.

**Town of Arundel
Arundel Planning Board**

**FINDINGS OF FACT AND MOTION FOR APPROVAL
Arundel Machine Tool Company Expansion**

WHEREAS on March 14, 2019, the Arundel Planning Board received a Plenary Site Plan application from DCB Properties to construct a 22,163 square foot expansion to the existing **Arundel Machine Tool Company** manufacturing facility located on a 7.76-acre parcel Tax Map 12 Lot 7-3 located at 20 Technology Drive in the BI district with associated parking and site improvements. In addition, Arundel Machine also proposes to construct a new 11,200 square foot manufacturing facility on the

adjacent 3.75-acre parcel, Tax Map 12, Lot 7-2 with associated parking, site improvements, and interconnectivity with circulation and parking facilities on Lot 7-3.

WHEREAS, on April 11, 2019, the Arundel Planning Board conducted a public hearing of the project in accordance with Section 10.6.3.3 of the Arundel Land Use Ordinance;

AND WHEREAS the Arundel Planning Board has determined the following Findings of Fact and Notice of Decision:

FINDINGS OF FACT

12. The owner and the applicant is DCB Properties, LLC.
13. The property is located at 20 Technology Drive, Tax Map 12, Lot 7-2 and Lot 7-3 in the BI district.
14. Lot 7-3 is approximately 7.76 acres in size, while Lot 7-2 is 3.75 acres.
15. Both lots are serviced by the existing Town Way Technology Drive.
16. The existing Lot 7-3 property consists of a 40,000 s.f. manufacturing facility and a 47,120 s.f. parking and loading area serviced from Technology Drive with onsite septic system and public water from KKWW Inc. The existing Lot 7-2 is undeveloped.
17. The applicant proposes to construct a 22,163 square foot expansion to the existing manufacturing facility on Lot 7-3 with associated parking and site improvements and a new 11,200 square foot manufacturing facility on the adjacent Lot 7-2, along with associated parking.
18. Vehicle movements will enter the Arundel Machine complex from Technology Drive in a one-way circulation pattern through the Lot 7-2 driveway and will exit the complex via the Lot 7-3 driveway onto the cul-de-sac of at the Technology Drive.
19. A Traffic Turning Assessment, prepared by Traffic Engineer Bill Bray and dated October 15, 2018, examined the increase in peak hour turning movements of traffic entering and exiting Technology Drive and determined that the peak traffic increases do not meet the MDOT warrant for a left turn lane for southbound traffic.
20. The applicant submitted a groundwater nitrate impact study prepared by Stone Hill Environmental, dated 2-28-19, which has determined that the on-site septic system prepared for both the expansion and the new facility on Lots 7-2 and 7-3 will not have a deleterious impact upon groundwater quality.
21. Stormwater Management Plan has been submitted by the applicant that will result in no appreciable net increase of peak runoff exiting the site.
22. The applicant is proposing to fill in excess of 15,000 sf of wetlands on Lot 7-2 and 7-3, thereby requiring a Tier 2 permit and mitigation fee of \$53,000.
23. The applicant has submitted a landscape plan that provides additional buffering between the proposed parking lots on Lot 7-2 and Route 1, and will be in compliance with the screening requirements of LUO §6.6.5.4. Existing tree stand retention shall be maintained as shown on the approved plans.
24. Applicant proposes to install a comprehensive soil erosion control plan as depicted on the record plan set.
25. The applicant is proposing lighting in the existing parking lot of Lot 7-3 and new exterior lighting on the proposed building and in the parking lot of Lot 7-2. J&M Lighting Design has reviewed this plan and found it in compliance with section 5.10 of the LUO.
26. Documentation provided by the applicant include an Existing Conditions Plan, a Site Plan, a Grading Utility and Layout Plan and a Detail Sheet, prepared by Paul Gadbois, PE and dated November 26, 2018 with revisions though March 27, 2019, along with stormwater calculations prepared by Paul Gadbois, PE.

CONFORMANCE WITH SITE PLAN APPROVAL CRITERIA

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 10.6.4 of the Arundel Land Use Ordinance as follows:

10. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 5, 9, and 10 of this Ordinance;

11. The proposed project has submitted applications to the Maine DEP for Tier 2 Wetlands Alteration Permits, Stormwater Permit, and a Site Location Permit.
12. The proposed project does not unreasonably impact public safety and fire protection, and will not create a financial burden for the Town of Arundel in the provision of emergency services and law enforcement to the project site and the neighborhood;
13. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources;
14. The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event and will not have an undue impact on municipal stormwater facilities or downstream properties;
15. The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood;
16. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community;
17. The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life of surrounding parcels.
18. The proposed project will have a positive fiscal impact on municipal government.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Plenary Site Plan application of Arundel Machine Tool Company to construct a 22,163 square foot expansion to the existing **Arundel Machine Tool Company** manufacturing facility located on parcel Tax Map 12 Lot 7-3 and a new 11,200 square foot manufacturing facility on the, Tax Map 12, Lot 7-2 with associated parking, site improvements, and traffic circulation interconnectivity, subject to the following conditions:

4. This approval is subject to the issuance of all Maine DEP permits including Wetlands Alteration Stormwater, and Site Location permits as well as any required permits from the Maine Department of Transportation. NO work shall be performed until these permits have been supplied to the Town Planner.
5. The applicant shall submit a performance surety in the amount of \$494,830 in compliance with LUO §10.7 prior to the commencement of construction.
6. All soil erosion control devices shall be installed prior to the commencement of site work, and no site work shall be shut down for the winter until all required soil stabilization mechanisms prescribed herein are made effective. No Certificate of Occupancy shall be issued until the Code Enforcement Officer receives a certification from the design engineer that all improvements have been completed in accordance with the approved plans.

Motion: Mr. Bergen motions to approve the Findings of Fact as read. Mr. Cain seconds.

Vote: Unanimous in favor.

Item 3: Rontu's Run Dog Daycare: Major Conditional Use Application: *Determination of Completeness*: Proposal to establish a Pet Day Care Center in an existing Riding Stable located at 496 Limerick Road, Ta Map 27, Lot 2, in the R1 District. Kristin Woodward is the owner and applicant.

Due to time constraints, discussion of Item 3 is postponed until the next scheduled meeting.

VII. OTHER BUSINESS

None discussed.

Motion: Ms. Roth motions to adjourn at 10:25pm. Mr. Bergen seconds.

Vote: Unanimous in favor.

Adjourn

Respectfully submitted,

A handwritten signature in blue ink that reads "Corinne A. Goulet". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Corinne A. Goulet
Secretary to the Planning Board

