

Arundel Planning Board Agenda
Minutes Regular Meeting
January 12, 2017 7:00 pm
Mildred L Day School Library 600 Limerick Road

Board Attendees: Rich Ganong, Jamie Lowery, Chip Bassett, Marty Cain, Tom McGinn, and Tad Redway, *Town Planner*

Public Attendees: Chip Laite, *Sargent Construction*; John Kimball, *Kimball Farms*; Elizabeth Clark and Peter Lovejoy, *applicants*; Sol Fedder, Rick Dubois, Randy Dubois, Marcel Dubois, Dawson Dubois, *Dubois Livestock, Inc*; Noah Wentworth and Flora Brown, *Frinklepod Farm*; John Mahoney, PE, *Ransom Consulting*.

Call to Order :Chair Ganong called the meeting to order at 7:03 pm.

I. APPROVAL OF AGENDA

MOTION: Mr. Cain moved and Mr. Lowery seconded the motion to approve the agenda with the revision that the Kimball-Sargent Gravel Pit renewal application be heard first under Pending Applications.

VOTE: Unanimous in favor

II. APPROVAL OF MINUTES: *Minutes of November 10, 2016; December 8, 2016*

MOTION: Mr. McGinn moved and Mr. Cain seconded the motion to approve the minutes of November 10, 2016 as written.

VOTE: Unanimous in favor

It was the consensus of the Board to table the minutes of December 10, 2016 until the next meeting.

The Planner requested the Board act on the minutes of January 5, 2017

MOTION: Mr. Lowery moved and Mr. McGinn seconded the motion to review the minutes of January 5, 2017 for adoption.

VOTE: Unanimous in favor

MOTION: Mr. Lowery moved and Mr. Cain seconded the motion to approve the minutes of January 5, 2017 with the amendment that the word “not” be inserted into the following sentence on page 1 under Item 2: “*Messrs. Bassett, Lowery, and Ganong were not convinced that comprehensive limits for each animal species as recommended by the CPRC could be devised and even more skeptical that such standards could be enforced.*”

VOTE: Aye: Messrs. Ganong, Bassett, Cain & Lowery. **Abstain:** Mr. McGinn

III. PUBLIC HEARINGS

Item 1: Kimball Gravel Pit-Renewal of Conditional Use Permit: Renewal of an existing 4-acre mineral extraction operation located at 346 Thompson Road Tax Map 20 Lot 7 in the R-4 district. John and Dianna Kimball are the property owners, Sargent Corporation is the leasee and Chip Laite is the authorized agent.

Chair Ganong opened the Public Hearing at 7:12 pm. No one from the public spoke. Chair Ganong closed the Public Hearing at 7:13 pm.

IV. PENDING APPLICATIONS

Item 1: **Kimball Gravel Pit-Renewal of Conditional Use Permit:** Renewal of an existing 4-acre mineral extraction operation located at 346 Thompson Road Tax Map 20 Lot 7 in the R-4 district. John and Dianna Kimball are the property owners, Sargent Corporation is the leasee and Chip Laite is the authorized agent.

Most of the Board's discussion focused on the applicant's proposed installation of the 25-foot wide 6-foot high gravel berm along boundary of Map Lot 3A to replace the vegetative buffer clearcut by the property owner two years earlier. In response to the Planner's comments, Mr. Laite assured the Board that the top of the proposed 6-foot high gravel berm will be augmented with 2-3 feet of topsoil, derived from stockpiles on the site, thereby providing a suitable medium for the proposed transplanted trees. The Board concluded that transplanted trees from the site could be used provided they were 3-4 feet in height, and planted in two staggered rows at 15 feet on center. Trees that failed to survive would have to be replaced.

The Chair read the Findings of Fact and the Board voted as follows on the 8 conditions under LUO § 9.7.H:

MOTION: Mr. Cain moved and Mr. McGinn seconded the motion that the application met the standards of LUO §9.7.H.1.

VOTE: Unanimous in favor

MOTION: Mr. McGinn moved and Mr. Lowery seconded the motion that the application met the standards of LUO §9.7.H.2.

VOTE: Unanimous in favor

MOTION: Mr. Cain moved and Mr. McGinn seconded the motion that the application met the standards of LUO §9.7.H.3.

VOTE: Unanimous in favor

MOTION: Mr. McGinn moved and Mr. Lowery seconded the motion that the application met the standards of LUO §9.7.H.4.

VOTE: Unanimous in favor

MOTION: Mr. McGinn moved and Mr. Cain seconded the motion that the application met the standards of LUO §9.7.H.5.

VOTE: Unanimous in favor

MOTION: Mr. Bassett moved and Mr. Lowery seconded the motion that the application met the standards of LUO §9.7.H.6.

VOTE: Unanimous in favor

MOTION: Mr. McGinn moved and Mr. Lowery seconded the motion that the application met the standards of LUO §9.7.H.7.

VOTE: Unanimous in favor

MOTION: Mr. McGinn moved and Mr. Cain seconded the motion that the application met the standards of LUO §9.7.H.8.

VOTE: Unanimous in favor

MOTION: Mr. McGinn moved and Mr. Lowery the motion to approve the conditional use renewal of Sargent Construction for a five acre gravel pit on Map 20 Lot 7 contingent upon the following conditions:

- Transplanted pine trees shall be 3-4 feet in height
- Planted trees shall be situated no more than 15 feet apart on center
- The adequacy of the \$50,000 bond shall be confirmed prior to the issuance of the renewal permit.

VOTE: Unanimous in favor

Findings of Fact and Decision are attached to the Minutes as Exhibit A.

Item 2: Lovejoy Subdivision: Preliminary Major Subdivision Review: Proposal to develop three single family residential lots on a 1,100 foot long private way in a 5.31 acre parcel located at 295 Limerick Road, Tax Map 28 Lot 6 in the R1 district. Owner and applicant is Peter Lovejoy and Paul Gadbois, PE is the applicant's agent.

The Planner reported that Woodard & Curran approved the nitrate loading study prepared by StoneHill Environmental, and had received a construction cost estimate from Labbe Excavation in the amount of \$56,000. Mr. Redway stated that the construction budget was low and would not provide sufficient funds for the Town Engineer to inspect the road during the various construction phases. As an alternative, he suggested that no building permits be issued until the design engineer, Paul Gadbois, certifies the road construction meets the Town standards. While recognizing the Board's previous acceptance of the option to prohibit lot sales until road completion and engineer approval, Mr. Bassett stated he was more comfortable if some cash escrow was committed as a performance standard.

MOTION: Mr. Bassett moved and Mr. Lowery seconded the motion that the applicant would provide a cash performance assurance of \$11,200 in the form of a Letter of Credit, a cash escrow, or a Bond, and no Building Permit would be issued until the Town Engineer approved the final construction of Elizabeth's Way.

VOTE: Aye: Messrs. Lowery, Bassett, and McGinn. **Nay:** Messrs. Ganong and Cain. Motion passes.

The Board discussed the option of construction inspection by the design engineer, but concluded the Town Engineer should conduct the inspections.

MOTION: Mr. Bassett moved and Mr. McGinn seconded the motion that the applicant would submit a check in the amount of \$3,000 to the Town Planner to cover materials testing and inspections by the Town Engineer during the construction of Elizabeth's Way.

VOTE: Unanimous in favor.

The Chair read the amended Findings of Fact for the Final Subdivision approval, a copy of which is attached as Exhibit B to these minutes.

MOTION: Mr. Lowery moved and Mr. McGinn seconded the motion to approve the Final Subdivision application of Peter Lovejoy to develop three single family residential lots on a 1,100 foot long private way in a 5.31 acre parcel located at 295 Limerick Road, Tax Map 28 Lot 6 in the R1 district, subject to the conditions in the Findings of Fact.

VOTE: Unanimous in favor.

V. NEW BUSINESS

Item 1: Dubois Automobile Salvage-Conditional Use Renewal: Proposed application to renew expired permit to continue operation of an existing 85,000 sf +/- automobile salvage area on a 3.6 acre site located at 2 Irving Road, Tax Map 19, Lot 6 in the R-4 District. Dubois Livestock, Inc is the applicant.

The Planner reported that the applicants are renewing their existing permit prior to its expiration. The LUO requires a site walk. The Planner notified the Board that the abutting property to the southwest has been conveyed out of the Dubois family and asked whether the applicant would be obligated to now install the 8-foot fence mandated by LUO§8.2.B.3.

It was the consensus of the Board that the condition was pre-existing and the installation of the remedial fence was unwarranted.

A site walk was scheduled for Saturday January 21, 2017 at 8:00 am and a public hearing is scheduled for

MOTION: Mr. McGinn moved and Mr. Lowery seconded the motion to schedule a public hearing for January 26, 2017.

VOTE: Unanimous in favor.

Item 2: Frinklepod Farm: Major Conditional Use Pre-Application for Expansion of an existing Farm Retail Operation: Request to construct an additional 3,784 sf two-story structure containing greenhouse, produce storage, work areas, and a residential apartment located on 16.3 acres of land at 244 Log Cabin Road Tax Map 31, lot 3 and 3B in the R-3 District. Noah Wentworth and Flora Brown are the owners and applicants.

The applicant presented his proposed plan for the second building on the Frinklepod Farm site and confirmed that the application will consist of a retail display area and a public kitchen and a second floor studio apartment for an intern, accessible only from a separate exterior stairway. Floor area calculations reveal that the total area that will be dedicated to public retail use will be 675 sf with an additional 45 sf for entrance leaving a total of 710 sf. According to the parking standards of LUO §7.6.C3.g, the applicant must provide 3 parking spaces, plus an additional parking space for the apartment. The applicant was advised that he would need to provide a dedicated ADA parking space near the entry.

The applicant presented his MDOT Driveway entrance permit dated 12-14-2016 permitting the driveway curbcut onto Log Cabin Road.

The applicant's engineer John Mahoney of *Ransom Consulting* explained the proposed stormwater management system in which runoff from the building and the parking lot/driveway would be collected into a "rain garden" with 12 inches of filter medium, and the overflow would be dispersed into the surface irrigation system serving the row crops. Excess runoff will meander 1200+ feet through the fields to a drainage ditch that eventually discharges into the Log Cabin Road drainage system and then under the state road into Goff Mill Brook. The Planning Board determined that this watershed routing and stormwater repurposing was admirable and met the stormwater management criteria of the LUO.

MOTION: Mr. McGinn moved and Mr. Lowery seconded the motion to determine the application complete pending the addition of a ADA parking space and scheduled a public hearing for January 26, 2017.

VOTE: Unanimous in favor.

VI. AMENDMENTS TO LAND USE ORDINANCE

Item 1: Review existing Shoreland Zoning: Definitions and District classifications

The Chair determined that given the time, the review of Shoreland amendments would be deferred to a later date.

VII. Planner's Report

1. Mr. Redway reminded the Board of the following:
 - Selectmen's Public Hearing on January 23, 2017 for the special Town Meeting addressing the promulgation of the New Format for the Land Use Ordinance.
 - Special Town Meeting will be conducted on January 30, 2017 in the Library of the ML day School with warrant 3 being the adoption of the new LUO format, and Warrant 4 being report on the TIF captured value for the Cape Arundel Cottage Resort. All Planning Board members are encouraged to attend and support the proposal.
 - The Shoreland Zoning Workshop will be held at the Lyman Town Hall at 7:00 pm on January 19, 2017.

2. Mr. McGinn asked why changes had been made to the Accessory Apartment criteria at the January 5th meeting. The Board members explained their rationale for the changes.
3. The Planning Board requested an update on the outstanding violations on the Champagne Parking Lot on Old Post Road and the Lot 10 in J Group's Brookside Subdivision. The Planner referenced recent simulations for the Champagne Lot prepared by Tom Emery LA. The Board concluded that the simulations did not meet their minimum standards and did not resolve the problem. The Board instructed the Planner to notify both Champagne Energy and J Group that they had 28 days to submit remedial landscape buffering plans that conformed to the Planning Board's instructions.
4. Mr. Bassett proposed two potential solutions to recent dilemmas regarding Farm Retail selling co-op products other than fur or wool, and the problem of integrating animal husbandry into dense residential areas:
 - Regarding Farm Retail, any product that was sold in a co-op manner, can sell packaged or value added products that are 110% of the weight or volume of the raw material produced by the farm.
 - Regarding livestock farms in residential zones, the Board should create Farm Overlay Zones that contains strict eligibility standards that an applicant must meet in order to receive this designation. Eligibility criteria include lot size, setbacks, wind direction and proximity to residential neighborhoods, wetlands proximity, manure handling, livestock species and numbers.

Adjourn: *MOTION:* Mr. Bassett moved and Mr. Lowery seconded the motion to adjourn the meeting at 10:14 pm.

VOTE: Unanimous in favor.

I hereby attest the preceding is a true and accurate account of the Arundel Planning Board Meeting of January 12, 2017.

Tad Redway
Secretary Pro Temp

Exhibit A
FINDINGS OF FACT AND MOTION FOR APPROVAL
Conditional Use Permit Renewal for
Sargent Gravel Pit

WHEREAS on November 10, 2016, the Arundel Planning Board received a Conditional Use application renewal from Sargent Corporation for a proposed Conditional Use Permit renewal of an existing 5-acre mineral extraction operation located at 346 Thompson Road Tax Map 20 Lot 7 in the R-4 district.

WHEREAS on December 10, 2016 the Arundel Planning Board conducted a site walk of the proposed activity project site.

WHEREAS, on January 12, 2017 the Arundel Planning Board conducted a Public Hearing on the proposed renewal;

FINDINGS OF FACT

1. The owner of the property is John and Dianna Kimball.
2. The applicant is the Sargent Corp.
3. The property is located on the Alfred Road, and is identified as Arundel Assessors Map 20, Lots 7 and 8 and Map 7, Lot 3.
4. The property is approximately 78 acres in size with approximately 560 feet of frontage on the Alfred Road and is located in the R-4 zoning district.
5. In 1991, the applicant received approval for a mineral extraction operation on the premises. Approval has been renewed periodically since that time.
6. The area approved for extraction is approximately 4-5 acres in area. Only about 3 acres have been excavated to date.
7. The applicant has submitted a site and grading plan prepared by Sargent Corporation dated 8/22/07 with revisions through to 6/10/10 showing recent regrading and excavation areas.
8. The applicant maintains a surety bond for \$50,000.00 for reclamation of the pit.

CONCLUSIONS

1. *9.7.H.1 That the use is compatible with and similar to the general categories of uses of neighboring properties.*

The Planning Board finds that the existing use and proposed expansion is a permitted conditional use in the district and is compatible with other similar uses in the R-4 district.

2. *9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood.*

The Planning Board finds that mineral extraction uses are permitted uses in the Rural Conservation district as outlined in the Comprehensive Plan and therefore the use is in fact in conformance with the 2015 Comprehensive Plan.

3. *9.7.H.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 Planning Board finds that the application is in conformance the criteria of section 9.7.H.3 in that the site is remote with no foot traffic and very little vehicle traffic. The MDOT Traffic Movement permit is in force and there is a paved apron at the entrance to protect the integrity of the Rte 111 travelway.

4. *9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.*

The Planning Board has found that the application meets the criteria of Section 9.7.H.4 in that the use does not require an on-site water supply or sewage disposal system and therefore has no impact upon these environmental concerns.

5. *9.7.H.5 That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties.*

The Planning Board has found that the application meets the criteria of Section 9.7.H.5 in that there has been very little excavation performed on the site and the Code Enforcement Office has not reported any citizen complaints in the past three years.

6. *9.7.H.6 That the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use.*

The Planning Board has found that the application meets the criteria of Section 9.7.H.6 in that the slopes are consistent with the original plan and all drainage is diverted into the pit area. All standards in section 9.7.H.6 are met.

7. *9.7.H.7 That the use will not constitute a public or private nuisance.*

The Planning Board has found that the application meets the criteria of Section 9.7.H.7 and the Code Enforcement Office has not reported any citizen complaints in the past three years.

8. *9.7.H.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.*

The Planning Board has found that the application meets the criteria of Section 9.7.H.8 in that all submissions by the applicant are in compliance with and meet the performance standards.

DECISION

Based on the above facts and conclusions, the Arundel Planning Board approves renewal of the conditional use permit for Sargent Corporation to continue operation of 5-acre mineral extraction operation located at 346 Thompson Road Tax Map 20 Lot 7 in the R-4 district, contingent upon the following conditions:

1. Hours of Operation will be limited to Monday thru Saturday 7am-6pm.
2. The applicant shall maintain a \$50,000 surety bond naming the Town of Arundel as the insured for the period of this permit.
3. The applicant shall install the proposed buffer berm 25' wide and minimum 6 foot high buffer strip shown on the plans dated 7/03/07 with revisions to 12/7/16 between the gravel pit and the property identified as Map 7 Lot 3A . Double staggered row of 3-4 foot high *Pinus strobus* , *Pinus sylvestrus*, and or *Pinus nigra* shall be planted at no greater than 15 feet on center along the top of the proposed berm. Any plant material that dies during the term of this permit must be immediately replaced.
4. This permit shall expire on October 24, 2019.

SO APPROVED by the Arundel Planning Board this 12th day of January 2017:

EXHIBIT B

Findings of Fact and Approval Motion ***Lovejoy Subdivision-Final Subdivision Application*** **January 12, 2017**

WHEREAS, on November 10, 2016 the Planning Board granted a Preliminary Major Subdivision approval for the development of three single family residential lots on a 1,100 foot long private way in a 5.31 acre parcel located at 295 Limerick Road, Tax Map 28 Lot 6 in the R1 & R4 districts.

WHEREAS, on January 12, 2017 the Arundel Planning Board received the Final Subdivision application for the project. Having heard public comment regarding the project on November 10, 2016, the Planning Board has determined that an additional public hearing is unnecessary.

WHEREUPON the Arundel Planning Board reviewed and given due consideration of the applicant's Preliminary subdivision application and has arrived at the following findings of fact:

FINDINGS OF FACT

1. The owner with right title and interest of Tax Map 28 Lots 6 is Peter Lovejoy.
2. The proposed development consists of a 3-lot single family residential subdivision on a 5.31 acre parcel located at 295 Limerick Road, Tax Map 28 Lot 6 in the R1 & R4 districts;
3. Primary road access for three proposed lots shall be from Limerick Road via a 1,100 lf private subdivision road tentatively named Elizabeth Way. The road shall remain private and shall not petition acceptance as a Town street.
4. The applicant will create a Homeowners' Association which shall be solely responsible for maintenance and repair of all roads, drainage structures and systems, buffers and other common infrastructure associated with the project and Identified on the approved plans and the Homeowner's Declaration of Covenants.
5. The project is a standard subdivision project with individual lot sizes ranging from 46,508 sf to 83,914 sf.

6. Each lot will be serviced by on-site wells and septic systems, so located on the subdivision plans.
7. The applicant has prepared a nitrate loading study as prepared by Stone Hill Environmental Inc, which has been reviewed by the Town Engineer and determined to be compliant;
8. To meet Fire Protection standards the applicant shall require all residential units to be constructed with automatic residential sprinkler systems meeting the requirements established by the Arundel Fire Chief.
9. The applicant has submitted plans and engineering drawings for the proposed subdivision in the following documents:
 - A hydrogeologic nitrate impact study prepared by Stone Hill Environmental Inc and dated September 12, 2016;
 - Preliminary Subdivision Plan set for *Lovejoy Subdivision*, prepared for Peter Lovejoy by Paul Gadbois, PE, dated June 22, 2016 with revisions to with revisions through November 10, 2016.
 - Subdivision Road Plan & Profile prepared for Peter Lovejoy by Paul Gadbois, PE, dated June 22, 2016 with revisions to with revisions through November 10, 2016.

CONFORMANCE WITH ARTICLE XI PERFORMANCE STANDARDS

After due review and consideration the Arundel Planning Board has determined the Final Subdivision Plan application to be in conformance with the criteria of Section 11 of the Arundel Subdivision Ordinance as follows:

- 11.1 Water Pollution:** The proposed project will discharge runoff directly into the adjacent wetland provides a method of disposal and treatment that will not require a license or permit from the Maine DEP.
- 11.2 Water Supply:** The proposed subdivision is not within 1,000 of a public water supply and therefore individual wells and on-septic systems will be installed for each residential and commercial lot. The applicant has demonstrated that the placement of on-site systems will meet State Plumbing Code standards.

To provide adequate fire department water supply the applicant elects to require in the covenants that all residences in the subdivision will be constructed with automatic residential sprinklers, as approved by the Arundel Fire Chief.
- 11.3 Impact on Existing Water Supplies:** The proposed project will not require and therefore not impact established water supplies or suppliers.
- 11.4 Soil Erosion Control Plan:** The applicant has submitted a plan demonstrating adequate soil erosion control measures to protect downstream properties and exposed slope during the construction process.
- 11.5 Traffic Conditions:** The trip generation anticipated of this project is anticipated to be less than 40 trips per day. This will not result in a Level of Service E rating for the intersection of Elizabeth's Way with Limerick Road during peak hours.
- 11.6 Sewage Disposal:** Sewage disposal shall be accommodated by on-site septic systems. On site soil tests show that all lots have adequate soils to support such systems.
- 11.7 Solid Waste:** The proposed project will not generate undue solid waste volumes that will tax the Town's capacity to dispose of solid waste.
- 11.8 Impacts on Scenic Beauty Historic Sites and Rare Natural Areas:** The applicants have designated a large portion of the property for permanent open space that will be retained and maintained by the Homeowner's Association.
 - The limits of project forest land removal are delineated on the record plans.
 - There are no archeological, historic, or critical shoreline areas identified on the site, nor are any areas identified by the Maine Natural Heritage Program on the site.
 - The project is not located within 1,320 feet of any Deer wintering yard identified by the Department of Inland Fisheries and Wildlife.
 - No portion of the Project is within a Resource Protection District.

- 11.9 Conformance with the Comprehensive Plan:** The project is in conformance with the 2016 Comprehensive Plan.
- 11.10 Financial & Technical Ability:** The applicant has submitted evidence of Financial ability to complete the infrastructure improvements as part of the Final Subdivision approval application..
- 11.11 Impact on Water Quality or Shoreline:** The project is not located in the watershed of Brimstone Pond and therefore exempt from the standards of 11.11.
- 11.12 Impact upon Ground Water Quality:** Groundwater and nitrate assessment prepared by StoneHill Environmental Inc has shown that the project will not have an undue deleterious impact upon groundwater quality.
- 11.13 Floodplain Management:** The project is not located in any FEMA identified 100-year floodplain.
- 11.14 Freshwater Wetlands:** The applicant has identified all freshwater wetlands on the project site and has designed the project to have minimal impact upon these resources.
- 11.15 Stormwater Management:** The Planning Board has waived the requirement for a Stormwater Management Analysis and Plan, thereby determining that the proposed runoff from the site will not have a deleterious impact upon downstream properties and ecosystems.
- 11.6 Reservation of Open Space, Common Lands, Fire and Private Way:** The applicant has provided Homeowner's Covenants and Documents the reserve designated open spaces as perpetually undeveloped and owned in common by all property owners in the project. Clearing of vegetation within the designated common open space shall be limited to the provision of walking trails, and removal of hazard trees. Clearing for wildlife habitat enhancement shall require permits from the Code Enforcement Officer and Town Planner.
- A Road Maintenance Agreement has been submitted and approved and must be attached to each and every deed in the project assigning equal fiscal responsibility for maintenance of road and stormwater infrastructure and common property.
 - Elizabeth's Way shall remain a private way owned and maintained by the Homeowner's Association and shall not be maintained in any way by the Town of Arundel.

CONCLUSIONS OF THE PLANNING BOARD

1. The criteria of Title 30-A MRSA §4404 have been met.
2. The standards of the Arundel subdivision regulations for Final Approval have been met.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Preliminary Subdivision Plan of Peter Lovejoy the proposed development of three single family residential lots on a 1,100 foot long private way in a 5.31 acre parcel located at 295 Limerick Road, Tax Map 28 Lot 6 in the R1 & R4 districts, contingent upon the following:

1. The subdivision must be recorded in the York County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board otherwise it shall become null and void.
2. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications.
3. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan.
4. Failure to complete substantial construction of the subdivision within 2 years of the date of approval of the Plan shall render the Plan null and void.
5. Before any construction activity commences on the site, the applicant shall submit the following to the Town Planner
 - a. Monetary Performance Assurance in the amount \$11,200 in one of the instruments sanctioned in Article 13 of the Arundel Subdivision Ordinance.
 - b. A check for \$3,000 to cover all inspections of the project by the Town Engineer;

6. No building permits shall be issued for any of the lots within the subdivision until the Town Engineer has submitted to the Town Planner and the Code Enforcement Officer a letter affixed with the engineer's seal certifying that the road has been constructed to the approved plans and the design standards of the Arundel Subdivision Ordinance and section 7.7.B of the Arundel Land Use Ordinance.
7. No lot may be conveyed to another owner until the lot pins and road monuments have been set by a Maine licensed surveyor.
8. At least five days prior to commencing construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer and Town Planner in writing of the commencement of construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications, requirements, and conditions of approval shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
9. Between November 1 and November 15 the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems that were encountered.
10. Upon completion of street construction, the subdivider shall submit to the Town Planner "As built" plans of all infrastructure improvements.
11. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until their control is placed with a lot owners association.
12. The subdivider shall record a deed transferring ownership to the association within 45 days of final completion and inspection of the subdivision. A copy of the recorded deed shall be submitted to the Town Planner with 60 days of final approval.
13. *Elizabeth's Way* shall remain a private way and shall not be accepted or maintained by the Town of Arundel.
14. All residential units within the project shall be constructed with an Automatic Fire Protection Sprinkler System in conformance with NFPA 13D and/or 13R.

So approved by the Arundel Planning Board this 12th day of January 2017.