

## Arundel Planning Board Minutes

February 14, 2019 - 7:00pm

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

**Board Attendees:** Mr. Cain, Mr. McGinn, Ms. Roth, Mr. Bergen, Mr. Ganong, Planner Mr. Redway, Secretary Ms. Goulet

**Attendees:** Jerald Court, Paul Green, Phil Labbe, Alan Labrecque, Ed Nadeau, Sandy Nedeau, Michael Nadeau, Bree Gajtkowski, Cliff Gajtkowski, Kris Woodward, Jamie Paschal, Jason Vafiades, James Logan, Walter Woods

**Call to Order:** Chair Ganong calls meeting to order at 7:03pm.

### I. APPROVAL OF AGENDA:

**Motion:** Mr. Cain motions to approve the agenda as written. Mr. McGinn seconds.

**Vote:** Unanimous in favor.

### II. APPROVAL OF MINUTES:

Upon review, it's noted that Ms. Roth needs to be added to Board Attendees and that "asked" should be inserted in 1<sup>st</sup> paragraph on page 2.

**Motion:** Ms. Roth motions to approve the January 24<sup>th</sup>, 2019 Minutes as amended. Mr. McGinn seconds.

**Vote:** Unanimous in favor.

### III. CITIZEN COMMENTS:

Citizen comment period opened and closed at 7:06 with no comments to record.

### IV. PENDING APPLICATIONS

#### **Item 1: Ledgewood Meadows Subdivision: *Expiration of Subdivision Approval:***

*Determination that the Ledgewood Meadows Subdivision, located at 14 Ledge Cliff Drive, Tax Map 4, Lots 24 and 25B, in the AR district has failed to substantially complete all approved improvements within the time period specified by the Major Subdivision permit and Section 8.3.F of Arundel Subdivision Regulations. Under Section 8.3.F, the Board shall notify the York County Registry of Deeds that the Ledgewood Meadows Subdivision is null and void and shall be removed from the County deed and map references. Phillip Labbe is the owner and permit holder.*

The Board asks Mr. Labbe to produce the previously requested documentation regarding his current expenditures regarding the Subdivision. Mr. Labbe obliges. The documentation indicates that he's spent approximately \$64,000. The figure he needed to hit/exceed was \$48,000 based on initial cost estimates provided to the Board.

**Motion:** Mr. Bergen motions to acknowledge that Mr. Labbe has met the minimum expense standards for substantial completion of this project. Mr. Cain seconds.  
**Vote:** Unanimous in favor.

**Item 2: 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.*

The Board reviews the revised Lighting Plan, notes that the deed issues have been straightened out and the Stormwater permit has been received from DEP.

The applicant indicates that the intent is to break ground as soon as there has been enough of a thaw. The project will be 6-8 weeks out for completion. They are hopeful that completion will occur in June.

Mr. Ganong reads the Findings of Fact:

**Town of Arundel  
Arundel Planning Board  
FINDINGS OF FACT AND MOTION FOR APPROVAL  
Raptor Falls Miniature Golf Course**

**WHEREAS** on September 27, 2018 the Arundel Planning Board received Plenary Site Application from Clifford Gajtkowski and Bree Duffy-King to construct an 18-hole miniature golf course with a dinosaur theme complete with range building, and associated off-site parking on a 7.58-acre site located at 1912 Portland Road, Tax Map 15 Lot 12 in the BI district.

**WHEREAS**, on October 13, 2018, the Arundel Planning Board conducted a public site walk of the project.

**WHEREAS**, on October 25, 2018 the Planning Board determined the application complete and scheduled a public hearing on November 8, 2018.

**WHEREAS**, on November 8, 2018 the Planning Board conducted a Public Hearing in compliance with LUO § 10.6.3.3. and the Board deferred action until the lighting peer review was submitted and a number of deed and topographic discrepancies were corrected.

**WHEREAS**, on November 29, 2018, the applicants requested and received a 30-day extension to resolve outstanding survey and property line inconsistencies.

**WHEREAS**, on January 10, 2019, the applicants requested and received a second extension to address lighting and property line issues.

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

**FINDINGS OF FACT**

1. The owners of the property are Richard and Pauline Fritz and the applicants are Clifford Gajtkowski and Bree Duffy-King

2. The property is located at 1912 Portland Road, Tax Map 15 Lot 12 in the BI district.
3. The property is 7.58 acres in size.
4. The property currently contains three structures and was the former site of *Fritz's Tire and Timeless Classics*- vehicle repair and tire store. All three buildings will be demolished and removed.
5. The applicant proposes to construct an eighteen (18) hole miniature golf course supported by a 640- sf Clubhouse, designed to dispense equipment and sell refreshments and souvenirs. The facility will have a dinosaur theme, containing a number of animatronic scaled dinosaurs including a 20-foot brachiosaurus. The facility will also contain cascading waterfalls and will be lighted for evening golfing.
6. The proposed Miniature Golf Course qualifies as a Commercial Recreational facility and is listed in LUO § 6.6.1.20 as a permitted use in the BI district.
7. The original Fritz's Tire building was located only 10 feet from the front property line. The Clubhouse will be constructed in the footprint of the original building and 35 feet from the front property line, thereby rendering the new structure legally-non-conforming in accordance with LUO § 4.8.1.1.
8. The applicant's proposed site plan is compliant with the dimensional requirements of Section 6.6.6.4.
9. Wastewater disposal will be accommodated by a new on-site septic system and a HHE-200 has been prepared by Brady Frick of Albert Frick Associates, dated 8/13/18.
10. Potable water supply will be provided by Kennebunk-Kennebunkport and Wells Water District.
11. Underground utilities will be provided by a drop from the existing CMP pole line on the west side of Route 1.
12. *Raptor Falls* will be served by a 54-space parking lot including 3 ADA spaces and will gain access to Route 1 via an enlarged entry in the same location as a driveway into the former Fritz Tire facility. The applicant has received a Driveway Opening Waiver from the Maine Department of Transportation and has not been required to conduct a traffic study by the MDOT.
13. The applicant has submitted a Stormwater Management Plan prepared by A.C. Engineering & Consulting. All on-site runoff will be collected into a central detention basin located in the southeast corner of the site and discharged at pre-development rates into the Route 1 drainage facilities eventually discharging into the Kennebunk River. The Maine Department of Environmental Protection has issued a Stormwater Permit by Rule for the plan dated, December 21, 2018.
14. The applicant has submitted a Lighting Plan, reviewed and amended by J & M Lighting Design and dated February 4, 2019 and demonstrated to be in compliance with § 5.10 and §6.6.5.2 of the Arundel Land Use Ordinance.
15. Evidence has been supplied to the Planning Board that the animatronic dinosaurs will not make noises that exceed 50 dB at the property lines.
16. The Arundel Deputy Fire Chief as submitted a letter to the Planning Board that the project is within 500 feet of a pressure hydrant and is in compliance with section 5.7 of the Arundel Land Use Ordinance.
17. The applicant has shown adequate evidence of right title and interest in the property.
18. The applicant has submitted a Landscape Plan that will screen the parking and activity areas in compliance with the requirements of LUO § 5.9 and 6.6.5.4.
19. Engineering Documentation submitted in support of this application include Sheets C1-C10, *Site Plan Set for Raptor Falls*, prepared by A.C Engineering & Consulting, dated September 13, 2018 with revisions to February 7, 2019, Drainage Report prepared for *Raptor Falls Miniature Golf Course* prepared by A.C Engineering & Consulting and dated August 27, 2018; Maine HHE-200 subsurface Wastewater Design prepared by Brady Frick and dated 8/13/18; and Peer Review of Proposed Site Lighting by J & M Lighting Design, Inc dated January 7, 2019 and February 4, 2019; Revised Lighting Plan, Photometric Map, and fixture specifications prepared by J & M Lighting Design, Inc. and dated January 28, 2019.

## **CONFORMANCE WITH SITE PLAN APPROVAL CRITERIA**

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 10.6.4 of the Arundel Land Use Ordinance as follows:

1. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 4.8.1, 5, 6.6 and 10.6 of this Ordinance;
2. The proposed project has received its Maine DEP Stormwater permit and applicable MDOT permits.
3. The proposed project does not unreasonably impact public safety and fire protection, and will not create a financial burden for the Town of Arundel in the provision of emergency services and law enforcement to the project site and the neighborhood;
4. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources;
5. The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event and will not have an undue impact on municipal stormwater facilities or downstream properties;
6. The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or along Route 1;
7. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, or important cultural resources.
8. The proposed project will not produce undue noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life of surrounding parcels.
9. The proposed project will have a positive fiscal impact on municipal government.

**THEREFORE, BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Plenary Site Plan Application of Clifford Gajtkowski and Bree Duffy-King to construct an 18-hole miniature golf course with a dinosaur theme and clubhouse building, and associated off-site parking on a 7.58-acre site located at 1912 Portland Road, Tax Map 15 Lot 12 in the BI district, subject to the following conditions:

1. The applicant shall install all soil erosion control measures on the approved plan set prior to the commencement of earth excavation, except in areas of ledge removal.
2. In accordance with LUO § 10.7.2, the applicant shall submit a performance surety in the amount of \$150,000 to the Town Planner to insure all work is completed in accordance with the approved plans.
3. No Certificate of Occupancy shall be issued until the applicant's engineer and lighting consultant shall certify that all improvements have been completed in accordance with the approved plan.

SO APPROVED by the Arundel Planning Board this 14th day of February 2019:

**Motion:** Mr. McGinn motions to accept the Findings of Fact & Motion for Approval as written. Ms. Roth seconds.

**Vote:** Unanimous in favor.

**Item 3: Rontu's Run Dog Daycare: Major Conditional Use Application:** Proposal to establish a Pet Daycare Center in an existing Riding Stable located at 496 Limerick Road. Tax Map 27, Lot 2, in the R1 District. Kristin Woodward is the owner and applicant.

Mr. Ganong begins discussion by expressing the dismay he experienced at the site walk. Two areas of concern for him were the seemingly inadequate fence and the lack of heat for the indoor play space. Mr. Ganong also points out that the Ordinance states that non-aggressive dogs are not supposed to be caged.

Ms. Roth expresses serious concern regarding the close quarters in crating space. There is no barrier between the crates that would help prevent negative engagement between dogs and it appeared that it would be difficult to clean under/around the wire crates if an animal defecated in the space. Ms. Roth explains the difference between dog crates and dog runs. She also indicates that dog runs would be the preferable means of confinement.

There is also a notable amount of discussion regarding the outdoor fencing. Some Board members felt that it was adequate and some felt that either the height or sturdiness was questionable.

Ms. Woodward states that it is not her intent to accept dogs with aggression and that she has moved the crates around quite a bit already. Because of their mobility, she doesn't have grave concerns regarding cleanliness of the area. But, Ms. Woodward does ask what the Board's recommendations are for improvement.

Mr. Redway points out that the standards that the Board is referring to are excerpts from the "Guidelines for Standards of Care in Animal Shelters". In this document, it indicates that primary enclosures (indoor) should be sizeable enough for animals to eliminate with adequate room, stand, lay down, stretch, etc..." This document is available online and could be a valuable resource for the applicant.

Areas that the Board suggests need attention are:

- Elevation of crates; perhaps add a tray underneath to aid in cleanliness?
- Addition of a solid separation between crates
- Better explanation of plan for inclement weather – the interior play space is large enough to accommodate projected number of dogs, nor is it heated/cooled
- There is concern that the outdoor water source will cause difficulties in winter months

Upon the request of the Applicant, Tad indicates that he can/will supply the Boards suggestions in written form.

Mr. Cain asks the Applicant if she has visited other similar facilities to get ideas.

Ms. Woodward indicates that she's modeled her facility after one that she used to work for. During her tenure there, no issues with aggression occurred and pets and owners alike loved what was offered.

**Item 4: KKWWD Water Storage Tank: Major Conditional Use Permit: Proposed construction of a 15-foot wide access road from Route 1 within a 30-foot easement across a 33.32-acre parcel. Tax Map 15, Lot 14, to access a 13.34-acre parcel; Tax Map 15, Lot 8, which will serve as the site of a future vertical water tank(s). Kennebunk, Kennebunkport, and Wells Water District (KKWWD) is the owner of Tax Map 15, Lot 8 and is the applicant, and Jamie Paschal, District Engineer, is the applicant's agent. The owner of Tax Map 15, Lot 14, is Elizabeth Buzzell.**

Jamie Paschal indicates that the detailed access plans have been completed up to 300' and that Blais secured the necessary permit from DEP.

Mr. Redway points out that the culverts along the driveway must be 15" and not the 12" as indicated on the plan. The plan also indicates that the tank will be gray. Has the owner/developer of the Cottage Preserve voiced any preference for a different color?

Mr. Paschal indicates that he'll correct the culvert size. Gray is the standard color for the tanks since they are composed of concrete and other colors would be more difficult to create a uniform color. Though there has been no preference for color voiced by the abutter, Rick Licht has suggested some revegetation of the area between the development and the tank. This suggestion was acceptable to KKWWD.

**Motion:** Mr. McGinn motions that the application be deemed complete. Mr. Cain seconds.

**Vote:** Unanimous in favor.

**Motion:** Mr. McGinn motions that the Public Hearing be scheduled for February 28<sup>th</sup>, 2019. Mr. Bergen seconds.

**Vote:** Unanimous in favor.

## V. NEW APPLICATIONS

**Item 1: Arundel Farm Stand: Site Plan Pre-Application: Proposal to construct a 1,020 sf Farm Retail building, serviced by a 480 foot log commercial driveway with two parking areas containing 20 parking spaces on a 2.02 acre parcel located on Portland Road, Tax Map 36, Lot 13 in the DB-1 District. Peter Faulkner, Trustee is the owner and Ed and Sara LaBlank are the applicants.**

Applicant's agent, Jason Vafiades, reviews the application. This location has been on the market for a while and is a difficult one for many reasons BUT it's perfect for these buyers because:

- High traffic count
- Good visibility
- Affordable

A Tier 1 NERPA Permit will be needed, the intent is for the Farm Stand to be open from mid-April to mid-November, extra parking to accommodate for peak hours is accommodated for behind the building, 14,745 of fill will be needed, and no waivers are being requested.

**Motion:** Mr. McGinn motions that a site walk be held on February 28<sup>th</sup>, 2019 at 5pm. After discussion, the date is amended to February 21<sup>st</sup>, 2019 at 5:15pm. Ms. Roth seconds.

**Vote:** Unanimous in favor.

**Item 2: Oak Ridge Terrace: Major Subdivision Pre-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 North Skillings Road and Limerick Road in the R2 and Shoreland Zones.*

Mr. Vafiedes also represents this applicant. He begins by reviewing the basic plans for the Cluster Development off of South Skillings Rd. The road will be built to Town standards and there will be 3 areas of wetlands to cross.

Abutter, Mr. Court, inquires why the applicant isn't using Laurel Lane for access instead of creating another private way? He would rather not have roadways in front and directly behind his property.

Abutter, Mr. M. Nadeau, voices his concerns regarding access to his back lot using the ROW, the concern about water quality downstream from the new road and inquires how one side of the existing "farm road" can be a wetland of special significance and the other is not.

The applicant, Mr. Wood, speaks up to indicate that he is willing to listen to all abutters' concerns and try and alleviate them.

Mr. Ganong suggests that the applicant be mindful of the need to have fire suppression water sources that are within the 1000' requirements.

Ms. Roth suggests that the applicant should explore whether or not Laurel Lane could be utilized as access. Talk to the residents. Maybe a more appealing solution to all parties could be developed.

**Motion:** Mr. McGinn motions that a site walk be held on February 23<sup>rd</sup>, 2019 at 8:30am. Ms. Roth seconds.

**Vote:** Unanimous in favor.

**V. OTHER BUSINESS**

Mylars are signed.

Mr. Bergen motions to adjourn at 9:41pm. Mr. McGinn seconds.

**Adjourn**

Respectfully submitted,

Corinne A. Goulet  
Secretary to the Planning Board