

Arundel Planning Board
Regular Meeting
February 11, 2016 at 7:00 pm
ML day School Library 600 Limerick Road

Board Attendees: Rich Ganong, Tom McGinn, Marty Cain, John Der Kinderen, Jamie Lowery, and Tad Redway, Town Planner

Public Attendees: John Kuchinski, Harriman Associates, Mark Pinette, Hardscrabble Farm

CALL TO ORDER: Chair Ganong called the meeting to order at 7:00 pm. Attendance was taken.

I. APPROVAL OF AGENDA:

MOTION: Mr. McGinn moved and Mr. Der Kinderen seconded the motion to approve the agenda as written.

VOTE: Unanimous in favor.

II. APPROVAL OF MINUTES: January 21, 2016 Workshop Minutes

Discussion : Delete Tom McGinn as an attendee of the Meeting.

Motion: Mr. Der Kinderen moved to approve the minutes as approved, seconded by Mr. Lowery.

Vote: Aye: Mr. Ganong, Mr. Cain, Mr. Der Kinderen, and Mr. Lowery. Abstain: Mr. McGinn.

III. PENDING APPLICATIONS

Item 1: RSU 21 M.L. Day School Expansion: Conditional Use/Plenary Site Plan Review: Proposal to reconstruct ML Day School campus renovation of portions of the existing building, 24,045 square feet of building expansion, and relocated parking and recreational facilities on a 9.59 acre parcel located at 600 Limerick Road, Map 17 Lot 25 in the R2 district. RSU 21 is the owner applicant and John Kuchinski of Harriman Associates is the owner's agent.

Mr. Kuchinski presented recent changes to the division of the Town Property and the RSU 21 that created a 50-foot access strip for Lot 25 through the RSU 21 Lot 25A to provide legal frontage on Limerick Road. In addition recent changes to the Stormwater Management Plan per the Town Engineer's recommendations and to the landscape plan per the Town Planner's recommendations were reviewed. Mr. Kuchinski also informed the Board that the Arundel AZBA granted a variance for Lot coverage and the RSU21 received all of its DEP Site Location and Stormwater permits.

Mr. Der Kinderen and Mr. Cain stated that the location of the Lot 25 access strip within the streambed and floodplain of Duck Brook did not meet the intent of the Estate Lot provisions since this access point was non-negotiable and a driveway in the streambed would violate Shoreland Zoning regulations. The Town Planner informed the Board that there was no language in LUO section 7.7.B.8 of the Definitions in section 3.2 that required the access strip frontage to actually be used as the primary means of access for an estate lot. The Board and Mr. Kuchinski discussed this issue at length.

Motion: Mr. Der Kinderen moved that the configuration of Lot 25 with the access strip in the streambed of Duck Brook be rejected by the Planning Board and the applicant should submit an design. Mr. Cain seconded the motion.

VOTE: *Yea:* Mr. Der Kinderen and Mr. Cain. *Nay:* Mr. Ganong, Mr. Lowery, and Mr. McGinn.

Motion Failed.

Mr. Cain asked that a street light be installed at the intersection of the ML Day School driveway and Limerick Road. The Board and Mr. Kuchinski agreed.

Chair Ganong read the following Findings of Fact into the Record:

**FINDINGS OF FACT AND MOTION FOR APPROVAL
RSU 21 Mildred L Day Elementary School Reconstruction
Conditional Use Permit**

WHEREAS on September 24, 2015 the Arundel Planning Board received a Conditional Use pre- application from RSU 21 to reconstruct Mildred L Day Elementary School campus including renovation of portions of the existing building, 24,045 square feet of building expansion, and relocated parking and recreational facilities on a 9.59 acre parcel located at 600 Limerick Road, Map 17 Lot 25A in the R2 district.

WHEREAS, on October 8, 2015 the Planning Board conducted an advertised Public Site Walk on the premises.

WHEREAS, on October 22, 2015 the Planning Board accepted the Conditional Use application as complete. However the Planning Board noted that the proposed site improvements exceeded lot coverage maximums for the Residential 2 district and the back lot Map 17, Lot 25 retained by the Town of Arundel lacked the legal frontage on Limerick Road in conformance with the Arundel Land Use Ordinance.

WHEREAS, the applicant explored different options to resolve the non-conformance with the Arundel Land Use Ordinance and proposed seeking a variance from the Arundel Zoning Board of Appeals.

WHEREAS, on November 10, 2015, the Arundel Planning Board conducted a public hearing on the proposed project in conformance with section 9.F.1 of the Arundel Land Use Ordinance.

WHEREAS, on December 16, 2015 the applicant received a variance from the Arundel Board of Appeals for a variance of up to 40% lot coverage on the parcel. In addition the Town of Arundel and RSU21 conducted an exchange of land on Lots 25 and 25A respectively such that Lot 25 retained a 50 foot access strip for legal access to Limerick Road and Lot 25A retained its original 9.59 acreage.

THEREFORE, the Arundel Planning Board has arrived at the following Findings of Fact:

FINDINGS OF FACT

1. The applicant and owner of the property is RSU 21.
2. The property is located at 600 Limerick Road Tax Map 15, Lot 25A in the R2 District
3. The Lot 25 property was originally a 25 acre parcel owned by the Town of Arundel containing the current ML day Elementary School and its associated parking and infrastructure as well as municipal athletic fields and undeveloped land to the north and east.
4. As part of the school consolidation agreement the Town conveyed 9.59 acres of land to the RSU 21 containing all of the existing school, its parking and access road. A perpetual access easement was granted by the RSU 21 to the Town in order to continue using the existing road for access to Lot 25 from Limerick Road.
5. The applicant intends to renovate the northern half of the existing school building and demolish the unstable southern half and rebuild a 24,025 square foot replacement. Total footprint of the completed structure will be 40,295 square feet.
6. The applicant intends to relocate all parking facilities to the east side of the new building, including 104 parking spaces, a separate bus stacking lane, a drop-off and pick up area and improved sidewalk circulation.
7. The main entrance to the complex will be shifted to the south of its present location and will have adequate sight distance and turning movements as documented by a report conducted by Gorrill-Palmer PA and dated September 19, 2015. The existing rear access to the western portion of the property from Limerick Road will be retained for emergency fire access and maintenance purposes.

8. The applicant has received an easement from the Town of Arundel to continue utilizing the existing ML Day School septic system on Lot 25 and has full rights to make all necessary repairs and maintenance of said system.
9. Water supply will continue to be provided by the existing on-site well and the existing off-site septic system will continue to be used sewage disposal.
10. The applicant has designed a complex stormwater management system and treatment facility that will not increase peak runoff rate from the site during the 5, 10, and 25 year storm.
11. A new lighting system has been designed for the parking areas, sidewalks, and grounds, and photometric mapping has indicated that it meets all of the lighting standards of Section 7.5 of the Arundel Land Use Ordinance.
12. Solid waste will be stored in a dumpster will be removed by a private contractor.
13. The applicant has received all DEP Site Location and Stormwater Permits required for this project.
14. The Arundel Fire Chief has approved the fire protection and access plan for the proposed site development.
15. Both a soil erosion control plan and a suitable landscape plan have been submitted that meet the standards of the Arundel Land Use Ordinance.
16. Record plans submitted as part of the Conditional Use application include a thirteen (13) sheet plan set prepared by Harriman Associates and dated 9-24-15 with revisions to 2-11-16. All plans in the set are made part of this motion of approval.

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 9.7.H of the Arundel Land Use Ordinance as follows:

- 9.7.H.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 is exactly as currently exists on the site.
Motion: Mr. Der Kinderen moved to approve this finding. Mr. Cain seconded.
Vote: Unanimous in favor of the motion.
- 9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that
The Comprehensive Plan permits such municipal and public uses in the R2 district as conditional uses and therefore the proposed use is in conformance with the 2005, and 2015 Comprehensive Plan.
Motion: Mr. McGinn moved to approve this finding. Mr. Der Kinderen seconded.
Vote: Unanimous in favor of the motion.
- 9.7.H.3 That there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use.
The proposed use will not generate significant trip generation beyond its current use, the applicant's driveway sight distances exceed the minimum standards of Section 7.7.A., and the applicant has received an approval from the Arundel Public Works Director.
Motion: Mr. Der Kinderen moved to approve this finding. Mr. McGinn seconded.
Vote: Unanimous in favor of the motion.
- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.

Existing well water is provided on site and supply exceeds demand. Existing off-site septic will continue to be used on Lot 25 and the applicant has an easement from the Town to use, repair and maintain this facility.

Motion: Mr. McGinn moved to approve this finding. Mr. Der Kinderen seconded.

Vote: Unanimous in favor of the motion.

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

The renovation of the existing facility will not result in an expansion of current uses and capacities and there will be no additional nuisances created by the activity.

Motion: Mr. McGinn moved to approve this finding. Mr. Lowery seconded.

Vote: Unanimous in favor of the motion.

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

Very little topographic adjustments are proposed for the site over existing conditions. The installation of a stormwater detention facility and filter bed will result in no increase in the downstream peak runoff generated by the site improvements during a 25-year storm event.

Motion: Mr. McGinn moved to approve this finding. Mr. Der Kinderen seconded.

Vote: Unanimous in favor of the motion.

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

No additional nuisances will be generated by the proposed use.

Motion: Mr. McGinn moved to approve this finding. Mr. Lowery seconded.

Vote: Unanimous in favor of the motion.

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

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

Motion: Mr. Lowery moved to approve this finding. Mr. Der Kinderen seconded.

Vote: Unanimous in favor of the motion.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of RSU 21 to reconstruct Mildred L Day Elementary School campus including renovation of portions of the existing building, 24,045 square feet of building expansion, and relocated parking and recreational facilities on a 9.59 acre parcel located at 600 Limerick Road, Map 17 Lot 25A in the R2 district, subject to the following conditions:

1. No disturbance of soil on the site shall occur until all soil and erosion control measures specified in soil erosion control plan of the approved plan set are installed.
2. No Certificate of Occupancy shall be issued for the renovated and expanded building until a sealed letter is presented to the Code Enforcement Officer and Town Planner by Harriman Associates certifying that all improvements have been installed in accordance with the approved plans.

3. All site improvements approved in this Planning Board action shall be substantially completed within two years of this approval date, otherwise this approval shall be deemed null and void.
4. A Street light shall be installed at the proposed southern school driveway entrance, the specifications to be approved by the Town Planner.
5. All outstanding peer review invoices shall be paid in full by the applicant prior to the issuance of a Building Permit.
6. Any change from the approved plans shall require submittal of revised plans to the Board.

SO APPROVED by the Arundel Planning Board this 11th day of February 2016:

Motion: Mr. Cain moved to approve the Findings of Fact and Decision as read. Mr. Lowery seconded.

Vote: Unanimous in favor of the motion.

Item 2: **Old Oliver Farms, LLC: *Conditional Use –Conditional Use Application-*** Proposal to institute an animal husbandry use and raise domesticated farm animals on an 80 acre farm site located on the former Oliver Farm located at 475 Mountain Road, Tax Map 16, Lot 12 in the R-2 zone. Mark Pinette dba Old Oliver Farm LLC is the owner applicant and Alan Shepard, Esq is the designated agent.

The Planner reported that the applicant had provided a map showing the extent of the fencing on the property but that the fence did not close upon itself so the enclosure was not complete. The maps should be resubmitted with a closing fence line in the designated area. The Planer also informed the Board that the applicant still had not provided an inventory of the types and numbers of animal units that would be housed or grazed on that portion of the Lot. Mr. Redway reported that the CEO could not enforce the Animal Husbandry restrictions effectively without having such an inventory. Mr. Der Kinderen stated that providing such an inventory was an unrealistic request, since the livestock inventory would be always changing and that new births would change the inventory. Mr. Der Kinderen and Mr. Cain stated that the intent of the 5,000 pounds of “animal units” was designed to specifically provide such flexibility for the farmer and that the CEO would have to make reasonable estimates of weight. Mr. Redway stated that such a system was unenforceable.

Mr. Pinette stated that the previous owners kept livestock on the subject property and therefore the property should be grandfathered from meeting the R-2 restrictions. Chair Ganong observed that Mr. Pinette could provide evidence of the continuous animal husbandry uses then that evidence should be supplied to the CEO for his ruling.

The Board discussed the matter at length and determined that the applicant did not have to supply an inventory of the stock to be grazed on the target lot.

Motion: Mr. McGinn made a motion to deem the application complete. Mr. Lowery seconded the motion.

Discussion: Mr. Cain raised the issue that the survey still does not have a surveyor’s stamp on it, and that needs to be done to deem the application complete.

Vote: *Aye:* Mr. McGinn. *Nay:* Chair Ganong, Mr. Cain, Mr. Lowery, Mr. Der Kinderen

Motion fails.

Mr. Pinette will resubmit a plan showing the enclosed fence line as it is and will submit a sealed survey of the property at the next meeting.

IV. Land Use & Subdivision Ordinance Revisions

Item 1: Review LUO Format change and schedule public hearing date:

Mr. Redway reported that the format changes have been completed and the Town Clerk is reviewing the document for any reference, numbering, and spelling errors. The required advertisement in the newspaper has been posted.

Mr. Der Kinderen questioned the division between Business districts and Mixed use districts. Mr. Redway explained that retaining the term business districts in the LUO was essential in marketing the community for prospective businesses and that the Mixed use districts allowed some residential use mixed in with business to a greater extent than the AR, BI, DB-1 and DB-2 districts.

Motion: Mr. McGinn moved to set the public hearing date for the LUO revisions for February 25, 2016. Mr. Der Kinderen seconded the motion.

VOTE: Unanimous.

Item 2: Discussion: Proposed Fire Protection Ordinance and modifications to Land Use and Subdivision Ordinance

Chair Ganong reported on the proposed Ordinance that he sent disseminated to the Board. There is inadequate time discuss it this evening and will defer to the next meeting.

Item 3: Discussion: Proposal to introduce equestrian Centers and Riding Stables to Conditional Uses in the R-4 District.

Mr. Redway stated the need to establish equestrian and riding stables in various sections of the Town. He will have a sample ordinance for the next meeting.

VI: Planner's Report

Mr. Redway stated that work on the Arundel Cottages was continuing to proceed on schedule. The Covenants were still not completed.

Chairman's Report: Christine Woodward of Limerick road sent the Chair a letter requesting the inclusion of Pet Day Care Centers in the R-2 district. This request would require a zoning change since these facilities are currently permitted only in the business districts and the R4 district.

ADJORNMENT: Mr. Cain moved to adjourn at 9:40 pm, with Mr. Lowery seconding the motion, and it passed with all in favor.

Respectfully Submitted,



Tad Redway

Planning Board Secretary, Pro Temp