

Arundel Planning Board Minutes

November 29th, 2018 - 7:00pm

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

Board Attendees: Mr. Cain, Mr. Lowery, Mr. Morin, Ms. Roth, Mr. Ganong, Town Planner Mr. Redway, Secretary Ms. Goulet, Town Council Leah Rachin

Attendees: Alan LaBrecque, Lynn Howe, Bruce Read, Bree Gajtkowski, Cliff Gajtkowski, Susan K., Charles Bassett, Robert Cole, William Stilphen, David Jones, Jason Vafiades, Stacy Gile, Dewey Gile, Jeff Stolp, Bill Huston, Saer Huston, Priscilla Coffin, Joe Paolini, Rick Licht

Call to Order: Chair Ganong calls meeting to order at 7:01pm.

I. APPROVAL OF AGENDA:

Motion: Mr. Morin motions to approve the agenda as written, with two pages. Ms. Roth seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES:

Motion: Mr. Cain motions to approve the minutes as written. Mr. Morin seconds.

Vote: Unanimous in favor.

III. CITIZEN COMMENTS:

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

IV. 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.

The applicant has submitted a letter requesting a 30 day extension.

Motion: Mr. Lowery motions to grant the requested 30 day extension. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 2: Pave Tech Corp Contractor Yard: *Major Conditional Use:* Proposal for the establishment of a Contractor Yard 2 operation for an existing paving contractor business located on an interior 5 acre parcel. Tax Map 37, Lot 8A, served by the private way Stilphen Lane with access off Sinnott Road in the R4 District. William Stilphen is the owner and applicant and Atlantic Resource Consultants are the applicant's agent.

Mr. Ganong confirms with Mr. Vafiades that it's the applicant's intent to install a solid surface fence and not one with any gaps as initially indicated. Mr. Vafiades also notes that Mr. Ambrose, the professional who performed the noise study, had been consulted again based on findings by Acentech. Mr. Ambrose maintains that the recommended fence would allow the applicant to be in compliance with the ordinance.

Mr. Read speaks to express disappointment that the Board did not grant an extension for his clients to contact and consult with their own noise specialist in order to assess any new findings and/or conclusions. Despite this, the Howe's were able to secure the professional opinion of Mr. Markham from Acentech. Mr. Read provides Mr. Markham's credentials and reads Mr. Markham's letter into the record.

In relation to Mr. Markham's letter, Ms. Gile provides photos of trucks seen on or near the Stilphen property that appear to be different and/or larger than the type of truck (a 2 axel GMC) that was used as the primary example in Mr. Ambrose's noise study.

Mr. Cain asks the applicant/applicant's representatives if a floating tri-axel truck would make more noise.

Mr. Vafiades indicates that all of Mr. Stilphen's trucks were on site at the time of the noise study and that the loudest of the bunch was chosen.

Mr. Jones speaks to state that this presentation by Mr. Read and the Gile's is all speculation.

Ms. Roth asks the applicant/applicant's agents to define "running" as used in the noise study. Is that the equivalent of "idling"? What about coming and going? Or dumping a load?

Mr. Stilphen states that the noise measurement was taken at idle and that it takes :15 seconds to exit the property.

Ms. Roth points out that Mr. Markham seems to think that these other activities could also be subject to measurement.

Mr. Raincourt, representing the Giles, reads an excerpt from Mr. Ambrose's report and points out that it is unclear that the truck measured was in fact even on site at Mr. Stilphen's property.

Chair Ganong curtails this direction of thought by stating that Mr. Ambrose was hired to measure noise at Mr. Stilphen's property and that to measure elsewhere would be impractical and even untoward – so let's not make assumptions.

Ms. Gile provides recordings on her iPad (with associated dates) to provide noise context for activities such as unloading/dumping and how they differ from the measured level at idle.

Attendee and abutter, Mr. Bassett, concedes that the lower horse power truck (that the study focused on, may make more noise at idle than others but points out that he would think that the higher horse powered truck would be louder when in gear.

Mr. Jones points out that the required noise study that Mr. Ambrose performed found that a solid fence would put the applicant in compliance with the noise ordinance. Without the fence in place it is impossible to verify the findings, anything else is just speculation. Mr. Jones proposes that the Board require a test be done again after the fence is installed. If additional measures need to be taken based on those results, the applicant could accommodate.

Mr. Ganong asks when the fence is expected to be installed.

Mr. Stilphen indicates that he expects that it would be installed in the Spring. Starting in May, done by June.

Mr. Cain asks when the frost is out of the ground in hopes to ascertain when the paving season starts.

Discussion ensues and the Board members and Mr. Stilphen appear to agree that the paving season can start between April 15th and the beginning of May.

Ms. Howe speaks up to voice acute concern that the Planning Board may allow for an extension to prolong this whole matter even further.

Mr. Ganong states that the Board will be voting on the matter tonight. The purpose of the discussion was to possibly require the fence to be installed prior to the beginning of the paving season if Pave-Tech is allowed the Contractor 2 yard.

Ms. Gile asks to read, and does read, a letter from Santiago and Canosa, abutters who were unable to attend.

Mr. Jones voices objection to the letter being read/submitted since it's so long after the actual public hearing.

Mr. Gile speaks to indicate that, due to his profession, he owns a decibel meter and has personally measured noise levels in violation of the ordinance. Would the Board consider requiring a noise study over an extended time period?

Mr. Jones proposes that any additional testing be conducted after the recommended fence has been installed.

Ms. Howe speaks to express concern that all of the suggested calculations/hoops/proposals seem to indicate that this expanded use belongs in the neighborhood.

Mr. Jones points out that the fence is being installed to protect abutters that not complained or expressed concern. This action is *not* meant to further protect the Giles or Howes.

Leah Rachin, Arundel Town Council, highlights that the Board will now be reading a *draft* of the Findings of Fact & Motion for Decision. After the vote, she and the Planner may review and edit areas of concern with wording, order or Scrivener errors. Any of these adjustments will have no impact on the overall decision on this topic by the Board this evening.

Mr. Ganong starts by reading the Findings of Fact.

*Town of Arundel
Arundel Planning Board*

**FINDINGS OF FACT AND MOTION FOR DECISION
Pave Tech Inc
Major Conditional Use Permit Application**

***WHEREAS**, the Arundel Planning Board granted William and Star Stilphen a one-year conditional use permit on April 16, 2003 to operate a paving business at the parcel Map 37, Lot 8A off of Stilphen Way in the then Rural Residential District. The Planning Board imposed a series of conditions on the permit, including limiting the parked fleet of over-the-road construction vehicles to two dump trucks and two equipment trailers, restricting vehicle idling times to no more than 15 minutes, and mandating business vehicles to start no earlier than 7 am.*

***WHEREAS** on May 13, 2004 the Arundel Planning Board granted a permanent Conditional Use Permit for the paving operation given the applicant's demonstrated compliance with the restrictions and limitations of the April 16, 2003 permit.*

***WHEREAS**, on April 13, 2017, the applicant was cited by Code Enforcement Officer for violating the 2003 Conditional Use Permit Conditions by exceeding the limitations on the number of vehicles parked on the site, as well as for the operation of a State-licensed Medical Marijuana Caregiver Production Facility without obtaining a conditional use permit from the Town of Arundel.*

***WHEREAS**, on June 13, 2017 and June 21, 2017, the applicant entered into a Consent Agreement with the Town of Arundel to remove from the site all vehicles except those prescribed in the 2003 Conditional Use Permit and to remove the Medical Marijuana Caregiver Production facility from the property. The applicant also agreed to obtain a conditional use permit for operation of a Contractor Yard 2 before any additional road vehicles could be parked on the site.*

***WHEREAS** on June 22, 2017, the Arundel Planning Board received a Conditional Use Preapplication for the operation of a Contractor Yard 2 on the existing site.*

***WHEREAS**, on July 8, 2017, the Planning Board conducted a public site walk of the proposed project site.*

WHEREAS, on July 13, 2017, the Planning Board informed the applicant what submission requirements would be required to apply for a Contractor Yard 2 license.

WHEREAS, on July 13, 2017, the Planning Board received a Major Conditional Use application for the operation of a Contractor Yard 2, limited to four (4) dump trucks and trailers and associated equipment.

WHEREAS, on August 9, 2018, the Planning Board determined the Pave Tech Corp. Major Conditional Use application complete in accordance with LUO §10.6.3.2.

WHEREAS, in conformance with LUO §10.6.3.3, the Planning Board conducted a Public Hearing on August 23, 2018 with a continuance on September 13, 2018 to permit extended public comment.

WHEREAS on October 11, 2018 the Planning Board granted the applicant a 30-day extension to provide legal substantiation for noise easements purchased by the applicant from abutters and intended to serve as a noise mitigation measure.

WHEREAS on November 8, 2018 the Planning Board granted the applicant a 30-day extension to prepare and submit designs for physical sound attenuation barriers to meet the requirements of LUO section 5.11.1;

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

FINDINGS OF FACT

1. *The owner of the property is William Stilphen and the applicant is Pave Tech Corp.*
2. *The property is located at Stilphen Way in the R4 district. There are no Shoreland Zoning Districts on or directly adjacent to the proposed site.*
3. *The Pave Tech has a valid conditional use permit issued in 2003 and 2004 to operate a paving business on the site with road worthy equipment restricted to 2 dump trucks and two trailers, and assorted paving equipment such as a paver sidewalk paver, rollers and hand tools that can be carried on the trailers and trucks.*
4. *The applicant proposes to increase the Pave Tech fleet size over the limits of the 2004 Conditional Use permit, by an additional 2 dump trucks and trailers and associated equipment. These vehicles were parked and have operated on the site prior to the submission of this permit application June 2017, but have since been removed in compliance with a Notice of Violation issued by the Code Enforcement Officer, and the June 13, 2017 Consent Agreement with the Town of Arundel.*
5. *According to LUO § 9.3.14.4.a Contractor Yard 2 operations are permitted in the R-4 district as conditional uses. The applicant's proposed layout of parking and storage areas on the site is in compliance with the space and bulk requirements of LUO §6.10.3.*
6. *The applicant has provided a noise study prepared by SE Ambrose Audiologist, dated July 24, 2018 with revisions and mitigation measures dated September that demonstrates that the proposed four dump truck compliment of fleet vehicles can ingress and egress the site without violating the 60dB maximum sound pressure of LUO§ 5.11.1 for a mixed use district, as measured at the southern property line during the hours 7am-10pm. The same study revealed that the noise from all trucks operating at the same time will exceed the 60dB maximum for 7am-10pm operation along the norther and eastern boundary lines, unless the one at a time within an aggregate 7 minutes time period and return before 10pm using the same protocols for egressing.*
7. *The applicant has secured noise easements from the abutters to the east and the north that grant the applicant the right to project sound pressures exceeding the decibel limits of LUO§ 5.11.1, The Town Attorney has advised the Planning Board that these easements do not eclipse or abrogate the requirements of LUO§ 5.11.1.*

8. *The applicant has conducted a Groundwater test of three wells on the Pave Tech property prepared by Nelson Analytical Lab and dated June 25, 2018, indicating no evidence of groundwater contamination from the parking site.*
9. *Documentation provided by the applicant include site plans prepared by Atlantic Resource Consultants, dated August 2017 with revisions through to June 25, 2018; wetlands delineation and assessments prepared by Longview Partners Wetlands Consultants; noise impact assessment prepared by SE Ambrose and dated November 16, 2018.*

CONFORMANCE WITH CONDITIONAL USE CRITERIA

After due review and consideration, the Arundel Planning Board concluded the applicant's compliance with the following approval criteria:

- 9.2.9.1 *That the use is compatible with and similar to the general categories of uses of neighboring properties.*
- 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 specifies that the R4 district is to serve as a mixed-use district in the future, supporting a mixture of residential, forestry, farming and resource-based industries such as gravel pits, quarries, and log yards, and contractor operations such as contractor yards.
- 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 and the proposed plan will reduce pedestrian-vehicle conflicts on the property. No changes are proposed to occur to driveway access or internal circulation.
- 9.2.9.4 *That there is adequate water supply and sewage disposal available to service the use.*
The operation will not place any demands on existing on-site septic or water supplies.
- 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: The operation of the equipment
Glare: The applicant is not proposing any additional exterior lighting on the site.
Dust: The proposed use will not generate undue amounts of dust.
Odors: Bituminous tools and solvents are proposed to be kept in storage units. Pavers are proposed to be cleaned off-site with organic non-hydrocarbon solvents.
- 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 applicant is proposing no expansion of existing parking areas or structures on the site. Therefore, there is no anticipated impact to existing slopes, vegetative cover, soils, or increased stormwater drainage from the site. The applicant proposes to use DEP -approved non-hydrocarbon-based solvents to degrease paving equipment and proposes to do all such cleaning only on the job site.
- 9.2.9.7 *That the use will not constitute a public or private nuisance.*

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

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby _____ the Major Conditional Use application of Pave Tech Corp to operate a Contractor Yard 2 on the property identified as Tax Map 37, Lot 8A,

(For approval)

subject to the following conditions:

1. *The Conditional Permit is valid for a two-year period, and then may be renewed every three years subject to compliance with the conditions herein. The Conditional Use Permit may be revoked or not be renewed in the event the Planning Board finds that the applicant has consistently failed to abide by the conditions of this permit and the performance standards of the Arundel Land Use Ordinance.*
2. *The applicant's fleet of heavy road equipment shall be limited to a total of four (4) dump trucks and four (4) trailers. Pavers, rollers, compactors and other such equipment shall be kept on the trailers or in the storage facilities on site.*
3. *All cleaning of bituminous paving equipment shall be done off site with DEP approved non-toxic solvents.*
4. *The applicant shall adhere to the departure and return sequence of the four dump trucks and trailers, as specified in the noise study prepared by S.E. Ambrose and dated November , 2018. These vehicles shall be parked in the designated spaces depicted on the site plan prepared by Atlantic Resource Consultants.*
5. *Vegetative restoration shown on the Site Plan s shall be completed prior to any return of the additional two trailers and dump trucks.*
6. *No Certificate of Occupancy shall be issued by the Arundel Code Enforcement Officer until the Town Planner presents a Letter bearing the seal of the design engineer, certifying that all improvements have been completed in accordance with the approved plans and this Conditional Use permit.*

SO APPROVED by the Arundel Planning Board this 29th day of November 2018:

Discussion ensues.

Ms. Roth expresses concern with the term “demonstrates” in #6. She feels that a term that is less definitive in nature, such as assert or claim, would be much more appropriate.

Council Rachin suggests that the letter from Mr. Markham to the Howes should be added in as #10.

Mr. Ganong reads Conformance with Contractor Yard 2 Criteria and the Board votes on each Standard individually.

1)The proposed parking lot storage area in the northeast corner of the site is visually blocked from adjacent properties by existing vegetative stands of a height in excess of 8 feet, while pavers and other equipment shall be stored on trailers in the existing storage barn or the storage trailer. (LUO 9.3.14.4.b.1)

2)There is no additional site lighting of the parking lot proposed by the applicant. (LUO 9.3.14.4.b.2)

3)Liquid bituminous materials and solvents are proposed to be kept in existing storage barns or trailers. (LUO 9.3.14.4.b.3)

4)In accordance with LUO 9.3.14.4.b.4, the site plan shows that no equipment shall be parked in the front or rear side setback of Lot 8A.

5)Over ten parking spaces are provided for employee parking on the site in accordance with LUO 9.3.14.4.b.5.

6)No above ground fuel storage tanks are proposed on the site. (LUO 9.3.14.4.b.6)

Motion: Mr. Cain motions that 9.3.14.4.b.1 has been met because the proposed parking lot storage area in the northeast corner of the site is visually blocked from adjacent properties by existing vegetative stands of a height in excess of 8 feet, while pavers and other equipment shall be stored on trailers in the existing storage barn or the storage trailer. Mr. Morin seconds.

Discussion ensues.

Mr. Morin asks if the photo presented tonight (from the Giles) is taken from the NE corner.

Mr. Lowery struggles to identify the existing screening as meeting the “visibly blocked” requirement.

Mr. Redway asks if those that went on the site walk noticed any issues at that time.

Mr. Lowery points out that “visibly blocked” feels like a more stringent standard than the typically acceptable screening or buffering on most site walks.

Mr. Redway refers to the LUO and notes that “visibly blocked” represents a barrier of 76-100%.

Mr. Lowery confirms that this is a standard that must be maintained in all seasons.

Mr. Jones voices strenuous objection to the late submission of the photo that sparked the current debate.

Mr. Stilphen notes that he has received appropriate permitting to put a fence along that property line that would accommodate for additional screening.

Ms. Roth and Mr. Morin abstain from further and voting since neither were present at the site walk.

Mr. Cain felt that sufficient screening was present at the time of the site walk.

Mr. Lowery and Mr. Ganong both note that they recall seeing houses located on MacChipkay Rd. from the site.

Council Rachin points out that the Board can require the applicant to mitigate the situation if they feel that the applicant doesn't meet the criteria.

Mr. Lowery notes that the applicant has erected a fence along a portion of this boundary line. Would it be possible to have a conditional approval requiring an appropriate fence/barrier to be extended as needed?

Vote: Mr. Lowery, Mr. Cain, and Mr. Ganong in favor with the condition of an appropriate fence or barrier. Mr. Morin and Ms. Roth abstain.

Motion: Mr. Morin motions that 9.2.14.4.b.2 has been met because there is no additional sight lighting of the parking lot proposed by the applicant. Mr. Cain seconds.

Vote: Unanimous in favor.

Motion: Mr. Lowery motions that 9.2.14.4.b.3 has been met because liquid bituminous materials and solvents are proposed to be kept in existing storage barns or trailers. Mr. Morin seconds.

Vote: Unanimous in favor.

Motion: Mr. Cain motions that 9.2.14.4.b.4 has been met because, in accordance with LUO 9.3.14.4.b.4, the site plan shows that no equipment shall be parked in the front or rear side setback of Lot 8A. Mr. Lowery seconds.

Vote: Unanimous in favor.

Motion: Mr. Cain motions that 9.2.14.4.b.5 has been met because over ten parking spaces are provided for employee parking on the site in accordance with LUO 9.3.14.4.b.5. Mr. Morin seconds.

Council Rachin inquires with the applicant regarding how many employees he has. Mr. Stilphen's reply is "under 10".

Vote: Unanimous in favor.

Motion: Mr. Morin motions that 9.2.14.4.b.6 has been met because no above ground fuel storage tanks are proposed on the site. Mr. Cain seconds.

Vote: Unanimous in favor.

Mr. Ganong directs the Board and attendees that the next section for consideration is the *Conformance with Conditional Use Criteria*. Again, each criterion is voted on individually.

Motion: Mr. Morin motions that the use is compatible with and similar to the general categories of uses of neighboring properties because the use is compatible with and similar to general categories of uses of neighboring properties is supported by the fact that the use is specifically permitted as a conditional use in the R4 District. In so doing, the Town Meeting has determined that such a use is a compatible use for that district. With the various conditions imposed and the mitigating measures proposed to be taken, the use is compatible with the general categories of uses of neighboring properties. (LUO 9.2.9.1) Mr. Cain seconds.

Each member voices their opinion: Mr. Ganong notes that there is a log yard, Red Apple Camp Ground, and a horse farm in the surrounding area. Additionally, the use complies with the COMP Plan and that the use is allowed in the R-4 District but that this seems to be an excessive use for the immediate area. Ms. Roth points out that those uses are along Sinnott Rd. in a relatively linear fashion. Mr. Stilphen's operation is nestled among a residential area. Mr. Morin states that the use *is* compatible with R-4 as a whole. Mr. Cain voices that the use is compatible. Mr. Lowery confirms that the use is indeed allowed in the R-4 District.

Vote: Mr. Lowery, Mr. Cain, Mr. Morin in favor. Mr. Ganong and Ms. Roth against.

Motion: Mr. Cain motions that the use is compatible with the Comprehensive Plan (Criteria 9.2.9.2) because the Comprehensive Plan specifies that the R4 District is to serve as a mixed-use district in the future, supporting a mixture of residential, forestry, farming and resource based industries such as gravel pits, quarries, log yards, and contractor operations such as contractor yards. Mr. Morin seconds.

Vote: Unanimous in favor.

Motion: Mr. Morin motions that there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use (Criteria 9.2.9.3) because the proposed use will not generate significant trip generation and the proposed plan will reduce pedestrian-vehicle conflicts on the property. No changes are proposed to occur to the driveway access or internal circulation. Mr. Cain seconds

Mr. Morin raises the point that more trucks would mean more trips generated.

Vote: Unanimous in favor.

Motion: Mr. Cain motions that there is adequate water supply and sewage disposal available to service the use because the operation will not place any demands on existing on-site septic or water supplies. (Criteria 9.2.9.4) Mr. Morin seconds.

Vote: Unanimous in favor.

Motion: Mr. Cain motions that meets the Criteria in section 9.2.9.5 because there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties. More specifically:

Dust; The proposed use will not generate undue amounts of dust.

Glare; The applicant is not proposing any additional exterior lighting on the site.

Odors; Bituminous tools and solvents are proposed to be kept in storage units.

Pavers are proposed to be cleaned off-site with organic non-hydrocarbon solvents.

Noise; The operation of the equipment will not have a detrimental impact upon abutting properties and will not violate the maximum noise standards for mixed use in the R-4 district.

Ms. Roth seconds.

Discussion surrounding the topics of dust, glare and odors is limited and the Board concludes these areas of use will not adversely affect neighbors. The topic of noise generation is more involved. The categories of "regular", "frequent", and "continuous" are debated. Ms. Roth feels that yes, the use is a nuisance. Mr. Morin believes that it is not. Mr. Cain points out that the use is not year round and should be considered acceptable as long as the noise levels remain within Ordinance limits. Mr. Lowery highlights that there likely wouldn't have been such resistance to the application if the abutters didn't feel they were adversely affected. Mr. Ganong debates on whether the grammatical structure of the code requires all three factors (regular, frequent and continuous) need be considered together or independently.

Ms. Rachin suggests that the factors should be considered separately.

Vote: Mr. Cain and Mr. Morin in favor. Ms. Roth, Mr. Lowery and Mr. Ganong against. Motion fails.

Mr. Ganong makes special note that he feels the use fails in that the noise generated will be regular even if it's not frequent or continuous.

Motion: Mr. Lowery motions that the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use (Criteria 9.2.9.6) because the applicant is proposing no expansion of existing parking areas or structures on the site. Therefore, there is no anticipated impact to existing slopes, vegetative cover, soils or increased stormwater drainage from the site. The applicant proposes to use DEP approved non-hydrocarbon based solvents to degrease paving equipment and proposes to do all such cleaning only on the job site. Mr. Morin seconds.

Vote: Unanimous in favor.

Motion: Mr. Cain motions that the use will not cause a public or private nuisance and as a result meets Criteria 9.2.9.7. Ms. Roth seconds.

Ms. Rachin defines “nuisance” as something that reasonably annoys or disturbs. She also notes, for Board member clarity, that voting yes means the use **will not** be a nuisance and voting no means that the use **will** be a nuisance.

Vote: Mr. Cain in favor. Ms. Roth, Mr. Ganong, Mr. Morin and Mr. Lowery against. Motion fails.

Motion: Mr. Lowery motions that the use meets Criteria 9.2.9.8 because all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met. Mr. Morin seconds.

Vote: Unanimous in favor.

Chair Ganong concludes:

THEREFORE BE IT RESOLVED that, based on the above findings and conclusions, the Arundel Planning Board hereby denies the Major Conditional Use application of Pave-Tech Corp to operate a Contractor Yard 2 on the property identified as Tax Map 37, Lot 8A due to failure to meet Criteria 9.2.9.5 and 9.2.9.7. Ms. Roth seconds resolution.

Vote: Mr. Ganong, Ms. Roth, Mr. Lowery, and Mr. Morin in favor. Mr. Cain against. Motion passes.

Item 3: 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.

Mr. Redway asks the applicant if there are still issues regarding the deed description and property line. Has the stormwater “permit by rule” come in? If these items haven’t been resolved it may benefit the applicant to request a 30 day extension.

Mr. Gajtkowski requests a 30 day extension from the Board.

Motion: Mr. Morin motions to grant the 30 day extension as requested by the applicant.
Ms. Roth seconds.

Vote: Unanimous in favor.

V. NEW APPLICATIONS

Item 1: Huston and Company: *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.

Bill Huston reviews the plan. The intent is now to build a 2100 s/f addition but that is still well within the allowed expansion amount. A new security light has also been added.

Mr. Redway suggests that the fixture listed should be changed out. There are more current products available that will be better suited for this situation – the architect should know some alternatives.

Waivers have been requested for the following studies:

- Topographic Survey
- Drainage Calculation
- Soil Survey
- Fire Suppression
- Planting Schedule
- Schematic Evaluation for New Signage
- Traffic Impact
- Groundwater Study
- Market Study

Motion: Mr. Morin motions to approve the requested waivers. Mr. Cain seconds.

Vote: Unanimous in favor.

Motion: Mr. Lowery motions to deem the application complete. Mr. Morin seconds.

Vote: Unanimous in favor.

Motion: Mr. Cain motions that the Public Hearing be held on January 10th, 2019. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 2: Cape Arundel Cottage Resort: *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. Paolini notes that not all residents will opt to have the larger version. The shed units will feature a ramp, a drip edge of crushed stone and the option for electric. The sheds will also be consistent in design with the cottages themselves.

Mr. Redway notes that, at their essence, these structures will be garages. Is there a plan for the grass that will get disturbed when driven over? Eventually frequent use will cause depressions and/or lead to mud. Perhaps crushed stone or pavers? The applicant seems amenable to finding a solution.

Motion: Mr. Morin motions to schedule a public hearing on January 10th. Mr. Lowery seconds.

Vote: Unanimous in favor.

Mr. Morin motions to adjourn at 10:24pm. Mr. Lowery seconds.

Adjourn

Respectfully submitted,



Corinne A. Goulet
Secretary to the Planning Board