

Arundel Planning Board Minutes
Regular Meeting
July 13, 2017 7:00 pm
Arundel Fire Station 468 Limerick Road

Board Attendees: Rich Ganong, Jamie Lowery, Chip Bassett, Marty Cain, Roger Morin and Tad Redway, *Town Planner*.

Public Attendees: Chris Baldwin, *St Germain Collins*; John Hughes, *Branch Brook Fuels*; William Stilphen, *Pave Tek Corp*; Mark Oliver, *Garrett Pillsbury*; Duke Harrington, *Kennebunk Post*; Don Faluey, *Motorland Contractor*; Paul Gadbois, *Paul Gadbois, PE*; Lynn Howe, Tim Stentiford, *Motorland*; Stacy Gile, Dewey Gile, Priscilla Coffin; Bruce Read, *Shepard & Read*; Jason Nedeau; *J Group*.

Call to Order:

Chair Ganong convened the meeting at 7:10 pm

I. APPROVAL OF AGENDA

Chair Ganong reminded the Board that the ByLaws require an Election of Officers at this meeting, and he recommended that the election occur at the end of the meeting.

MOTION: Mr. Cain moved and Mr. Bassett seconded the motion approve the agenda with the amendment that election of officers occur at the end of the meeting.

VOTE: Unanimous in favor

II. APPROVAL OF MINUTES: July 6, 2017

MOTION: Mr. Cain moved and Mr. Bassett seconded the motion approve the minutes of July 6, 2017 with amendments.

VOTE: Unanimous in favor

III. PUBLIC HEARING

Item 1: Branch Brook Fuel: Conditional Use Application: Proposal to install a bulk oil storage facility consisting of three 20,000 gallon # 2 fuel tanks and one 10,000 gallon kerosene storage tank in an existing fuel storage depot located at 14 Old Sawmill Lane, Tax Map 36, Lots 15, and 23 in the DB2 district. Branch Brook Fuels is the owner and John Hughes is the applicant's agent.

Chair ganong opened the public hearing at 7:15 pm. No one from the public spoke and the Chair closed the hearing at 7:16 pm.

IV. PENDING APPLICATIONS

Item 1: Branch Brook Fuel: Conditional Use Application: Proposal to install a bulk oil storage facility consisting of three 20,000 gallon # 2 fuel tanks and one 10,000 gallon kerosene storage tank in an existing fuel storage depot located at 14 Old Sawmill Lane, Tax Map 36, Lots 15, and 23 in the DB2 district. Branch Brook Fuels is the owner and John Hughes is the applicant's agent.

After a brief discussion between the Board and the applicant, Chair Ganong read a Findings of Fact andf Motion for Approval (see attached Exhibit A).

After due review and consideration the Arundel Planning Board determined that the application fulfills the approval criteria for Conditional Use, as specified in § 9.2.9 of the Arundel Land Use Ordinance:

MOTION: Mr. Morin moved and Mr. Cain seconded the motion that the application meets the standard of LUO § 9.2.9.1.

VOTE: Unanimous in favor

MOTION: Mr. Lowery moved and Mr. Morin seconded the motion that the application meets the standard of LUO § 9.2.9.2.

VOTE: Unanimous in favor

MOTION: Mr. Morin moved and Mr. Cain seconded the motion that the application meets the standard of LUO § 9.2.9.3.

VOTE: Unanimous in favor

MOTION: Mr. Morin moved and Mr. Lowery seconded the motion that the application meets the standard of LUO § 9.2.9.4.

VOTE: Unanimous in favor

MOTION: Mr. Bassett moved and Mr. Morin seconded the motion that the application meets the standard of LUO § 9.2.9.5.

VOTE: Unanimous in favor

MOTION: Mr. Cain moved and Mr. Morin seconded the motion that the application meets the standard of LUO § 9.2.9.6.

VOTE: Unanimous in favor

MOTION: Mr. Morin moved and Mr. Cain seconded the motion that the application meets the standard of LUO § 9.2.9.7.

VOTE: Unanimous in favor

MOTION: Mr. Morin moved and Mr. Lowery seconded the motion that the application meets the standard of LUO § 9.2.9.8.

VOTE: Unanimous in favor

MOTION: Mr. Cain moved and Mr. Bassett seconded the motion to approve the application of Branch Brook Fuels to construct a bulk oil and kerosene facility at 14 Old Sawmill Lane, Tax Map 36, Lots 15, and 23 in the DB2 district in accordance with the Findings of Fact and Motion of Approval (Exhibit A attached).

VOTE: Unanimous in favor

Item 2: Pave Tec Corp Contractor Yard: Conditional Use Pre-Application: Proposal for the establishment of a Contractor Yard 2 operation for an existing paving contractor business located on an interior 5 acre parcel, Tax Map 37 Lot 8A, served by the private way Stilphen Lane with access off Sinnott Road in the R4 District. William Stilphen is the owner and applicant.

Due to his status as an abutter, Mr. Bassett recused himself from the Planning Board for this application.

The Planning Board reviewed findings of the site walk on the applicant's property on July 8th.

Bruce Read, attorney representing surrounding neighbors, encouraged the Board to require the applicant to meet all of the submission standards for a Conditional Use application.

The Chair informed the attendees that the applicant's past violations on his property have been addressed by the Selectmen's Consent Agreement and that the Planning Board will only consider the merits of the application in determining its compliance with the Arundel Land Use Ordinance.

The Board gave Mr. Stilphen direction to provide a property survey, location of all site improvements and features, inventory of equipment and supplies to be stored on the proposed site, delineation of all wetlands and watercourses on the site, toe of all fill slopes, and submit a full Site Plan application to the Board. Submission Waivers may be requested at the time of initial application submission.

Item 3: Motorland : Conditional Use Application: Proposal modify an approved conditional use permit to include field changes including increased wetlands filling, propane tank relocation, increased parking area, modifications to approved detention basin, and relocated utilities at *Motorland Showroom & Service Center* located at 2564 Portland Road, Tax Map 2, Lot 1, in the BI district. *Motorland LLC* is the owner and applicant, and Paul Gadbois PE is the applicant's agent.

Mr. Gadbois provided a summary of supporting documentation submitted in response to Planning Board inquiries at the May 18, 2017 meeting including:

- Removal of installed culvert and installation of a open channel riprapped streambed with a 2-foot wide bottom between the wetland to the west of Building #1 the wetland along the northern property boundary;
- Redesign of the original detention basin to include two joined detention basins joined by a culvert and discharging into the wetlands to the north;
- Letter from Champagne Energy confirming that the underground propane lines were installed in accordance with NFPA 54 and 58;

Concerns of the Board can be summarized as follows:

- Mr. Ganong asked what standards were met in NFPA 54 and 58. Mr. Gadbois was unaware of the propane design standards.
- Mr. Redway asked for the calculations confirming the capacity of the proposed drainage ditch. Mr. Gadbois stated that the ditch was oversized for a 25 year storm. Mr. Lowery stated that he was not concerned about the rebuilt drainage channel but was concerned about the location and function of the check dam.
- Mr. Ganong expressed concern that the area of impervious surface was 2.93 acres, 0.07 acre less than the 3 acres triggering a DEP review. Mr. Gadbois stated that the 2.93 acres included portions of the parent lot and that the actual area of disturbance was less.
- Mr. Ganong suggested that a peer review of the area calculations and the drainage calculations for the stream channel and the detention facility was warranted. Mr. Lowery disagreed and the majority of the Board concurred. Mr. Gadbois agreed to provide a total calculation of impervious surfaces by the public hearing date.
- Mr. Redway asked for photometrics of the proposed lighting since the proposed 37 w LED light appears to be an excessive number of lumens for a door light (4850 l). Mr. Gadbois would provide the data by the public hearing.
- The Board concurred that a public hearing was mandated was scheduled July 27th.

Mr. Falvey, the Contractor, requested that the Board permit him to install the underground electric service prior to the public hearing. The Board debated the issues involved in permitting improvements to be installed prior to the issuance of a Conditional Use permit.

Mr. Bassett advocated for the immediate installation of all the drainage improvements that should have been completed months ago and were not part of the proposed changes.

MOTION: Mr. Bassett moved and Mr. Cain seconded the motion that the applicant be permitted to install the revised detention basin and the riprapped streambed between the two wetlands prior to the public hearing.

VOTE: Aye: Mr. Bassett, Mr. Cain; Mr. Lowery, and Mr. Morin.

NAY: Mr. Ganong.

MOTION PASSES.

MOTION: Mr. Morin moved and Mr. Cain seconded the motion that the applicant be permitted to install the separate 400 amp underground electrical service to Building # 2 prior to the public hearing.

VOTE: Aye: Mr. Morin, Mr. Cain, and Mr. Lowery.

NAY: Mr. Bassett and Mr. Ganong.

MOTION PASSES.

Item 4: Brookside Estates: Discussion of Outstanding Landscape Issues- Proposal to alter approved buffering Plan on Lot 1 and to adopt similar landscape plan on Lot 10 in the approved Brookside Subdivision located at 182 Log Cabin Road, Tax Map 32, Lot 14C in the R3 and Shoreland Overlay Districts. J Group LLC is the owner/applicant.

Jason Nedeau appeared before the Board with both a copy of the approved landscape plan for Lot 1 in Brookside estates and a photosimulation of an alternative proposed planting plan involving flowering shrubs including dwarf lilacs (*Syringa patula Miss Kim*) and evergreen ground covers.

Mr. Nedeau stated that the Brookside Residents were requesting a more floriferous entry and were willing to contribute plantings of annuals to improve the drab evergreen appearance of the approved buffering. He also wants to replicate the same planting plan on both Lot 1 and 10 for a symmetrical look. At the same time, he stated that to contract his landscape architect to design a completely new landscape scheme would be cost prohibitive. Mr. Cain noted that most of the plants proposed by the applicant were deciduous and would provide no buffering or screening during the defoliate season. The applicant acknowledged this problem and stated that he would work in some evergreens but was unsure what would work.

Mr. Ganong asked the applicant if he could complete installation by the end of September. Mr. Nedeau stated his target date was the end of August.

The Planner volunteered to provide assistance to the applicant in developing an alternative planting plan that met both the Planning Board and the applicant's objectives.

The Board agreed to the Planner's suggestion and charged the applicant to complete the plan and install the plantings no later than the end of September.

V. ELECTION OF OFFICERS

FOR PLANNING BOARD CHAIR:

MOTION: Mr. Morin moved and Mr. Lowery seconded the nomination of Richard Ganong as the Planning Board Chair.

MOTION: Mr. Cain moved and Mr. Lowery seconded the nomination of Chip Bassett as the Planning Board Chair. Mr. Ganong asked Mr. Bassett if he wanted to serve as Chair, Mr. Ganong would step aside. Mr. Bassett stated he would, and Mr. Ganong withdrew his name from consideration.

VOTE: Unanimous in favor of Mr. Bassett.

FOR PLANNING BOARD VICE CHAIR:

MOTION: Mr. Morin moved and Mr. Lowery seconded the nomination of Richard Ganong as the Planning Board Vice Chair.

VOTE: Unanimous in favor.

FOR PLANNING BOARD SECRETARY:

MOTION: Mr. Bassett moved and Mr. Cain seconded the nomination of Jamie Lowery as the Planning Board Secretary.

VOTE: Unanimous in favor.

VI. OTHER BUSINESS

The Planner reported on upcoming projects, the proposed workshop meeting between the Planning Board and the Comprehensive Plan Review Committee regarding residential district zoning regulations, and the Selectmen's interest in redesigning road and private way standards.

ADJOURN

MOTION: Mr. Morin moved and Mr. Cain seconded the motion to adjourn the meeting at 9:35 pm.

VOTE: Unanimous in favor.

I hereby attest the preceding is a true and accurate account of the Arundel Planning Board Meeting of July 13, 2017.

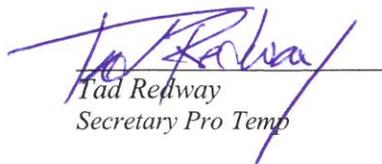

Tad Redway
Secretary Pro Temp

Exhibit A

**FINDINGS OF FACT AND MOTION FOR APPROVAL
Branch Brook Fuels Fuel Bulk Oil Storage Facility**

WHEREAS on March 23, 2017 the Arundel Planning Board received a conditional use pre-application from D & R Leasing Co Inc to a bulk oil storage facility consisting of three 20,000 gallon # 2 fuel tanks and one 12,000 gallon kerosene storage tank in an existing fuel storage depot located at 14 Old Sawmill Lane, Tax Map 36, Lots 15, and 23 in the DB2 district.

WHEREAS, on April 13, 2017 the Planning Board conducted a site walk of the proposed project site.

WHEREAS, on June 22, 2017 the Planning Board accepted a formal Conditional Use application from D & R Leasing Co Inc and determined the application complete in accordance with LUO section 10.6.3.2

WHEREAS, on July 13, 2017 the Planning Board conducted a public hearing in conformance with LUO section 10.6.3.3

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

FINDINGS OF FACT

1. The owner of the property is D & R Leasing Co Inc is the owner and John Hughes is the applicant's agent.
2. The property is located at 14 Old Sawmill Lane, Tax Map 36, Lots 15, and 23 in the DB2 district.
3. The property currently contains an 30,000 gallon propane storage and distribution facility, a 20,000 gallon oil tank serviced by an overhead loading rack on a concrete pad and 5,000 gallon diesel tank.
4. The applicant proposes to construct three 20,000 gallon single walled vertical wall oil storage tanks and one 12,000 gallon vertical kerosene tank that will be dispensed by the existing loading rack.
5. A concrete containment dike measuring 37 feet by 38 feet shall be constructed around the four vertical tanks with sufficient capacity to contain the entire contents of a ruptured 20,000 gallon tank plus a 10% additional volume of liquid to account for rainfall from a 25 year storm.
6. The containment dike contain a stormwater collection sump in the northeast corner of the dike for collecting precipitation to be regularly pumped from the containment facility by a portable pump and discharged to the existing drainage swale located on the north side of Saw Mill Road. Runoff from the swale will be discharged to the east into the wooded area via level spreader.
7. The discharge end of the pump will be fitted with a Ultra-X Tex absorbent sock which will filter out residual oils from the containment area.
8. The applicant shall remove all accumulated snow from the containment dike within 24 hours of the end of a snow storm event totaling more than 6 inches and any time the accumulation of snow exceeds 6 inches.
9. In the event that the applicant notes a sheen upon the surface of fluid in the containment dike, the applicant shall dispose of the accumulated runoff via a licensed waste hauler contracted to collect, treat and or dispose of the oil water mixture in accordance with Maine Department of Environmental Protection regulations.

10. In addition the applicant is proposing to construct 12 foot by 47 foot concrete deck to the east of the tank farm for loading product from tankers into the four vertical tanks.
11. No additional lighting is proposed to be installed.
12. The applicant proposes to install six 8 foot tall arborvitae trees (*Thuja occidentalis Mission*, or equal) along the property line of the adjacent office building on Lot 2 (Tax Map 36 Lot 15A) to screen the plant from the neighboring property. The existing pine tree stand along the southern boundary will screen the tank farm from the neighbors to the south while the existing vegetation and Branch Brook building will help screen the tanks from the retail shop on Lot 16.
13. Stormwater analysis reveals that there will be no increase in the peak runoff generated by the activity with most runoff collected within the containment dike.
14. Record plans showing all proposed site improvements include Sheets C-101 and Sheet 301 as prepared by St Germain Collins dated June 6, 2017 with revisions to June 8, 2017 and property survey of the Old Saw Mill Subdivision prepared by Lower Village Survey and dated January 8, 2010

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 proposed use is permitted conditional use in the DB2 district and is consistent in scale and use with other uses in the surrounding neighborhood and the district.
- 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 specifies fuel services to be appropriate in and the use is consistent with the long range plan for the DB2 district to serve as Arundel's premier business zone.
- 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 proposed use will not generate unreasonable trip generation and the proposed plan will reduce pedestrian-vehicle conflicts on the property. No changes are proposed to occur to driveway access or internal circulation.
- 9.2.9.4 That there is adequate water supply and sewage disposal available to service the use.
The proposed use will not require septic or water service. A high flow fire hydrant approved by the Arundel Fire Rescue Department is located 200 feet west of the tank farm on Old Sawmill Lane
- 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 -
Noise, Dust and Smoke: The nature of the business does not generate any undue noise, dust or smoke generation outside of the facility.
- 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 proposed use will require little alteration of the existing site topography. Tree cover will be retained on the perimeter of the site. Existing stormwater facilities will be adequate to accommodate the proposed runoff generated by the activity.

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

No nuisances will be generated by the proposed use. The applicant proposes to install a 8-foot high vegetative buffer along the western property line between the use and existing commercial uses on Lot 15A.

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 application of D & R Leasing Co Inc to a bulk oil storage facility consisting of three 20,000 gallon # 2 fuel tanks and one 12,000 gallon kerosene storage tank in an existing fuel storage depot located at 14 Old Sawmill Lane, Tax Map 36, Lots 15, and 23 in the DB2 district, subject to the following conditions:

1. No construction shall commence until the applicant presents the Code Enforcement Officer and Town Planner with a permit of approval from the Maine State Fire Marshall.
2. All soil erosion control devices shall be installed prior to the commencement of construction and shall be maintained in good working order for the duration of the construction process.
3. No Certificate of Occupancy shall be issued by the Arundel Code Enforcement Officer until the Town Planner presents a Letter bearing the seal of the design engineer certifying that all improvements have been completed in accordance with the approved plans and this Conditional Use permit.

SO APPROVED by the Arundel Planning Board this 13th day of July 2017: