

**Arundel Planning Board**  
**Regular Meeting**  
**May 12, 2016 at 7:00 pm**  
**ML Day Library**

**Board Attendees:** Tom McGinn, Jamie Lowery, Marty Cain, John Der Kinderen, Roger Morin, and Tad Redway, Town Planner

**Public Attendees:** Tony Panciocco, SMRT, Inc; Sally Bates, Seashore Trolley Museum; Terry Merrill, Roger Taschereau, and Phillip Labbe

**CALL TO ORDER:** Vice Chair McGinn called the meeting to order at 7:05 pm. Attendance was taken.

**I. APPROVAL OF AGENDA:**

*MOTION:* Mr. Der Kinderen moved and Mr. Cain seconded the motion to approve the agenda, with the amendment that the applications of Bentley's Campground and Frinkelpod Farm be tabled at the request of the applicants.

*VOTE:* Unanimous in favor

**II. APPROVAL OF MINUTES:**

*MOTION:* Mr. Der Kinderen moved and Mr. Cain seconded the motion to approve the minutes of April 21, 2016, as written.

*VOTE: Aye:* Mr. Lowery, Mr. Der Kinderen, Mr. Cain, and Mr. Morin. *Abstain:* Mr. McGinn.

*MOTION:* Mr. Der Kinderen moved and Mr. Cain seconded the motion to approve the minutes of April 28, 2016, as written.

*VOTE:* Unanimous

**III. Public Hearing**

- Item 1:** **Seashore Trolley Museum: Conditional Use Application:** Proposal to expand the Fairview Trolley Storage Barn an additional 9,992 square feet on a 40.9 acre site located at 195 Log Cabin Road , Tax map 31 Lot 12 &13 within the R-3 and Shoreland Overlay Zone. Seacoast Trolley Museum is the owner and applicant and Tony Panciocco of SMRT Inc is the applicant's agent.

Vice Chair McGinn opened the public hearing at 7:08 pm.

No one from the public spoke.

Vice Chair McGinn closed the public hearing at 7:09 pm.

- Item 2:** **Proposed Amendments to the Land Use Ordinance:** Amend LUO 6.2 Land Use Table to designate "Public Facilities" as permitted uses in the R1, R2, R3, R4 and NRC districts and as a conditional use in the Shoreland districts.

Vice Chair McGinn opened the public hearing at 7:09:15 pm.

No one from the public spoke.

Vice Chair McGinn closed the public hearing at 7:10 pm.

- Item 3:** **Proposed Amendments to the Land Use Ordinance:** Amend section 8.6.F of the LUO to increase the maximum size for a Home Occupation sign from 4 square feet to 8 square feet.

Vice Chair McGinn opened the public hearing at 7:10:10 pm.

No one from the public spoke.

Vice Chair McGinn closed the public hearing at 7:11 pm.

## VI. Pending Business

- Item 2:** **Seashore Trolley Museum: Conditional Use Application:** Proposal to expand the Fairview Trolley Storage Barn an additional 9,992 square feet on a 40.9 acre site located at 195 Log Cabin Road , Tax map 31 Lot 12 &13 within the R-3 and Shoreland Overlay Zone. Seacoast Trolley Museum is the owner and applicant and Tony Panciocco of SMRT Inc is the applicant's agent.

Mr. Panciocco of SMRT presented the Board with the revised drawings and amendments made in response to the Town Planner's memo of April 12<sup>th</sup> and the Planning Board's comments at the last meeting.

These revisions included:

- Relocation of Fairview Barn drip strip outlet so as to discharge runoff onto a gentler slope and into the Goff Mill Brook tributary.
- Provision of clean-outs in the Fairview Barn drip strip.
- Addition to the plans of the existing detention basin located north of the proposed expansion that will accept runoff from the Fairview Barn extension.
- A note on the plans stating than the Fairview Barn will be used only as storage for railcars and not for not for repair or restoration activities

Mr. Der Kinderen asked if the Planner's concern about potential scour from the drip strip discharge was alleviated. The Planner stated that the gradient revision accomplished the goal.

Vice Chair McGinn proceeded to read the Findings of Fact as prepared by the Planner, an amended copy of which is attached:

**Motion:** Mr. Der Kinderen made a motion that the applicant is in conformance with LUO section 9.7.H.1. Seconded by Mr. Morin.

**Vote:** Unanimous in favor.

**Motion:** Mr. Morin made a motion determining that the applicant is in conformance with LUO section 9.7.H.2. Seconded by Mr. Der Kinderen.

**Vote:** Unanimous in favor.

**Motion:** Mr. Morin made a motion determining that the applicant is in conformance with LUO section 9.7.H.3. Seconded by Mr. Cain.

**Vote:** Unanimous in favor.

**Motion:** Mr. Der Kinderen made a motion determining that the applicant is in conformance with LUO section 9.7.H.4. Seconded by Mr. Morin.

**Vote:** Unanimous in favor.

**Motion:** Mr. Morin made a motion determining that the applicant is in conformance with LUO section 9.7.H.5 Seconded by Mr. Cain.

**Vote:** Unanimous in favor.

**Motion:** Mr. Morin made a motion determining that the applicant is in conformance with LUO section 9.7.H.6 Seconded by Mr. Der Kinderen.

**Vote:** Unanimous in favor.

**Motion:** Mr. Der Kinderen made a motion determining that the applicant is in conformance with LUO section 9.7.H.7. Seconded by Mr. Cain.

**Vote:** Unanimous in favor.

**Motion:** Mr. Der Kinderen made a motion determining that the applicant is in conformance with LUO section 9.7.H.8. Seconded by Mr. Morin.

**Vote:** Unanimous in favor.

- Mr. Lowery recommended amending item # 4 in the Findings to read *“The proposed expansion will be located outside of the 250-100-foot setback from the Goff Mill Brook Shoreland Overlay District and outside of the 50 foot DEP setback limits and the 100 foot setback from Stream protection District associated with the unnamed tributary adjacent to the Fairview Barn site.”* The Board agreed.
- Mr. Der Kinderen recommended amending item # 2 in the conditions of approval to read *“ No Certificate of Occupancy shall be issued for the ~~renovated and expanded~~ building expansion until a sealed letter is presented to the Code Enforcement Officer and Town Planner by SMRT certifying that all improvements have been installed in accordance with the approved plans.”* The Board agreed.
- Mr. McGinn recommended that the applicant be granted three instead of two years to complete the project and that they can request extensions from the Planning Board. The Board agreed.

**Motion:** Mr. Der Kinderen made a motion to approve the Conditional Use application of Seashore Trolley Museum subject to the conditions and restrictions of these Findings of Fact/Conditions of Approval. Seconded by Mr. Cain.

**Vote:** Unanimous in favor.

**Item 3: Proposed Amendments to the Land Use Ordinance:** Amend LUO 6.2 Land Use Table to designate “Public Facilities” as permitted uses in the R1, R2, R3, R4 and NRC districts and as a conditional use in the Shoreland districts.

Mr. Cain objected to the Public Facilities definition in LUO 2.2 and wants the use to exclusively refer to municipal uses. Mr. Der Kinderen agreed that the Board should clarify the 1995 definition at some later date.

**Motion:** Mr. Lowery made a motion to refer the proposed amendment to LUO 6.2 Land Use Table to the Board of Selectmen for adoption by the citizens at Town Meeting. Seconded by Mr. Morin.

**Vote:** *Aye:* Mr. McGinn, Mr. Der Kinderen, Mr. Lowery, and Mr. Morin. *Nay:* Mr. Cain. Motion passes.

**Item 4: Proposed Amendments to the Land Use Ordinance:** Amend section 8.6.F of the LUO to increase the maximum size for a Home Occupation sign from 4 square feet to 8 square feet.

Mr. McGinn objected to the proposed increase in the size of signage for Home Occupations stating that it was unjustified and unwarranted. He stated that the Board was overwhelmed by the quantity of information in the proposed revisions to LUO 7.12 last year and inadvertently doubled the size of a Home Occupation sign. That error should not be perpetuated. Mr. Morin also objected stating that Home Occupations should be accessory to residential uses and a large sign is counter to that objective.

**Motion:** Mr. Cain made a motion to refer the proposed amendment to increase the size of a Home occupation sign from 4 to 8 square feet to the Board of Selectmen for adoption by the citizens at Town Meeting. Seconded by Mr. Der Kinderen.

**Vote:** *Aye:* Mr. Cain, Mr. Der Kinderen, and Mr. Lowery. *Nay:* Mr. McGinn and Mr. Morin. Motion passes.

## VII: PLANNER'S REPORT

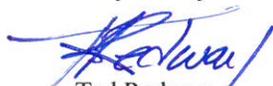
Mr. Redway reported that two new inquiries have been made to build new commercial structures in the DB-1 district and that Atlantic Mini Storage has submitted a conditional use application to expand its operations. He also gave the Board an update on the drawdown meeting that occurred that morning and discussed the need to broach the subject of large item storage issues with the Cape Arundel developers.

Mr. Redway also reported that the Good Tern Brewing Company Administrative Review application was withdrawn by the applicant in the face of neighborhood opposition.

Mr. Der Kinderen requested that the update for the Growth Control Ordinance be supplied to the Planning Board.

**ADJORNMENT:** Mr. Der Kinderen moved to adjourn at 8:06 pm, with Mr. Morin seconding the motion, and it passed with all in favor.

Respectfully Submitted,



Tad Redway

*Planning Board Secretary, Pro Temp*

**Attachment:** Executed Findings of Fact and Motion for Approval for Seashore Trolley Museum May 12, 2016

## **FINDINGS OF FACT AND MOTION FOR APPROVAL**

### **Seacoast Trolley Museum Storage Barn Expansion**

#### **Conditional Use Permit**

**WHEREAS** on July 23, 2015 the Arundel Planning Board received a Conditional Use Pre-Application from Seashore Trolley Museum to expand the Fairview Trolley Storage Barn an additional 9,992 square feet on a 40.9 acre site located at 195 Log Cabin Road , Tax Map 31 Lot 12 &13 within the R-3 and Shoreland Overlay Zone.

**WHEREAS**, on August 13, 2015 the Planning Board conducted an advertised Public Site Walk on the premises.

**WHEREAS**, upon examining the site, the Planning Board advised the applicant that they would have to map the Shoreland Overlay District and as well as a major tributary stream on the property in order to establish compliance with Shoreland setback requirements.

**WHEREAS**, on April 14, 2016 the applicant submitted a Conditional Use application for the proposed activity which the Planning Board deemed complete, subject to several revisions.

**WHEREAS**, on May 12, 2016, 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.

**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 Seacoast Trolley Museum.
2. The property is located at 195 Log Cabin Road, Tax Map 31 Lot 12 &13 within the R-3 and Shoreland Overlay Zone.
3. The applicant proposes to enclose the south side of the existing Fairview Trolley Storage Barn, thereby expanding the footprint of the building by an additional 9,992 square feet.
4. The proposed expansion will be located outside of the 100-foot setback from the Goff Mill Brook and outside of the 50 foot DEP setback limits and the 100 foot setback from Stream protection District associated with the unnamed tributary adjacent to the Fairview Barn site.
5. The proposed building expansion meets all space and bulk requirements of the R-3 district.
6. The proposed building expansion will be unheated and will be used exclusively for storage of railed vehicles. No actual restoration activities or the storage and use of paint or solvents will occur in the proposed building.
7. Vehicular ingress and egress to and from the expanded Fairview Trolley Storage Barn will be via existing and upgraded rail tracks proceeding from the east.
8. To accommodate runoff from the roof of the building expansion, the applicant proposes to install a 277-foot long drip strip at the roof drip line along the south side of the building which will then discharge into the unnamed tributary stream swale via a rip-rapped spreader. Storm drainage from the northern side of the roofline will be directed into the existing detention basin serving the remainder of the facility. Stormwater calculations indicate no net increase in peak runoff rates due to the proposed project.
9. The proposed project will not generate any additional vehicular traffic requiring parking facilities and will not impact peak hour turning movements at the Museum entrance on Log Cabin Road.
10. No additions to the facility's solid waste stream will be generated by the proposed building expansion.
11. The Arundel Fire Chief has approved the proposed site development activities.

12. A soil erosion control plan has been submitted to meet the standards of the Arundel Land Use Ordinance. The existence of a 200+ foot natural vegetated buffer precludes the requirement for any landscape buffering to adjacent properties.
13. Record plans submitted as part of the Conditional Use application include a plan set prepared by SMRT of Portland, Maine and dated March 17, 2016 with revisions to April 15, 2016 and stamped May 2, 2016. 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 building is in similar size and scale with surrounding equipment storage facilities on the 40+ acre museum property and is not visible from other properties in the neighborhood.*
- 9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that  
*The museum use is in conformance with the 2015 Arundel Comprehensive Plan for the R-3 district.*
- 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 additional vehicular off-site trips. The proposed building expansion will not be open to the general public and therefore will not increase the number of pedestrian visitors nor pose hazards to pedestrian movements on the site.*
- 9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.  
*The proposed use will not require water or sewer service.*
- 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 building expansion is intended to provide only covered storage for existing equipment and museum railcars. The only noise or exhaust generated will occur when rail vehicles are moved in and out of the structure. The Board has determined that the infrequency of these activities will not have a deleterious impact upon the neighborhood.*
- 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.  
*The site has already been cleared and developed, and the proposed expansion will minimally disturb existing topography soils and vegetation on the site. The Stormwater Management strategy will dispose of runoff in a manner that will retail soil stability and will not increase peak runoff discharges.*
- 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.*
- 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.*

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of Seashore Trolley Museum to expand the Fairview Trolley Storage Barn an additional 9,992 square feet on a 40.9 acre site located at 195 Log Cabin Road, Tax Map 31 Lot 12 & 13 within the R-3 and Shoreland Overlay Zone, 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 building expansion until a sealed letter is presented to the Code Enforcement Officer and Town Planner by SMRT, Inc. 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 three years of this approval date, otherwise this approval shall be deemed null and void.
4. Any change from the approved plans shall require submittal of revised plans to the Board.

SO APPROVED by the Arundel Planning Board this 12<sup>th</sup> day of May 2016: