

## Arundel Planning Board Minutes

January 10<sup>th</sup>, 2019 - 7:00pm

Mildred L. Day School Library - 600 Limerick Rd. Arundel

**Board Attendees:** Mr. Cain, Ms. Roth, Mr. Ganong, Mr. Bergen, Planner Mr. Redway, and Secretary Ms. Goulet

**Attendees:** Velma Hayes, Bill Huston, Kris Woodward, June Labbe, Frances Legros, Jamie Legros, K. Legros, Gino Sarcione, Bruce Read, Keith Paris, K. Paris, Kendra Gelardi, Rick Licht, Joe Paolini.

**Call to Order:** Chair Ganong calls meeting to order at 7:30pm – Delay occurred to allow for a quorum.

### I. APPROVAL OF AGENDA:

**Motion:** Mr. Cain motions to approve the Minutes with the removal of Nov. 29<sup>th</sup>, 2018 Minutes under Minutes for Approval since there is not enough of the Board present to vote. Mr. Bergen seconds.

**Vote:** Unanimous in favor.

### II. APPROVAL OF MINUTES:

**Motion:** Mr. Cain motions to approve the December 13<sup>th</sup>, 2018 Minutes as written. Ms. Roth seconds.

**Vote:** Unanimous in favor.

### III. CITIZEN COMMENTS:

Mr. Bergen speaks as a resident (not in Board Member capacity) to express deep concern about the impact of transfer station fees for recycling on folks' incentive to properly recycle materials. Residents should not be charged and the municipality should educate the public on proper recycling techniques and how to appropriately differentiate materials.

### IV. PUBLIC HEARING:

**Item 1: Huston and Company: Major Conditional use Application:** Proposal to construct an 1,856 s/f furniture finishing and storage addition to the existing 4,882 s/f showroom and woodworking facility. Located on a 4.04 acre site at 223 Log Cabin Road, Tax Map 31, Lot 3A in the R-3 District. Bill Huston is the owner and applicant.

Public hearing open at 7:37pm.

Bill Huston reviews the plan. No questions from the public in attendance.

Public hearing closed at 7:39pm.

**Item 2: Cape Arundel Cottage Resort: Major Conditional Use Application: Proposal to expand the footprint of cottage unit storage sheds from the maximum of 100 square feet approved on July 14, 2016 to 120 square feet in order to accommodate golf cart storage on a 294.3 acre parcel. Tax Map 15, Lot 13 in the BI and Shoreland Districts. Arundel Kennebunkport Cottage Preserve LLC is the owner/applicant and Rick Licht of Licht Environmental Design is the applicant's agent.**

Public hearing open at 7:39pm.

Rick Licht reviews the plan for allowing larger (10' x 12' vs. 10' x 10') sheds to better accommodate golf carts.

Ms. Hayes asks how many golf carts are expected?

Mr. Paolini indicates that there are 5-6 cottage owners that are awaiting this decision and several others that have expressed interest.

Public hearing closed at 7:42pm with no other questions.

## **V. PENDING APPLICATIONS**

**Item 1: Legros Lane: Private Way Application: Proposal to extend Legros Lane an additional 625 linear feet for the purpose of providing legal access and frontage for two residential lots exempt from subdivision review under 30-A MRSA 4401.4 and 4401.4.D-4. Frances V. Legros is the owner and applicant. Dana Libby RLS is the applicant's agent.**

Bruce Read is representing the applicant and has provided helpful clarification on the topic. Mr. Ganong moves forward and reads the Findings of Fact/Motion for Approval.

### **FINDINGS OF FACT AND MOTION FOR APPROVAL**

#### **Private Way Application Legros Lane Extension**

**WHEREAS**, on August 9, 2018 the Arundel Planning Board did receive a Private Way permit application from Frances V. Legros to extend Legros Lane an additional 625 linear feet for the purpose of providing legal access and frontage for two residential lots exempt from subdivision review under 30-A MRSA 4401.4 and 4401.4.D-4 on a 46.95 acre parcel, Tax Map 23, Lot 15 in the R4, SO, and RP districts.

**WHEREAS**, on August 23, 2018, the Arundel Planning Board conducted a public site walk to inspect the proposed site in conformance with the provisions of Section 5.13.2.1 of the Arundel Land Use Ordinance;

**WHEREAS**, on September 13, 2015, the Arundel Planning Board conducted a Public Hearing in accordance with the provisions of Section 5.13.4.2. of the Arundel Land Use Ordinance;

**WHEREAS**, on October 25, 2018, the Arundel Planning Board reviewed the applicant's proposal and considered abutter's concerns and requested that the applicant submit a revised Maintenance Agreement that included the proposed new lots that would be generated by the proposed private way extension.

**WHEREAS**, on November 29, 2018 the Arundel Planning Board granted the applicant an extension on the private way application to finalize the required maintenance agreement.

**WHEREUPON**, the Arundel Planning Board has given due consideration of the applicant's Private Way application and has arrived at the following findings and conclusions:

#### **FINDINGS OF FACT**

1. The applicant and owner of the existing Legros Lane is Frances V. Legros.
2. The property upon the private way extension is to be constructed is located at the end of Legros Lane and is identified as Arundel Assessors Tax Map 23, Lot 15 in the R-4, Shoreland Overlay, and Resource Protection Zoning districts.
3. Legros Lane currently serves 5 dwelling units on Tax Map 23, lots 2K, 2L, 2M, 2J, and 2N and a camp on the remaining land of Frances V. Legros located on Lot 15.
4. The applicant proposes to extend the existing Legros Lane 625 feet to the north and east in order to subdivide an additional 2 lots from the remaining land. Proposed Lot 1, consisting of 4.67 acres will be gifted to a grandson, while Lot 2, consisting of 7.88 acres will be sold. Both lots are exempt from subdivision review under 30-A MRSA §4401.4.
5. As depicted on Detail Sheet C3.1 prepared by Walsh Engineering, the proposed 625-foot private way extension will match the existing Legros Lane with a 20-foot wide paved travelway and 3-foot shoulders. This typical cross-section will meet the standards for a private way serving 8 or more lots as specified in LUO §5.13.2.1. As such the extended Legros Lane provides legal access to the two proposed lots and any future lots up to 25. proposed exempt lots and any future lots up to 25.
6. The applicant is providing a standard 65-foot *cu de sac terminus* at the terminus of the proposed road extension as specified in the *Arundel Street Design and Construction Ordinance*
7. In support of this application, the applicant has submitted horizontal and vertical plans and profiles, details, and soil erosion control plan of the private way improvements entitled *Roadway Design for Legros Lane*, as prepared by Walsh Engineering Associates Inc. and dated June 28, 2018. Property survey has been submitted with proposed lot divisions and showing revised wetland and Shoreland Zoning boundaries and setbacks prepared by Corner Post Land Surveying Inc and dated 7/23/18.
8. In addition, Walsh Engineering Associates Inc has provided Pre and Post Development Hydrocad stormwater analysis and stormwater management plan dated June 28, 2018 documenting no net increase in peak runoff rates for a 25-year frequency storm generated by the proposed road improvements.
9. The applicant has submitted a copy of the existing Road Maintenance Agreement for the Countryside Acres Association, consisting of property owners with properties fronting Legros Lane.

## CONFORMANCE WITH CONDITIONAL USE CRITERIA

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the all criteria of Section 5.13.2 of the Arundel Land Use Ordinance in that:

1. The proposed road reconstruction and extension meets all horizontal and vertical alignment standards of LUO §15.13.2.1, and the relevant sections of the *Arundel Street Design and Construction Standards Ordinance*.
2. The proposed road reconstruction and extension meets and exceeds the typical road crosssection mandated under LUO §15.13.2.1;
3. The proposed stormwater management plan meets and exceeds the minimum drainage standards of LUO § 5.13.2.6;
4. The applicant's Sediment and Erosion Control Plan meets the standards of LUO § 5.13.2.7;
5. The applicant has a Road Maintenance Agreement in place meeting the standards of LUO §5.13.3.2.

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby APPROVES the Private Way permit application of Frances V. Legros to extend Legros Lane an additional 625 linear feet for the purpose of providing legal access and frontage for two residential lots exempt from subdivision review under 30-A MRSA 4401.4 and 4401.4.D-4 on a 46.95 acre parcel, Tax Map 23, Lot 15 in the R4, SO, and RP districts, subject to the following conditions:

1. Prior to construction of the private way improvements or the issuance of a building permits, the applicant shall post a surety instrument with the Town of Arundel in the amount of \$ 75,800 plus a 10% contingency. The 10% contingency shall be withheld until the design engineer's report certifies that all improvements have been completed in conformance with the approved plans, profiles, and details and design standards.
2. Prior to the issuance of any Certificate of Occupancies on lots 1 and 2, the applicant shall submit to the Code Enforcement Officer a sealed certification from Walsh Engineering Associates Inc that all proposed road improvements depicted on the approved plans have been constructed in accordance to that plan and the construction standards of Section 5.13.2 of the Arundel land Use Ordinance.
3. Walsh Engineering Associates Inc shall submit regular inspection reports and material testing findings to the Town Planner.
4. Within 90 days of the signing of the record mylar by the Planning Board, the applicant shall record the approved Private Way Plan in the York County Registry of Deeds the revised maintenance agreement for Lots 1 and 2 served by the Legros Lane extension.

**Motion:** Mr. Cain motions to approve as written. Ms. Roth seconds.

**Vote:** Unanimous in favor.

**Item 2: Raptor Falls: Plenary Site Plan Review:** Proposal to construct an 18-hole miniature golf course with a dinosaur theme complete with range building, and associated off-site parking on an 8-acre (formally Fritz's Tire). Located at 1912 Portland Road, Tax Map 15, Lot 12, in the DB-1 District. Clifford Gajtkowski and Bree Gajtkowski are the owners and applicants.

The applicants have requested a second 30 day extension. The "storm water by rule" permit has been received by the applicant but the lighting design is still being worked on.

**Motion:** Ms. Roth motions to grant the requested extension. Mr. Bergen seconds the motion.

**Vote:** Unanimous in favor.

**Item 3: Huston and Company: Major Conditional use Application:** Proposal to construct an 1,856 s/f furniture finishing and storage addition to the existing 4,882 s/f showroom and woodworking facility. Located on a 4.04 acre site at 223 Log Cabin Road, Tax Map 31, Lot 3A in the R-3 District. Bill Huston is the owner and applicant.

The Board raises no questions for the applicant. Mr. Ganong reads the Findings of Fact/Notice of Decision.

**FINDINGS OF FACT AND MOTION FOR APPROVAL  
Huston & Company Building Expansion**

**WHEREAS** on September 27, 2018, the Arundel Planning Board received a conditional use pre-application from Huston and Company for the construction of a 1,856 sf furniture finishing and storage addition to the existing 4,882 sf showroom and woodworking facility located on a 4.04 acre site located at 223 Log Cabin Road, Tax Map 31 Lot 3A in the R-3 district.

**WHEREAS**, on October 13, 2018, the Planning Board conducted a public site walk of the proposed project site.

**WHEREAS**, on October 25, 2018, the Planning Board ruled on the submission requirements for the proposed activity given the site observations of the site walk.

**WHEREAS**, on November 29, 2018, received a major Conditional use application from the applicant. After significant review, the Planning Board deemed the application complete and scheduled a Public Hearing. For January 10, 2019.

**WHEREAS**, on January 10, 2019, the Planning Board conducted a public hearing in conformance with LUO §10.6.3.3.

**AND WHEREAS**, after due consideration and, the Arundel Planning Board has determined the following Findings of Fact :

**FINDINGS OF FACT**

1. The owner of the property and the business is Bill Huston.
2. The property is located at located at 223 Log Cabin Road, Tax Map 31 Lot 3A in the R-3 district.
3. The property currently consists of an existing 4,882 sf showroom and woodworking facility with associated parking and loading areas. The woodworking operation is classified as low intensity manufacturing and is a non-conforming use in the R-3 district.
4. The woodworking facility and its non-conforming uses were initially approved by the Planning Board in February 1995 with subsequent expansions approved in 2001 and 2002. In 2005, LUO again changed permitting existing legally non-conforming buildings to expand by up to 50% in area.
5. The applicant is proposing to construct an 1,856 sf furniture finishing and storage addition on the west side of the existing building. It will contain an enclosed spray room with filtered ventilation systems. Site improvements include a 5-space expansion of the parking lot to facilitate the needs for additional employees along with a ~~and~~ loading space for product to be loaded to and from the finishing shop.
6. Given the relatively flat topography of the site and the small size of the expansion, the Planning Board has waived the requirement for a Stormwater Management Plan.
7. Additional lighting will consist of (1) LED wall pack located in the gable end of the proposed new building illuminating the loading area. ~~Over the entries to the proposed building.~~

8. The applicant's facility is located within 1,000 feet of the existing dry hydrant located at the Log Cabin Road crossing of Goff Mill Brook, and therefore is in compliance with fire protection provisions of LUO § 5.7.
9. Erosion control, building footprint, lighting, and parking layouts are depicted on the plan set entitled Huston Shop Addition prepared by John W Einsiedler, RA and dated November 1, 2018 with revisions to December 1, 2018.

## CONFORMANCE WITH CONDITIONAL USE CRITERIA

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 9.2.9 of the Arundel Land Use Ordinance as follows:

- 9.2.9.1 That the use is compatible with and similar to the general categories of uses of neighboring properties.
- The proposed use is an expansion of an existing legally non-conforming manufacturing use, permitted under LUO § 4.8.2.2.b. Although the use is non-residential the architecture and scale of the buildings including the proposed addition reflects the residential character of the surrounding structures and neighborhood.*
- Motion:** Mr. Cain motions that this statement is correct. Mr. Bergen 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 in that:
- The Comprehensive Plan does not recommend low impact manufacturing in the R-3 district however the scale and the architecture of the operation are in keeping the residential character envisioned by the Comprehensive Plan for the district.*
- Motion:** Mr. Cain motions that this statement is correct. Mr. Bergen seconds.
- Vote:** Unanimous in favor.
- 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 proposed use will not generate significant trip generation. No changes are proposed to occur to driveway access or internal circulation. NO pedestrian conflicts will be created.*
- Motion:** Mr. Bergen motions that this statement is correct. Mr. Cain seconds.
- Vote:** Unanimous in favor.
- 9.2.9.4 That there is adequate water supply and sewage disposal available to service the use.
- The expanded use will use the existing on-site well and will not place undue demands on water supply.*
- Motion:** Mr. Bergen motions that this statement is correct. Ms. Roth 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 in that -
- Noise, Dust and Smoke: The nature of the business does not generate any undue noise, dust or smoke generation outside of the structure. Filters and ventilation fans will eliminate evacuation of volatile organic compounds into the neighborhood air and all excess product in the spray room will be contained within the building.*
- Glare: The applicant is installing additional LED Wall pack with full cut-off shields that will not generate any dangerous glare for passing motorists or a nuisance to adjacent properties.*
- Motion:** Mr. Bergen motions that this statement is correct. Ms. Roth 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 proposed use will require limited alteration of the existing site topography. Tree cover will be retained on the perimeter of the site.*

**Motion:** Mr. Bergen motions that this statement is correct. Ms. Roth seconds.

**Vote:** Unanimous in favor.

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

*No additional nuisances will be generated by the proposed use.*

**Motion:** Mr. Cain motions that this statement is correct. Ms. Roth 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.

**Motion:** Ms. Roth motions that this statement is correct. Mr. Bergen seconds.

**Vote:** Unanimous in favor.

*The applicant has met all pertinent portions of the Arundel Land Use Ordinance in the design of the proposed activities.*

**THEREFORE, BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Major Conditional Use application of Huston and Company for the construction of a 1,856 sf furniture finishing and storage addition to the existing showroom and woodworking facility located at 223 Log Cabin Road, Tax Map 31 Lot 3A in the R-3 district, subject to the following conditions:

1. The applicant has two years from the date of this approval to complete all improvements.
2. No Certificate of Occupancy shall be issued by the Arundel Code Enforcement Officer until the Town Planner presents a Letter bearing the seal of John W Einsiedler, RA certifying that all improvements have been completed in accordance with the approved plans and this Conditional Use permit.

**Motion:** Mr. Cain motions to approve the Major Conditional Use application of Huston and Company for the construction of an 1856 sf furniture finishing and storage addition to the existing showroom and woodworking facility located at 223 Log Cabin Road. Ms. Roth seconds.

**Vote:** Unanimous in favor.

**Item 4: Cape Arundel Cottage Resort: Major Conditional Use Application: Proposal to expand the footprint of cottage unit storage sheds from the maximum of 100 square feet approved on July 14, 2016 to 120 square feet in order to accommodate golf cart storage on a 294.3 acre parcel. Tax Map 15, Lot 13 in the BI and Shoreland Districts. Arundel Kennebunkport Cottage Preserve LLC is the owner/applicant and Rick Licht of Licht Environmental Design is the applicant's agent.**

Mr. Cain inquires if additional exterior lighting would be put in place. Mr. Paolini indicates that the Association would not allow it. Ms. Roth confirms that the doors to the structure would be opened manually. And, Mr. Bergen inquires about an entrance ramp. Mr. Paolini confirms that there will be one.

**Motion:** Ms. Roth motions to approve the change of shed dimensions allowed from 100 sq ft to 120 sq ft. Mr. Bergen seconds.

**Vote:** Unanimous in favor.

## VI. NEW APPLICATIONS

**Item 1: Rontu's Run Dog Daycare: Major Conditional Use Application: Proposal to establish a Pet Daycare Center in an existing Riding Stable located at 496 Limerick Road. Tax Map 27, Lot 2, in the R1 District. Kristin Woodward is the owner and applicant.**

Ms. Woodward reviews the intent of her application and the improvements that she's made to the property since she's last seen the Board.

Mr. Redway provides an overview of the concerns the Board had when the applicant initially presented. A fresh site walk is recommended.

- Lack of indoor play space
- Need for adequate parking
- Need for appropriate lighting

Mr. Cain asks what kind of numbers the applicant is expecting to have. Ms. Woodward indicates that she would expect 10-15 canines.

Ms. Roth asks that the applicant have credentialing available for review at the site walk.

**Motion:** Mr. Bergen motions to schedule a site walk for Saturday Jan 26<sup>th</sup> at 8:30am. Mr. Cain seconds.

**Vote:** Unanimous in favor.

**Item 2: Jo Ann's Children's Center: Major Conditional Use Pre-Application: Proposal to increase the number of pupils in an existing child daycare center from 20 to 40 children, with associated parking in the Arundel Business Center. Located at 39 Limerick Road, Tax Map 35, Lot 13A in the Downtown Business District 1. Mike Pride is the property owner, and Kendra Gelardi is the business owner and applicant.**

Ms. Gelardi reviews her plan to expand into a newly vacated (and abutting) office space to allow for the addition of two preschool classes of 10 children each.

The Board's initial concerns are:

- parking; is it adequate?
- traffic flow; it seems awkward and traffic runs in between the building and the play space

**Motion:** Ms. Roth motions to schedule a site walk for Saturday Jan 26<sup>th</sup> at 9:15am.  
Mr. Bergen seconds.

**Vote:** Unanimous in favor.

Mr. Bergen motions to adjourn at 8:37pm. Mr. Cain seconds.

**Adjourn**

Respectfully submitted,



Corinne A. Goulet  
Secretary to the Planning Board

