

Arundel Planning Board Minutes

November 7th, 2019 - 7:00pm

Mildred L. Day School Spanish Room - 600 Limerick Rd. Arundel

Board Attendees: Mr. Morin, Mr. McGinn, Mr. Ganong, Mr. Lowery, Secretary; Ms. Goulet, Mr. Cain arrived after roll call

Attendees: James Logan, Charlie Burnham, Ed Nadeau, Sandy Nadeau, Michael Nadeau, Sarah Kott, Nick Raymond, Sam Hull, Dwight Raymond, Mary Gallagher, Donna Rooney, Warren Jotty, Jim Rooney, Jerald R. Court, Sylvia Perreault, Therese Turgeon, Rene Turgeon, Marianne Raymond, Zach Cote, Rachel Gailitis, Emily Brewer, Trish Mason, Rick Licht, Suzanne Madore, Joanne Dewett, Charles Bassett, Dan Dubois, Walter Woods

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

I. APPROVAL OF AGENDA:

Motion: Mr. Lowery motions to approve the agenda with the removal of Approval of Minutes. Mr. Morin seconds.

Vote: Unanimous in favor.

II. PUBLIC COMMENT:

Citizen comment period opened and closed at 7:03pm with no comments to record.

III. PUBLIC HEARINGS:

Item 1: Oak Ridge Terrace; Major Preliminary Subdivision Application- Proposal to develop a 14-lot subdivision on a 66.9-acre parcel identified as Tax Map 17, Lot 15A, at the intersection of South Skillings Road and Limerick Road in the R2 and Shoreland Zones. Walter Woods is the property owner and Jason Vafiades is the applicant of record.

Public Hearing opened at 7:04pm

Sandy Nadeau speaks in support for preservation of farms, Stone (Davis) Farm in particular. She also expresses dismay that Lots 1 & 2 will be developed and, as a result, greatly impact the aesthetic of the historic farm. Zoning ordinance 9E is referenced as well as concern regarding the vernal pool located at the property line between the Stone Farm and Mr. Woods' property.

Mr. Logan speaks to confirm that the applicant and Mr. Vafiades have developed a plan that fully complies with any and all setbacks that would be associated with the vernal pool.

Michael Nadeau raises questions about the term and intent of the term "cluster development". That appropriate buffering is observed is also a concern.

Mr. Ganong clarifies that this term does not necessarily mean that all lots are grouped together.

Abutter, J. Rooney expresses satisfaction with the agreement that he and Mr. Woods have worked out regarding his particular property.

Public Hearing closed at 7:31pm.

Item 2: Raymond Acres: *Resubdivision of an Approved Subdivision*: Proposed resubdivision of Lot 5-03 addition of land from Tax Map 30 Lot 5A to create a fifth lot in the Raymond Acres Subdivision at 22 Black Dog Road in the R-2 and SP districts. Nicholas Raymond is the applicant and Marianne Raymond is the property owner.

Public Hearing opened at 7:32pm. Closed at 7:33pm with no comments to record.

Item 3: Cape Arundel Cottage Preserve: *Major Conditional Use Application*: Proposal to expand facilities at the Cape Arundel Community Center including an additional swimming pool on a 300+ acre parcel Tax Map 15, Lot 13 in the BI district. *Arundel-Kennebunk Cottage Preserve LLC* is the owner and applicant and Rick Licht of Licht Environmental Design LLC is the applicant's agent.

Public Hearing opened at 7:33pm. Closed at 7:34pm with no comments to record.

IV. PENDING APPLICATIONS:

Item 1: Oak Ridge Terrace; *Major Preliminary Subdivision Application*- Proposal to develop a 14 lot subdivision on a 66.9 acre parcel identified as Tax Map 17, Lot 15A, at the intersection of South Skillings Road and Limerick Road in the R2 and Shoreland Zones. Walter Woods is the property owner and Jason Vafiades is the applicant of record.

Mr. Ganong notes that Mr. Redway, who is not present and can't update on the status, is believed to still be waiting on a call back from MDEP regarding the septic plumes projected to be generated on Lots 4 & 5.

Mr. Lowery questions the buffering required in Lot 1.

Mr. Logan notes that driveways are not required to be buffered but that a portion of the buildable lot area would indeed be buffered.

Mr. Ganong reads the Findings of Fact.

ARUNDEL PLANNING BOARD
Findings of Fact and Approval Motion
Oak Ridge Terrace Subdivision Preliminary Approval
November 7, 2019

WHEREAS, on February 14, 2019 the Planning Board received from Oak Ridge Terrace LLC, a Subdivision Pre-application to develop a 14-lot cluster subdivision on a 70.08-acre parcel identified as Tax Map 17, Lot 15A, at the intersection of South Skillings Road and Limerick Road in the R2 and Shoreland Zones.

WHEREAS on February 23, 2019 the Planning Board conducted site walk of the proposed subdivision site. As a result of public input from neighbors and abutters, the applicant proposed to explore an alternative design for the subdivision that entailed improving the private way Laura Lane to Minor Street standards and developing a 750-foot road, named Oak Ridge Terrace, off Laura Lane to support the subdivision of 11 cluster lots on Lot 15A.

WHEREAS, on April 25, 2019 the applicant submitted a Preliminary Subdivision Application to the Planning Board. With the proposed revised Oak Ridge Terrace road and improvements to Laura Lane. The applicant was required to make a number of substantive revisions to the plans in order to meet stormwater concerns, shoreland zoning requirements, road evaluations, and dimensional requirements.

WHEREAS upon submission of revisions, on October 24, 2019 the Planning Board deemed the Preliminary application complete.

WHEREAS on November 7, 2019 the Arundel Planning Board conducted a public hearing.

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

FINDINGS OF FACT

1. The owner with right title and interest of Tax Map 17, Lot 15A is Oak Ridge Terrace LLC and the applicant is Walter Woods of Oak Ridge Terrace LLC.
2. The applicant proposes to subdivide a 44.46 acre portion off of the 70.08 acre Tax Map 17, Lot 15A and develop 14 cluster lots and build a 750 foot road tentatively named "Oak Ridge Terrace" to provide legal frontage and access for 9 of the 14 new lots, as well as a 50-foot access strip to the remaining 22.44 undeveloped acres of Lot 15A retained for future development.
3. Net residential density calculations of unsuitable building area including hydric soils, wetlands, streams, and proposed roads yields a net residential area of 51.25 acres. With the R2 zone's two-acre lot size minimum, a maximum density of 25 lots can be subdivided on the property. Fourteen lots are proposed in this first phase, leaving 11 more lots available for development on the remaining 22.44 acres, assuming no additional site development impediments are discovered.
4. As a cluster subdivision, the applicant is proposing to dedicate 32.51 acres to common open space to be managed and protected by the Homeowner's Association. The configuration and linkage of the open space will facilitate pedestrian access throughout the dedicated open space provided crossing are constructed across Duck Brook.
5. Lot 1 will establish legal frontage from Limerick Road while Lots 2 and 3 will be accessed from South Skillings Road. Both roads are Town-maintained highways.
6. All lots will be clustered and of reduced size ranging from 15,960 sf (Lot 3) to 65,508 sf. (Lot 5). Lots 1 and 2 are proposed to be Estate Lots with buildable area of 62,027 sf and 47,349 sf respectively after the access strip area is deleted.
7. All lots will be serviced by on-site wells, and the applicant has provided documentation that all lots can be serviced by on-site septic systems.
8. The applicant is proposing to rebuild Laura Lane up to Minor Street standards as required in section 1.6.1 of the Arundel Street Design and Construction Ordinance so to provide the proposed Oak Ridge Terrace with direct access to a public street. The applicant intends to petition the Town for street acceptance once Laura Lane is completed.
9. The proposed subdivision lots meet and exceed the dimensional minimums for the R2 district and meets the dimensional requirements for a Cluster Subdivision as outlined in section 4.5 and 9.3.12 of the Arundel Land Use Ordinance.
10. The applicant also has demonstrated compliance with the design and dimensional Shoreland Zoning standards of 8.6.2 and 8.6.3 and 8.6.6 of the Arundel Land Use Ordinance.
11. The applicant has submitted plans sets, engineering drawings, and stormwater calculations prepared by Atlantic Resource Consultants dated April 11, 2019 with revisions to October 28, 2019. Property surveys were prepared by Horizon Engineering and dated June 2019, with revisions to October 2019. Soil surveys and septic system evaluations were prepared by Longview Partners LLC and dated January 4, 2019. Hydrologic evaluations have been prepared by Summit Geoengineering and dated April 15, 2019.

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 not discharge runoff directly into any water body and provides a method of disposal and treatment that will not require a license or permit from the Maine DEP and meets the Town water pollution control standards;

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 Fire Chief has required the applicant install a 30,000-gallon cistern at the intersection of Laura Lane and Oak Ridge Terrace with a pull off apron and dry hydrant to provide fire protection. Additional future cistern(s) will be required to service future development of the remaining 22.44 acres in Lot 15A. The applicant must provide these plans as part of the Final subdivision approval application.

11.3 Impact on Existing Water Supplies: The proposed project will not require and therefore not impact established public water supplies or suppliers. Well logs from the surrounding properties indicate adequate water supply for individual wells.

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 vehicle trip generation of this project onto South Skillings Road is anticipated to be less than 120 trips per day, thereby not achieving a Level of Service E rating during the peak hour.

- The applicant has provided future road accesses to adjacent to the remaining land on Lot 15A from the proposed Oak Ridge Terrace.

11.6 Sewage Disposal: Sewage disposal shall be accommodated by on-site septic systems. Documentation has been submitted to the Board verifying soil suitability for on-site septic disposal.

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 shoreland 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 for the R2 district.

11.10 Financial & Technical Ability: The applicant has provided adequate evidence of technical capability to complete the project. The applicant will be required to provide a performance assurance for all proposed site and subdivision improvements including the reconstruction of Laura Lane as part of the Final Subdivision Approval.

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: The applicant has prepared a groundwater impact study prepared by Summit Engineering that documents that the proposed subdivision will not increase NO₃-N concentrations above 5mg/L at the property line. The Planning Board does note that the proposed nutrient plumes for Lots 3-11 do subsurface discharge into wetlands on the site. The applicant's consultant testifies that the wetlands will adequately process the nutrient load before the plumes reach open water of Duck Brook.

11.13 Floodplain Management: The project is located in a FEMA identified 100-year floodplain. No homes are proposed to be located within the floodplain area.

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. The applicant will maintain a 75-foot stream setback from designated on-site streams, a 50-foot buffer from Shoreland Overlay forested wetlands, and 100-foot buffers from wetlands containing predominately emergent vegetation. Wetlands filling will only occur in the driveway to Lot 2.

11.15 Stormwater Management: The Planning Board has determined that the proposed project will have negligible impact on stormwater discharge for the 2, 5, 10- and 25-year frequency storms.

11.16 Reservation of Open Space, Common Lands, Fire Protection Facilities, and Private Way: The applicant is preserving 32.51 acres of permanent open space that will be accessible to the residents of the development.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Preliminary Subdivision application of Walter Woods and Oak Ridge Terrace LLC for the development of a 14-lot cluster subdivision on a 70.08-acre parcel identified as Tax Map 17, Lot 15A, at the intersection of South Skillings Road and Limerick Road in the R2 and Shoreland Zones.

1. The applicant shall submit a Final Subdivision Application with all associated documents and corrected omissions by May 7, 2020 or forfeit this preliminary approval.
2. Final plans and profiles for Oak Ridge Terrace submitted as part of the Final application shall show locations of all underground utilities, transformers and street trees and preserved tree stands. Details of the utilities installation shall be included along with a location plan (50'oc) and planting schedule for the required street trees. Tree stands that are to be preserved must be identified on the record plans and deed restrictions must be included in the Homeowner Association Covenants.
3. The applicant shall show the location of the 30,000-gallon water supply cistern required by the Arundel Fire Chief at the corner of Laura Lane and Oak Ridge Terrace Road on the record plan and the Road plan and profiles submitted with the Final Subdivision application. Details of the cistern installation, riser and dry hydrant, loading apron, and protective bollards shall be approved by the Fire Chief prior to submission of the Final Subdivision application.
4. The applicant shall also delineate the location of the Fire Cistern maintenance easement on the plans and shall submit an easement deed conveying maintenance, repair and replacement rights to the Town of Arundel for the fire cistern.
5. The applicant shall correct the misnomer "Duck Pond" and re-label the waterbody on the abutting land as "Davis Pond".
6. The applicant proposes that Laura Lane will be constructed to Town Road standards, such that it can be accepted as a public street by the Town of Arundel. The applicant shall present a letter from the Arundel Public Works Director certifying that the proposed improvements to Laura Lane meet the Minor Street design standards as required in Section 1.6.2 of the *Street Design and Construction Ordinance*. The applicant is advised that the addition of more than 6 lots in Phase 2 may trigger upgrades to Laura Lane as a Collector Street.
7. Prior to the submission of the Final Subdivision application, the applicant must resolve the conflict of Lot 3 being owned and subdivided by a third party and not by the applicant.

8. The applicant shall submit updated cost estimates of all site improvements associated with the Oak Ridge Terrace subdivision as well as cost estimates of improvements to Laura Lane. The applicant shall also declare what type of Performance Assurance that will be submitted upon Final Subdivision approval.
9. The applicant shall include a restriction on all subdivision deeds and provisions in the Homeowners Association Covenants prohibiting vegetational clearing within the Town of Arundel's 75-foot stream buffer or within 50-100 feet of wetlands as delineated on the Record Subdivision Plan, without prior approval by the Arundel Planning Board.
10. The applicant shall file a Road Name application with the Arundel E911 Director and receive approval of the name "Oak Ridge Terrace:" prior to submitting the Final Subdivision application.
11. The applicant shall reimburse the Town of Arundel for engineering peer review studies prepared by Woodard & Curran prior to the submission of the Final Subdivision Application.

Motion: Mr. Morin motions that the Findings of Fact, with noted corrections, be accepted for preliminary approval. Mr. Cain seconds.

Vote: Unanimous in favor.

Item 2: Raymond Acres: *Resubdivision of an Approved Subdivision:* Proposed resubdivision of Lot 5-03 addition of land from Tax Map 30 Lot 5A to create a fifth lot in the Raymond Acres Subdivision at 22 Black Dog Road in the R-2 and SP districts. Nicholas Raymond is the applicant and Marianne Raymond is the property owner.

ARUNDEL PLANNING BOARD
Findings of Fact and Approval Motion
Raymond Acres Resubdivision
November 7, 2019

WHEREAS, on November 8, 2018, the Arundel Planning Board received *a Subdivision Pre-application* from Nicholas Raymond for the proposed resubdivision of Lot 5-03 and addition of 1.46 acres from Tax Map 30, Lot 2 to create a fourth buildable lot in the Raymond Acres subdivision located at Black Dog Road, Tax Map 30, Lots 5-03 and 5A, in the R-2, and Stream Protection and SO Shoreland Overlay districts.

WHEREAS on November 17, 2018 the Planning Board conducted site walk of the proposed subdivision site. The applicant was subsequently directed to pursue the land acquisition so that the proposed new lot would have a minimum net developable area of at least 2 acres of upland. The applicant also proposed to develop a cul-de-sac at the terminus of the Black Dog Lane as originally approved by the Planning Board in 1987.

WHEREAS, on April 25, 2019 the applicant advised the Board that the planned land acquisition failed. The applicant instead requested numerous waivers from Shoreland Zoning and Zoning standards to permit the division to occur. The Planning Board consulted the Town Attorney who intervened in negotiations with the applicant.

WHEREAS on October 24, 2019 the Planning Board received a Minor Subdivision approval from the applicants to proceed with the re-subdivision as originally proposed with the acquisition of 1.46 acres (0.63 acres of upland) from Tax Map 30, Lot A, the proposed redesign of Black Dog Lane in accordance with section 2.0 of the Street Design and Construction Ordinance standards for private ways. The applicant requested to construct a Y-shaped turnaround within the restored cul-de-sac in compliance with requests from the Arundel Fire Chief to use the existing pond for fire suppression purposes.

WHEREAS on November 7, 2019 the Arundel Planning Board conducted a public hearing.

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

FINDINGS OF FACT

1. The owner with right title and interest in Tax Map Tax Map 30, Lot 5-03 is Marianne Raymond, the owner of Map 30, Lot 2 is Marcel Mercier and the applicant is Nicholas Raymond. The applicant has submitted a purchase and sale agreement for the purchase of additional property from Maurice and Dorothy Mercier on Tax Map 30, Lot 2.
2. The Black Dog subdivision is located off Old Post Road in the R2 District. Existing wetlands and streams on and adjacent to the property are in designated Shoreland Overlay and Stream Protection districts.
3. The applicant proposes to realign the 1987 approved cul-de-sac of Black Dog Lane to an offset cul-de-sac, convey 2905 sf of land to Tax Map 30, Lot 5-02, and subdivide Tax Map 30 Lot 5-03 into two lots with street frontages on the realigned cul-de-sac.
4. The applicant proposes to acquire 1.46 acres of abutting land from Tax Map 30 Lot 2, approximately 0.63 acres of upland that when combined with the existing upland on the proposed Parcel 2 will yield a total of upland area of 2 acres as required by the Net Residential Density requirement of the Subdivision Regulations.
5. The proposed subdivision of Lot 5-03 into Parcel 1 and Parcel 2 meets the dimensional standards of the R2 district.
6. The applicant proposes to reconstruct Black Dog Lane in compliance with design requirements in Section 2.1 of the Street Design and Construction Ordinance as documented by record plans prepared by Sebago Technics, Inc and dated October 16, 2019.
7. The applicant has submitted cost estimates of the reconstruction of Black Dog Lane in the amount of \$14,400.
8. The applicant has identified wetlands and Stream Protection District and Shoreland Zoning Setbacks on the record subdivision map prepared by Lower Village Survey and dated January 10, 2019 with subsequent revisions through October 2019.

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 not discharge runoff directly into any water body and provides a method of disposal and treatment that will not require a license or permit from the Maine DEP and meets the Town water pollution control standards;
- 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 Fire Chief has required the install a Y-shaped turnaround in lieu of a circle within the designated cul-de-sac to facilitate use of the existing pond as a fire water supply.
- 11.3 Impact on Existing Water Supplies:** The proposed project will not require and therefore not impact established public water supplies or suppliers. Well logs from the surrounding properties indicate adequate water supply for individual wells.
- 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 vehicle trip generation of this project onto Old Post Road will result in only 10 additional vehicle trips per day, thereby not achieving a Level of Service E rating during the peak hour.

11.6 Sewage Disposal: Sewage disposal shall be accommodated by on-site septic 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 shoreland 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 for the R2 district.

11.10 Financial & Technical Ability: The applicant has provided adequate evidence of technical capability to complete the project. The applicant may be required to provide a performance assurance improvements to Black Dog Lane.

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.

11.13 Floodplain Management: The project is not located in a FEMA identified 100-year floodplain.

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 have been met.
3. The standards of Section 5.7, 6.2, and 8.0 of the Arundel Land Use Ordinance have been met.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Minor Subdivision application resubdivision of Lot 5-03 in the Raymond Acres subdivision and the reconstruction of Black Dog Lane in the R-2, and Stream Protection and SO Shoreland Overlay districts, subject to the following conditions:

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 to the Town Planner a monetary Performance Assurance in the amount \$14,400 in one of the instruments sanctioned in Article 13 of the Arundel Subdivision Ordinance; or the Planning Board may stipulate that no building permits shall be issued until all improvements to Black Dog Road have been completed to the satisfaction of the design engineer and Town Planner.
6. Prior to the issuance of any Building Permit, the applicant shall demonstrate that the conveyance of Parcel 2 of Tax Map 30 Lot 2 to the applicant has been accomplished.
7. 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.
8. Prior to any building permit being issued, written confirmation will be submitted to confirm that the Fire Chief approves of proposed improvements.

Motion: Mr. Cain motions to approve the Findings of Fact as corrected. Mr. McGinn seconds.

Vote: Unanimous in favor.

Item 3: Cape Arundel Cottage Preserve: *Major Conditional Use Application:* Proposal to expand facilities at the Cape Arundel Community Center including an additional swimming pool on a 300+ acre parcel Tax Map 15, Lot 13 in the BI district. *Arundel-Kennebunk Cottage Preserve LLC* is the owner and applicant and Rick Licht of Licht Environmental Design LLC is the applicant's agent.

The Board has no questions of Mr. Licht regarding the project.

Mr. Ganong reads the Findings of Fact.

Town of Arundel
Arundel Planning Board
FINDINGS OF FACT AND MOTION FOR APPROVAL
Conditional Use Permit
Construction of Second Pool at Community Center
Cape Arundel Cottage Resort

WHEREAS, on September 26, 2019 the Arundel Planning Board received a Major Conditional Use application to expand recreational facilities at the Cape Arundel Community Center including an additional swimming pool, pool deck, pool access road and recreational equipment at the Cape Arundel Cottage Resort Community Center on a 300+ acre parcel Tax Map 15, Lot 13 in the BI district. *Arundel-Kennebunk Cottage Preserve LLC* is the owner and applicant and Rick Licht of Licht Environmental Design LLC is the applicant's agent.

WHEREAS, on October 5, 2019 the Arundel performed a Planning Board site walk.

WHEREAS, on October 24, 2019 the Arundel Planning Board deemed the application complete.

WHEREAS, on November 7, 2019 the Arundel Planning Board conducted a Public Hearing.

FINDINGS OF FACT

1. The owner of the property and applicant is *Arundel-Kennebunk Cottage Preserve LLC*.
2. The property is located at 1976 Portland Road Tax Map 15, Lot 13 in the BI district.
3. The applicant is proposing to construct a second pool facility on the west side of the Cape Arundel Cottage Preserve Community Center located on Patriot Way.
4. The facility consists of a 1800 sf +/- pool including lap lanes, a 9,000 sf paved deck, pergola, 120 sf pool equipment building, Bocce courts, horseshoe pits and seating areas. The pool deck will be enclosed by a decorative metal fence that will connect to the safety fence surrounding the existing pool and deck to the south of the Community Building.
5. The applicant reports that the entire project will create approximately 11,000 sf of additional impervious surface that is designed to drain into the adjacent detention pond # 51.
6. The applicant has determined the hydraulic capacity is more than adequate to accommodate the increased runoff from the project and a Minor Revision to the existing DEP Stormwater permit has been submitted and is pending review.
7. The applicant does not envision that the second pool will generate any additional traffic given the pedestrian character of the resort. However additional parking is available at the community center and along the shoulder of Patriot Way.

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 Planning Board finds that the additional pool and the recreational facilities at the Cape Arundel Community Center is compatible with the uses at both the Community Center and recreational orientation of the CACP resort.

Motion: Mr. McGinn motions that the use is compatible and similar to similar properties. Mr. Morin 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.

The recreational expansion is in conformance with the Seasonal Resort performance standards and is in fact in compliant with the 2016 Comprehensive Plan.

Motion: Mr. Cain motions that the use is consistent with the Comprehensive Plan and anticipated future development. Mr. McGinn 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 Planning Board finds that the application is in conformance the criteria of section 9.3.37 in that the use reinforces the pedestrian lifestyle of the Cape Arundel resort. Golf cart parking is available at the community center and parallel parking is available along the service road.

Motion: Mr. McGinn motions that there is adequate and safe pedestrian and vehicular access into and out of the site. Mr. Morin seconds.

Vote: Unanimous in favor.

9.2.9.4 That there is adequate water supply and sewage disposal available to service the use.

The Planning Board has found that the resort provides adequate water to service the proposed use.

Motion: Mr. Morin motions that there is adequate water supply and sewage disposal available. Mr. McGinn 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.

The pool area will generate noise from bathers and users as it is a recreational facility. However, the remoteness of the facility from abutting properties will not create an undue nuisance for resort non-residents.

Motion: Mr. McGinn motions that there will be no noise, dust, odor, vibration or smoke that will adversely affect residents not of the resort. Mr. Morin 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 Planning Board has found that the application meets the criteria of Section 9.2.9.6 in that the slopes are improved that the original plan and all drainage is diverted into the adjacent detention basin. All standards in section 9.2.9.6 are met.

Motion: Mr. Morin motions that the physical characteristics are suitable for the proposed use. Mr. McGinn seconds.

Vote: Unanimous in favor.

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

The Planning Board has found that the application will not create a general nuisance to the Town or abutting properties.

Motion: Mr. McGinn motions that the use will not constitute a public or private nuisance. Mr. Morin 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.

The Planning Board has found that the application meets the performance standards of LUO Section 9.3.37 and all other applicable standards of the LUO.

Motion: Mr. McGinn motions that all other requirements and applicable provisions of the Ordinance are met. Mr. Morin seconds.

Vote: Unanimous in favor.

DECISION

Based on the above facts and conclusions, the Arundel Planning Board approves the conditional use permit of expand recreational facilities at the Cape Arundel Community Center including an additional swimming pool, pool deck, pool access road and recreational equipment at the Cape Arundel Cottage Resort Community Center on a 300+ acre parcel Tax Map 15, Lot 13 in the BI district contingent upon the following conditions:

1. The applicant shall not begin construction until the applicant receives approval of its revised DEP Stormwater Permit and said permit is supplied to the Town Planner.
2. In lieu of a performance assurance, ~~a~~ Certificate of Occupancy for the pool area shall **NOT** be issued until the design engineer submits a letter to the Code Enforcement Officer and Town Planner that all approved improvements have been completed in accordance with the approved plans.

Motion: Mr. McGinn motions to approve the Findings of Fact, as amended. Mr. Morin seconds.

Vote: Unanimous in favor.

V. OTHER BUSINESS:

Mr. Ganong makes note that the next meeting will be on November 21st and it will focus on LUO only.

Motion: Mr. Lowery motions to adjourn at 8:51pm. Mr. McGinn seconds.

Vote: Unanimous in favor.

Adjourn

Respectfully submitted,

Corinne A. Goulet
Secretary to the Planning Board