

Arundel Planning Board Minutes

July 26th 2018 - 7:00pm

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

Board Attendees: Mr. Cain, Mr. Morin, Mr. Lowery, Mr. Ganong, Mr. Bergen, Town Planner Mr. Redway, Secretary Ms. Goulet

Attendees: Henry Ingwersen, Donna Der Kinderen, Velma Hayes, Joan Hull, Tanja Schoenbrod, Rachel Rioux, Charles Bassett, Neal Smith, Alayna Laprel, Gary Bracy, Roger Tachereau, Phil Labbe, Todd Adjutant, Melanie Adjutant, Jack Reetz

Call to Order: Chair Ganong calls meeting to order at 7:00pm.

I. APPROVAL OF AGENDA:

Motion: Mr. Morin motions to approve the agenda with the change of moving the election of Secretary to the last item. Mr. Cain seconds.

Vote: All in favor.

II. APPROVAL OF MINUTES

Motion: Mr. Morin motions to approve the May 24th Minutes as written. Mr. Cain seconds.

Vote: Mr. Morin, Mr. Cain, Mr. Ganong in favor. Mr. Lowery abstains. Motion carries.

Motion: Mr. Morin motions to approve the July 12th Minutes as written. Mr. Cain seconds.

Vote: Mr. Morin, Mr. Lowery, Mr. Ganong in favor. Mr. Cain abstains. Motion carries.

III. CITIZEN COMMENTS

Mr. Tachereau speaks up to notify the Board that the Villages would like to use Hidden Meadow's back/emergency entrance for construction use.

Mr. Bassett ask for an update on the Private Way Committee.

In response, Mr. Ganong, reviews how they seem to be moving toward a conclusion. There have been changes to taking Private Ways and separating them out of the street ordinance. Primarily affecting the size of a private way, the construction of a private way but it would also have direct affect on those that have a family estates. All other subdivision would fall under state law – division every 5 years or creation of a subdivision.

IV. PUBLIC HEARINGS

Item 1: Amani Acres: *Minor Subdivision Application:* Proposal for a four (4) lot standard subdivision on 23 acres located off Brimstone Road, Tax Map 18 Lot 1A, in the R4 and RP

Districts. Gary and Kari Bracy are the owners and applicants. Corner Post Land Surveying is the consulting agent.

Public Hearing for Amani Acres open at 7:10pm

Neal Smith reads letter into record to notify Bracy's of their beagle training business across the street. They want the Bracy's and any buyers of the buildable lots to be aware that substantial baying may occur in the early morning and late evening hours when hot weather prevents training from occurring during normal business hours.

Neighbor, Melanie Adjutant, speaks to notify Mr. Bracy that she and other neighbors own horses and that the horses do produce smell and noise with regularity.

Mr. Bracy responds stating that he does not foresee issues with either species and that he had purchased this parcel in large part to the rural character and both the horses and beagles simply add to it.

Public Hearing for Amani Acres closed at 7:19pm

Item 2: Arundel Conservation Trust Trails at Limerick: *Conditional use and Shoreland Zoning Application*: Proposal to construct low impact walking trails linking the future Town Hall site with the Eastern Trail via a 37-acre parcel, Tax Map 28, Lot 5A. Located on Limerick Road in the R1, Shoreland Overlay, and Resource Protection District. Kennebunkport Conservation Trust is the owner, the Arundel Conservation Trust is the applicant, and Leia Lowery and Joan Hull are the applicant's agents.

Public Hearing for ACT Trails open at 7:19pm

Ms. Hull recaps the plan for the Board and attendees. She also confirms that the same use standards for the Eastern Trail (pedestrian, biking & cross-country skiing) will also apply here. Though there is some thought of possibly allowing some snowmobiling in the future but that is not currently intended as an allowed use.

There are no other questions or inquiries from the public.

Public Hearing for ACT Trails closed at 7:26pm

V. PENDING APPLICATIONS

Item 1: Amani Acres: *Minor Subdivision Application*: Proposal for a four (4) lot standard subdivision on 23 acres located off Brimstone Road, Tax Map 18 Lot 1A, in the R4 and RP Districts. Gary and Kari Bracy are the owners and applicants. Corner Post Land Surveying is the consulting agent.

Mr. Cain inquires as to whether the water has been tested due to previous conversations about a salt water aquifer in the area of the subdivision.

Mr. Bracy responds in the affirmative.

Mr. Ganong reads the findings of fact.

Mr. Bergen raises the concern about enforcement of the “no-clearing” zones; should it be noted in the deeds?

Mr. Redway suggests that adding a notation about the beagle training facility may be prudent.

It is decided to revise Findings of Fact to account for these two concerns.

Motion: Mr. Morin motions to approve the Findings of Fact as amended. Mr. Cain seconds.

Vote: All in favor.

Item 2: Arundel Conservation Trust Trails at Limerick: *Conditional use and Shoreland Zoning Application*: Proposal to construct low impact walking trails linking the future Town Hall site with the Eastern Trail via a 37-acre parcel, Tax Map 28, Lot 5A. Located on Limerick Road in the R1, Shoreland Overlay, and Resource Protection District. Kennebunkport Conservation Trust is the owner, the Arundel Conservation Trust is the applicant, and Leia Lowery and Joan Hull are the applicant’s agents.

The Board has no additional questions of the applicant.

Mr. Ganong reads the Findings of Fact.

8.6.7-1:

Motion: Mr. Morin motions to approve. Mr. Cain seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains. Motion carries.

8.6.7-2:

Motion: Mr. Morin motions to approve. Mr. Cain seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains. Motion carries.

Mr. Cain notes that the area is heavily hunted and that signage making the public aware should be posted.

8.6.7-3:

Motion: Mr. Morin motions to approve. Mr. Cain seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-4:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-5:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-6:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-7:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-8:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-9:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-10:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-11:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains.
Motion carries.

8.6.7-12:

Motion: Mr. Morin motions to approve. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains. Motion carries.

Motion: Mr. Morin motions to approve the Findings of Fact as written. Mr. Bergen seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Bergen in favor. Mr. Lowery abstains. Motion carries.

Item 3: B&B Trucking: *Plenary Site Plan Review – Sketch Plan:* Proposal to demolish and rebuild a truck repair facility with associated parking and support facilities on a 2.04-acre parcel of land. Tax Map 4, Lot 13 in the Alfred Road Business District. Robert Maskell is the owner and applicant, Paul Gadbois, PE is the applicant’s agent.

No agent present. It’s noted that the applicant needs to handle/accommodate for the following:

- property needs to be picked up; currently resembles a junk yard
- dumpster needs to be identified on the plan
- identify if trees are to be kept or removed
- identify if a fence is to be installed

It was also noted that the buildings and parking appeared to be well reflected on the plan as currently presented.

VI. OTHER BUSINESS

Definitional change to “corner lot” is needed. Something to the effect of:

“If a corner lot is created by no action of the owner then 50 foot setbacks aren’t applicable on both frontage lines. “

OR

“If there is no access to one of the frontage creating roads...”

The Zoning Board of Appeals is highly unlikely to grant a variance for this type of issue because there is no hardship. There is a house on the lot in question so the owner could sell and obtain a reasonable return on investment.

The goal is to have this definitional change complete/available for consideration for the Town’s next Special Meeting.

Mr. Cain inquires whether or not a draft of the Animal Husbandry LUO should be sent to the State for input.

Attendee, Mr. Bassett, suggests that it’s unclear if the Secretary of Agriculture has to respond. That it appears that sending a draft or final product may be simply a filing requirement. Should the Farm Bureau be involved?

Mr. Redway indicates that the Commissioner will evaluate the draft for MAPA violations.

Mr. Cain makes the suggestion to ask the Selectmen to review/possibly provide feedback about the proposed LUO for Animal Husbandry.

Mr. Labbe states that this may not be advisable since the Selectmen do not want to influence the vote of the townsfolk on any topic.

Mr. Redway announces that there is a new Planning Board member, Susan Roth. Also, that the Board can expect 7 new applications in the next meeting.

Mr. Cain also highlights the importance of securing written approval/denial from the Fire Chief as needed during an application process.

VII. Election of Secretary

Motion: Mr. Morin motions to elect Mr. Bergen as Planning Board Secretary. Mr. Cain seconds.

Vote: Mr. Cain, Mr. Morin, Mr. Ganong and Mr. Lowery in favor. Mr. Bergen abstains. Motion carries.

Mr. Morin motions to adjourn at 8:45pm.

Adjourn

Respectfully submitted,

Corinne A. Goulet
Secretary to the Planning Board