

**Arundel Planning Board Minutes**  
April 2, 2020 - 7:00pm  
Remote Zoom Planning Board Meeting

**Board Attendees:** Mr. Ganong, Ms. Roth, Mr. Bergen, Mr. Cain, Mr. McGinn, Mr. Morin and Tad Redway, Town Planner

**Attendees:** Ben Fitzpatrick, Paul Gadbois, Mike Corsie, Steve Doe, Linda Zuke, John Smart, Linda Zuke, Rkiya Noyes, David Gochberg, and Kris Woodward.

**Call to Order:** Chair Ganong calls meeting to order at 7:07PM.

**I. APPROVAL OF AGENDA:**

**Motion:** Mr. Morin motions to approve the Agenda as written. Mr. McGinn seconds.

**Vote:** Unanimous in favor.

**II. APPROVAL OF MINUTES:**

Chairman Ganong deferred consideration of the March 5, 2020 and March 12, 2020 minutes to the end of the meeting.

**III. PUBLIC HEARINGS:**

**Item 1: Gary's Auto Salvage: Conditional Use Permit Renewal:** Proposal for an existing auto salvage yard on a portion of a 16.5-acre site located at 258 River Road, Tax Map 40, Lot 3 in the R-4 District. Gary Welch is the owner and applicant.

Mr. Ganong opened the public hearing at 7:13 PM

No one from the public commented regarding the project.

Mr. Ganong closed the public hearing at 7:14 PM

**Item 2: BDF Holdings INC: Minor Subdivision Application:** Proposal to subdivide a 31.5 acre parcel, Tax Map 4, Lot 23 at 715 Alfred Road in the AR District into 4 lots, subdivide the existing 5,000 sf building on proposed Lot 2 into an additional 4 units, and make improvements to the existing Heavy Hammer Lane to bring it into conformance with Town commercial driveway standards. BDF Holdings is the owner and applicant.

Mr. Ganong opened the public hearing at 7:14 PM

No one from the public commented regarding the project.

Mr. Ganong closed the public hearing at 7:15 PM

**IV. PENDING APPLICATIONS:**

**Item 1: Gary's Auto Salvage: Conditional Use Permit Renewal:** Proposal for an existing auto salvage yard on a portion of a 16.5-acre site located at 258 River Road, Tax Map 40, Lot 3 in the R-4 District. Gary Welch is the owner and applicant.

The applicant's Gary and Joy Welch were unable to connect to the remote meeting.

**Motion:** Mr. McGinn motions move the Findings of Fact on this application as written by the Town Planner. Mr. Morin seconds.

**Vote:** Unanimous in favor.

## **FINDINGS OF FACT AND APPROVAL**

### **Conditional Use Permit for Gary's Auto Salvage**

**WHEREAS** on February 13, 2020 the Arundel Planning Board received a Conditional Use renewal application from Gary's Auto Salvage for continuing operation of an existing auto salvage yard on a portion of a 6.5-acre site located at 258 River Road, Tax Map 40, Lot 3A in the R-4 District.

**WHEREAS** on March 7, 2020, the Arundel Planning Board conducted a public site walk on the subject property to investigate site conditions and compliance of the facility with conditions of both past permits and the current regulations;

**WHEREAS** on March 12, 2020, the Planning Board determined the Conditional Use Application

**WHEREAS** on April 2, 2020, the Arundel Planning Board conducted a public hearing on the proposed project;

**WHEREUPON** the Arundel Planning Board has arrived at the following findings of fact:

#### **FINDINGS OF FACT**

1. The owner of the property and the operator of the business is Gary Welch.
2. The property is located at 258 River Road, Tax Map 40, Lot 3A in the R-4 District.
3. Total lot size is approximately 6.5 total acres
4. The property currently supports an automobile salvage yard, and auto sales auto parts sales facility. The salvage yard can contain in excess of 200 vehicles, in which the fluids are drained into appropriate containers and disposed of by a licensed facility. On an annual basis, vehicle bodies are crushed by a mobile auto crusher and removed as scrap from the site.
5. The applicant proposes no changes to the current use and volume of processed auto salvage materials.
6. The site access is from a driveway onto River Road. No changes to this access are proposed and the entrance enjoys adequate sight distances to the east and west along River Road.
7. The facility is served by an existing private well and sanitation facilities are provided by an onsite septic system.
8. The salvage yard is buffered from Durrell's Woods subdivision by a stand of mature pines and hemlocks, while an intact 6-foot high stockade fence buffers the yard from abutters along River Road.

#### **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.

*Gary's Auto Salvage is a legally non-conforming automobile salvage facility in the R-4 district. The applicant is proposing no new expansions or activities that would impact adjacent properties and uses.*

- 9.2.9.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that:

*The use is not consistent with the uses suggested for the R-4 district in the 2007 Comprehensive Plan but the use was a permitted use in the district when first opened and the operation has complied with all current regulations and restrictions of an auto salvage facility and has maintained its legal non-conforming status. Therefore, the use has a legal right to continue within the confines of its present operation.*

- 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 ingress and egress have adequate site distance to the east and west on River Road.*

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

*The site is serviced by existing on-site water and septic services.*

9.2.9.5 That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties in that

*Periodic noise is generated by annual or semi-annual crushing activities; however, these events are very infrequent. The operation does not generate dust or odors and site lighting consists of lighting around the office auto parts facility and is buffered from adjacent properties.*

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.

*No changes are proposed that will impact existing slopes soils vegetative cover or drainage facilities.*

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

*No nuisances will be generated by the proposed use.*

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

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

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use renewal of Gary's Auto Salvage for continuing operation of an existing auto salvage yard and auto sales facility on a 6.5 acre site located at 258 River Road, Tax Map 40, Lot 3A in the R-4 District subject to the following conditions:

1. This conditional use permit expires on April 2, 2023, and must be renewed prior to that date.
2. Any change from the plans signed by the Planning Board shall require submittal of revised plans to the Board.

**SO APPROVED by the Arundel Planning Board this 2<sup>nd</sup> day of April, 2020:**

**Motion:** Ms. Roth motions to renew Conditional Use Permit for Gary's Auto Salvage as documented in the Findings of Fact. Mr. Morin seconds.

**Vote:** Unanimous in favor.

**Item 2: BDF Holdings INC: Minor Subdivision Application:** Proposal to subdivide a 31.5 acre parcel, Tax Map 4, Lot 23 at 715 Alfred Road in the AR District into 4 lots, subdivide the existing 5,000 sf building on proposed Lot 2 into an additional 4 units, and make improvements to the existing Heavy Hammer Lane to bring it into conformance with Town commercial driveway standards. BDF Holdings is the owner and applicant.

The applicant reviewed the project. The Town Planner asked for clarification regarding the Fire Chief's review of the adequacy of the curve radius at Station 1+0 and the proposed terminus turnaround on *Heavy Hammer Lane*. The applicant stated that he would present a letter from the Fire Chief by the April 23<sup>rd</sup> meeting. Paul Gadbois, PE answered questions regarding the stormwater management strategy.

**Item 3: Terrapin Landscapes: Plenary Site Plan Application – Determination of Completeness:** Proposal to construct a 40,280 square foot gravel parking lot for the storage of equipment, trucks, mulch, loam and other earth materials associated with a Landscape Design and installation business located at 1544 Portland Road, Tax Map 29, Lot 19 in the DB-1 and DB-2 districts. Corsie Holdings Inc is the owner and applicant.

Planning Board discussed the findings of the Site Walk on March 26, 2020

The Planner stated that the screening between the proposed parking lot and the Hopkins parcel to the north was very thin at various points and may not meet the standards of the LUO section 5.9.5.

The Board also stated the need for documentation of noise output from the trucks and machinery that will be operating on the site and the compliance of these noise levels with LUO section 5.11.1.

The Board determined if the required information was provided before April 10, 2020, the Planner was authorized to schedule a Public Hearing on April 23<sup>rd</sup>.

**Item 4: Arundel Self Storage: Major Conditional Use Application – Determination of Completeness:** Proposal to operate an approximately 32 vehicle livery-transport business within the existing Arundel Self Storage facility located at 2501 Portland Road, Tax Map 1, Lot 1F in the BI district. Improvements include construction of an 800-sf office and a 6,800 square foot paved parking lot for the transport vehicles. The Blue-Chip Corp Group is the owner, John Smart of Smart Transportation is the applicant, and Kirk Butterfield is the applicant's agent.

Mr. John Smart was on hand to discuss the Planning Board observations from the site walk of March 26<sup>th</sup>. The Board also reviewed completeness of the Conditional Use application and determined the following information must be submitted:

1. The delineation of the existing Shoreland Overlay District wetland and setbacks on the property on the site plan.
2. An engineered Stormwater Management Plan for discharge of runoff from the paved parking area into the adjacent wetlands and Shoreland Zone.
3. A copy of the submitted DEP NRPA permit application for the proposed stormwater discharge into the wetlands.
4. Report from a Licensed Soil Evaluator certifying that the existing septic system is suitable for the daily septic load of the new operations office.
5. A letter from the Arundel Fire Chief confirming that the new use and building meet fire suppression standards in section 5.7 of the Arundel Land Use Ordinance (LUO).
6. Installation of landscape screening along the front yard fence line to conform with requirements of section 5.95 and 6.6.5.4 of the Arundel Land Use Ordinance.

The Board determined if the required information was provided before the April 10<sup>th</sup>, the Planner was authorized to schedule a Public Hearing on April 23<sup>rd</sup>.

**Item 5: Weirs Buick GMC Service Expansion: *Plenary Site Plan Pre-Application:*** Proposal to construct a 2,581 square foot expansion on the north side of the existing showroom, amend the current parking layout, and relocate site lighting for an existing vehicle sales and service facility located 15 13 Portland Road, Tax Map 33 Lot 2 in the DB-1 and DB-2 districts. Weirs Motor Sales Inc is the owner and the applicant.

Linda Zuke and Paul Gadbois reviewed with the Board findings of the March 26<sup>th</sup> site walk and the items agreed upon to be submitted with the Major Site Plan application.

The Board determined if the required information was provided before the April 10<sup>th</sup>, the Chair will place the application on the April 23<sup>rd</sup> agenda.

## V. NEW APPLICATIONS:

**Item 1: Old Logging Road Timber Harvest: *Major Conditional Use Application, Determination of Completeness:*** Proposal to clear-cut between 4 and 5 acres of existing forestland for the purpose of creating pasture for equestrian uses on a 7.09-acre parcel located at 17 Old Logging Road Tax Map 27, Lot 17F in the R1 District. Rkiya Noyes and David Gochberg are the owners and applicants.

The applicants presented their plan to clear cut approximately 4.5-5 acres of forest land to create pasture for two horses and possibly some future small livestock and various agricultural plots. They intend to retain 35 feet of existing vegetation along the side and rear lot lines to protect neighbors.

The Board debated the need to conduct a site walk versus the Governor's COVID-19 stay-at-home order. As a resolution, the applicant proposes to take aerial photos of the property and ground perspective photos as an aid to the Planning Board determining the completeness of the application.

**Item 2: Rontu's Run Dog Daycare: *Major Conditional Use Application, Determination of Completeness:*** Proposal to establish a Pet Day Care 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.

Kris Woodard presented her resubmitted plan. The Board discussed the merits and deficits of the wire cages for individual dog enclosures, cleaning and disposal of animal waste products, and the isolation protocols for aggressive animals.

The Board asked the applicant to submit a signed letter from Casella Waste affirming that they will collect and dispose of the facility's fecal waste.

The Board concurred that a site walk was required but with the stay-at-home order, the Planner volunteered to take photos of the site and facility and forward them to the Board.

## II. APPROVAL OF MINUTES (resumed)

**Motion: Ms. Roth** motions to approve the minutes of March 5, 2020 with Mr. Bergen seconding.

**Vote: Yea-** Ms. Roth, Mr. Bergen, Mr. Ganong, and Mr. Cain  
**Abstain:** Mr. McGinn and Mr. Morin **Motion Passes**

**Motion: Ms. Roth** motions to approve the minutes of March 5, 2020 with Mr. Bergen seconding.

**Vote:** *Yea*- Ms. Roth, Mr. Bergen, Mr. Ganong, and Mr. Cain

*Abstain:* Mr. McGinn and Mr. Morin **Motion Passes**

**Motion: Ms. Roth** motions to approve the minutes of March 12, 2020 with Mr. Bergen seconding.

**Vote:** *Yea*- Ms. Roth, Mr. Bergen, Mr. Ganong, and Mr. Cain

*Abstain:* Mr. McGinn and Mr. Morin **Motion Passes**

#### **VI. OTHER BUSINESS**

The Planner discussed logistics and details about the upcoming Public Hearing on April 9<sup>th</sup> and an update on various on-going projects.

#### **Adjourn**

**Motion:** Mr. Morin moved Mr. McGinn seconded to adjourn the meeting at 9:02 PM.

**Vote:** *Unanimous in favor.*

Respectfully submitted,



Tad Redway  
Secretary Pro Temp to the Planning Board