

Arundel Planning Board Minutes
December 12th, 2019 - 7:00pm
Mildred L. Day School Library - 600 Limerick Rd. Arundel

Board Attendees: Mr. Cain, Mr. Morin, Ms. Roth, Mr. Ganong, Mr. Bergen, Mr. McGinn (arrived at 7:10pm), Planner; Mr. Redway, Secretary; Ms. Goulet

Attendees: Walter Woods, Jennifer Woods, Jim Logan, Bob Metcalf, Drew Olehowski, Letenemeni Konate, Verne Reynolds, Chip Haskell, Jason Vafiades, Michael Nadeau

Call to Order: Chair Ganong calls meeting to order at 7:00pm.

I. APPROVAL OF AGENDA:

Motion: Mr. Morin motions to approve the Agenda as written. Ms. Roth seconds.

Vote: Unanimous in favor.

II. PUBLIC COMMENT:

Mr. Cain speaks to apologize for his lack of decorum in the November meeting.

III. APPROVAL OF MINUTES:

Mr. Morin to be added to the Board attendance list. On page 4, council changed to counsel.

Motion: Mr. Bergen motion to approve the November 21st, 2019 Minutes as amended. Ms. Roth seconds.

Vote: Mr. Cain abstains. Remaining members in favor.

IV. PENDING APPLICATIONS

Item 1: Oak Ridge Terrace: Major Final 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.

The Board notes that:

- Documentation still refers to "Davis Pond" as "Duck Pond".
- The appropriate letter from the Fire Chief has been received.
- The expected home site on Lot #1 has been moved.

Extensive discussion occurs on the best way to clearly word/present the intent to clear only what is essential for the driveway & building envelope for each lot. Remaining trees (particularly along roadway) are to remain in lieu of replanting buffer vegetation. A note is added in conditions and in the FOF.

Mr. Cain asks about hazard trees as they present themselves over time. This concern has already been covered by Mr. Redway in the FOF as currently written.

The Board continues to review requirements.

- Peer review reimbursement has occurred.
- Cost estimates have been provided (less Lots 1, 2 & 3)

- Planting schedule (less Lots 1, 2, 3, & 14) – some discussion on regarding evergreen choices that have been noted. Mr. Redway may have alternative suggestions. Mr. Woods also offers to add \$10,000 to the escrow amount to cover any unexpected vegetation costs

Mr. Ganong reviews points from Mr. Taschereau regarding road construction and updates to Laura Lane.

Mr. M. Nadeau (abutter) speaks to raise concerns regarding the location of the home in Lot #1 and the apparent absence of landscape buffering. He is ultimately hoping to preserve as much of the rural character of the area and his farm as possible.

Motion: Mr. Morin motions to determine the application complete for consideration of final approval. Ms. Roth seconds.

Vote: Unanimous in favor.

Mr. Ganong raises the question about whether or not to forego the final Public Hearing.

Motion: Mr. Morin motions to forego the final Public Hearing on Oakridge Terrace. Mr. Bergen seconds.

Mr. McGinn expresses concern about not having a final approval public hearing – he feels that it sets poor precedent.

Ms. Roth points out that holding a final public hearing is discretionary.

Vote: Mr. McGinn and Mr. Ganong opposed. Mr. Cain, Mr. Morin, Ms. Roth, Mr. Bergen in favor. Motion passes.

Mr. Ganong reads the Findings of Fact.

ARUNDEL PLANNING BOARD
Findings of Fact and Approval Motion
Oak Ridge Terrace Subdivision Final Approval
December 12, 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.

WHEREAS, on November 7, 2019, the Arundel Planning Board approved the preliminary subdivision application for Oak Ridge Terrace subdivision contingent upon the submission of eleven (11) supplemental items.

WHEREAS on December 12, 2019 the applicant submitted a Final Subdivision application and supporting material for the proposed Oak Ridge Terrace subdivision.

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 December 12, 2019. Property surveys were prepared by Horizon Engineering and dated June 2019, with revisions to December 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 on Lot 11, Oak Ridge Terrace with a pull off apron and dry hydrant to provide fire protection. Additional future cistern(s) may 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 Final 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 subdivision must be recorded in the York County Registry of Deeds within ninety (90) 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 this 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. No construction shall proceed until the Arundel Fire Chief approves the design plans, specifications, and surety for the 30,000-gallon cistern required for installation off Oak Ridge Terrace at Lot 11.
5. The applicant shall not seek a building permit for Lot 1 until the applicant has submitted a landscape plan specifying species type, size, and quantity of the conifer buffers proposed on Lots 1 and 2
6. Failure to complete substantial construction of the subdivision within 2 years of the date of approval of the Plan shall render the subdivision null and void.
7. Before any construction activity commences on the site, the applicant shall submit to the Town Planner a monetary Performance Assurance in the amount \$302,273.
8. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
 - a. 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.
 - b. Deposit with the Municipal Officers a check for the amount to pay for the costs of inspection by a third-party engineer. The applicant has an option of signing a promissory note to reimburse the Town of Arundel for third party inspections as work progresses.
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 within 60 days of final approval.
13. 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. Such covenants shall also prohibit the cutting of any existing vegetation within 25 feet of the project property line on Lots 1,2,3 4, and 14.
14. The Homeowners Association Covenants shall prescribe that no vegetation, excepting hazard trees, shall be removed from the no-cut zones delineated on the record plans along Oak Ridge

Terrace. Permission to cut hazard trees must be granted by the Arundel Code Enforcement Officer, prior to removal. The no cut zone is defined as the front yard setback of each lot on Oak Ridge Terrace excepting a driveway entrance not exceeding 25 feet in width.

15. The label "Duck Pond" shall be corrected to "Davis Pond" on the record subdivision plans.

So approved by the Arundel Planning Board this 12th day of December 2019.

Motion: Mr. Bergen motions to accept the Findings of Fact as amended. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 2: American Iron & Metal: Major Conditional Use Application: Determination of Completeness: *Application for renewal of an expired conditional use permit for a 43,000 sf solid waste disposal facility and metal recycling yard located on a 22.9 acre parcel located at 2244 Portland Road, Tax map 12, Lot 9 in the BI District. American Iron and Metal is the owner and the applicant and CES Inc is the applicant's agent.*

Mr. Haskell presents and recaps the current status of the application.

- Reviews what DEP would require when/if the site were to close
- \$265,000 is identified as the figure that would be required to address some remediation if needed – this amount would accommodate for removing and replacing 6" of gravel on the site

Ms. Roth inquires what sort of accommodation is in place for potential contamination of groundwater.

Mr. Haskell notes that if a facility requires clean up and an operator is unable or incapable of this responsibility, that responsibility then becomes the responsibility of Federal and/or State entities. To date, the testing of soil samples at this location has shown results below the max allowed at the facilities accepting the waste – which is material removed from collection ponds. These facilities do not accept toxic materials.

Could the sample results for this sediment be made available to the Town? And then can the Town get proof of disposal at the approved sites?

Mr. Ganong reads the Findings of Fact. See notes on printed version!

Arundel Planning Board
FINDINGS OF FACT AND MOTION FOR APPROVAL
Conditional Use Permit for American Iron & Metal LP Solid Waste Facility
At 2244 Portland Road

WHEREAS, on May 8, 2014 issued a three-year Major Conditional Use permit to American Iron and Metal LP to continue operation of an existing 43,000 +/-sf solid waste recycling facility on a 22.9 acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District, contingent upon the provision of assurances that AIM Management had resources sufficient to close out and restore the existing solid waste site in the event of closure.

WHEREAS, the applicant's Major Conditional Use permit expired on May 8, 2017.

WHEREAS, on May 23, 2019, the Planning Board received a Major Conditional Use application from American Iron and Metal LP to resume operation of an existing 43,000 +/-sf solid waste recycling facility on a 22.9-acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District. contingent upon the provision of assurances that AIM Management had resources sufficient to close out and restore the existing solid waste site in the event of closure.

WHEREAS, on June 27, 2019 the Arundel Planning Board conducted an advertised Public Site Walk on the premises.

WHEREAS, on July 11, 2014, the Arundel Planning Board conducted a public hearing on the proposed project;

WHEREAS, the Arundel Planning Board has granted the applicant two 60-day extensions to prepare a closure plan and surety estimate as required in LUO section 9.3.38.7.

AND WHEREAS, after due review and consideration of the application and supporting documentation, the Arundel Planning Board has arrived at the following findings of fact:

FINDINGS OF FACT

1. The applicant and owner of the property is American Iron & Metal LP
2. The property is located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District
3. The property has been used for the past 20 years as a solid waste recycling facility specializing in the collection, reduction, and exporting of recycled metals.
4. As depicted on the application and accompanying maps prepared by Civil Consultants and dated May 13, 2019, the applicant proposes to re-permit the recycling facility to process the same types of metal materials that the facility has historically processed. The applicant has previously installed a 10' x 20' Scale House, a second vehicle weighing scale, a Radcomm detection unit, install ten parking spaces, reduce the driveway entrance to 42 feet in width and install a 29-foot landscape aisle between Route 1 and the customer parking area.
5. All other recycling areas and collection points are to remain as shown on the Existing Conditions Map prepared by Civil Consultants and dated May 13, 2019.
6. The driveway entrance maintains a sight distance in excess of 600 feet to the north and the south along Route 1 in conformance with the minimum distances for a 50-mph road as specified in section 5.21.1 of the Land Use Ordinance.
7. The applicant has both a current and active Solid Waste Permit and Stormwater Permit from the Maine Department of Environmental Protection. All peak runoff will be detained on the site and all runoff is collected in stormwater treatments ponds.
8. Water service is provided by the Kennebunk Kennebunkport Wells Water District from the Route I mains, and on-site septic is provided by an on-site septic system.
9. No new site lighting is proposed.

10. The Planning Board has determined that existing vegetation with limits of cutting as depicted on the existing conditions the plan set will be sufficient to meet all landscaping and parking lot buffering standards of the BI district to the side and the rear property boundaries.
11. The applicant has submitted proof of liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 annually for accidental occurrences.
12. The applicant has submitted a revised Closure Plan and an itemized budget for contaminate testing and theoretical soil removal and remediation at such time that the facility closes. The applicant has proposed a surety amount of \$265,000.

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 uses and the sizes of the structures are similar in scale and scope to surrounding properties and other land uses in the BI district.

Motion: Mr. McGinn motions that the use and structures are similar to surrounding properties and uses. 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 in that:

The Comprehensive Plan permits solid waste facilities for the BI district as conditional uses and therefore the proposed use is in conformance with the 2016 Comprehensive Plan.

Motion: Mr. Morin motions that this solid waste facility is allowed as a conditional use in the BI district and is in conformance with the Comprehensive Plan. 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 existing operation will not generate a significant increase in trip generation, the applicant's driveway sight distances exceed the minimum standards of Section 5.21. 1., and the applicant has received a MDOT driveway opening permit for the proposed activity.

Motion: Mr. McGinn motions that there is adequate and safe pedestrian and vehicular access. Mr. Cain seconds.

Vote: Unanimous in favor.

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

Existing onsite septic will be provided on site and water is provided to the site by Kennebunk Kennebunkport, Wells Water District. The proposed use will not increase the demands for water or septic flow on the property.

Motion: Mr. McGinn motions that there is adequate water supply and sewage disposal at the site. Ms. Roth seconds.

Vote: Unanimous in favor.

9.7.9.5 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 nature of the business does generate noise from crushing and unloading materials, however, the Board finds that proposed sound levels are not unreasonable for the use or the district and meet sound level standards mandated LUO section 5.11.1 at the property line.

Odor: This use will not generate any odor issues.

Vibration/Smoke: No vibration or smoke issues are generated on-site.

Glare: The applicant is not proposing to add any additional lighting on-site.

Motion: Mr. McGinn motions that the use will not generate additional/new noise, dust, odor, vibration or smoke that will adversely affect neighbors. Mr. Bergen 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 applicant proposes no site modifications that would impact the existing slope and drainage conditions on the site.

Motion: Mr. McGinn motions that the physical characteristics of the site are suitable for the use. Mr. Cain seconds.

Vote: Unanimous in favor.

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

The applicant has provided adequate documentation that a hazard mitigation and containment provisions are installed and operational at the facility to minimize nuisances generated by the proposed use.

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 applicant has demonstrated financial and technical capacity to operate and close the facility and therefore is in compliance with section 9.3.38.7.c of the Arundel Land Use Ordinance.

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

Motion: Mr. McGinn motions that all other requirements and applicable provisions of this ordinance have been met. Ms. Roth seconds.

Vote: Unanimous in favor.

THEREFORE, BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of American Iron and Metal LP to operate a solid waste facility as herein presented contingent upon the following:

1. Any change from the approved plans shall require submittal of revised plans to the Board.
2. The applicant shall submit a surety to the Town Planner in the amount of \$265,000 to cover closure costs.
3. This permit expires on December 12, 2022 and must be renewed prior to the permit expiration.
4. Any test results of pond water or sediment will be provided to the Town Planner along with the facility accepting the material.

Motion: Mr. McGinn motions to approve the Application this 12th day of December 2019. Mr. Bergen seconds.

Vote: Unanimous in favor.

Motion: Mr. McGinn motions to approve the Findings of Fact & Motion for Approval as read and amended.

Vote: Unanimous in favor.

V. NEW APPLICATIONS:

Item 1: Arundel Grange LLC: *Zoning Amendment to the Townhouse Corner District: Request to reduce the minimum residential unit density from 20,000 sf with sewer or water to 8,000 sf in the Townhouse Corner District. The request is specifically for rental apartment units. Arundel Grange, LLC is the owner, John Fitzpatrick is the applicant, and Robert Metcalf of Mitchell & Associates is the applicant's agent.*

Mr. Metcalf presents.

There is significant discussion regarding the Townhouse Corner District as a whole. It's noted that feedback from as many residents/landowners from this zone will be integral to consideration of this Application for Zoning Amendment.

Public Workshop scheduled for January 23rd, 2020.

VI. CHANGES TO BYLAWS AND PROCEDURES:

Item 1: Approval of Amendments to Planning Board ByLaws -

1. *Amendment to Section V. C creating a Site walk subcommittee and establishing procedures for determination of completeness.*

2. *Amendment to Section VI, C to eliminate the requirement for advertisements in daily newspapers.*
3. *Amendment to Section VII D establishing procedural criteria for determination of completeness designations in Planning Board reviews.*

Motion: Mr. McGinn motions to approve the changes. Ms. Roth seconds.

Vote: Unanimous in favor.

VII. PROPOSED AMENDMENTS TO LAND USE ORDINANCE:

Item 1: Approval of Shoreland Zoning Revisions: *Revisions to LUO 8.6.1.4; 8.6.2.4; and 8.6.3.4- that limit the requirement for minimum shore frontage for lots on Brimstone Pond and the Kennebunk River.*

TABLED

Item 2: Approval of Shoreland Zoning Revisions: *Addition of section 8.6.2.5 that establishes criteria for granting Special Exceptions to setbacks in the Shoreland Overlay Zone.*

TABLED

Motion: Mr. McGinn motions to adjourn at 9:40pm. Ms. Roth seconds.

Vote: Unanimous in favor.

Adjourn

Respectfully submitted,



Corinne A. Goulet
Secretary to the Planning Board