

**Arundel Planning Board**  
Minutes of Regular Meeting  
August 13, 2015  
ML Day Gym 600 Limerick Road

**Attendees:** Tad Redway, Planner; Marie Burgie, Secretary  
**Board Members:** Richard Ganong, Chairman; Tom McGinn, Marty Cain, Bob Coon, James Lowery, Roger Morin, John der Kinderen  
**Public:** Stephen G. Heinz, Jim Quincy, Jacob Aman, Tony Panciocco, Paul Gadbois, Dan Dubois, Ty Drown, Pam Drown, K.M. Bassett, Charles Bassett, Tom Danylik, John Andrews, Judy Andrews, John Lyrach, Marcel Dubois, Randy Dubois, Sol Fedder, Rick Dubois, Caroline Murphy, Sally Bates, Steven Katon, Peter Lovejoy, Elizabeth Clark

**Call to Order 7:09pm**

**I. Approval of Agenda:** *Morin motioned* to approve, *McGinn second*, Unanimously approved

**II. Approval of Minutes:**

6/25/15 sitewalk *der Kinderen motioned* to approve, *Lowery second*, *der Kinderen abstained*- Passed

6/25/15 Regular Meeting *der Kinderen motioned* to approve, *Lowery second*, unanimously approved,

6/30/15 sitewalk *Coon motioned* to include change date to 6/23/15, *Morin second* - *der Kinderen, Ganong, McGinn abstained*. Passed

7/30/15 *Morin motioned* to approve, *der Kinderen second* - 2 abstained - Passed,

7/9/15 *Coon motioned* to approve, *Cain second*, 6 approved with 1 abstention Passed

**III. Public Hearings:**

**Item 1: Goff Mill Brook Dam Removal: Conditional Use/Shoreland Zoning:** Proposal to demolish an existing 25 +/- foot wide dam on the Goff Mill Brook in order to facilitate the migration of marine fish, eel and lamprey species from the Kennebunk River at a property located at 94 River Road, Tax Map 40, Lot 8 in the R4, Resource Protection, and Shoreland Overlay Districts. Mary Castner is the owner, the Wells National Estuarine Reserve is the applicant, and Jacob Aman is the applicant's agent.

*Public Hearing Opened 7:18pm* Speakers: Judith Andrews who had also sent attached letter.

John Leach stated that although documentation is showing the dam being built in 1969, he has witnessed the dam since 1959-60', Chip Bassett spoke of the negative impact on the environment, Mary Castner, owner discussed that she can see the concern of the public and wants to make the right decision. She's glad the town planner and others will help make good decision. *Public Hearing Closed 7:44pm Pg 1 of 4*

**Item 2: Bittersweet Farms Subdivision: Amendment to an Approved Subdivision:** Proposal to configure existing lots with the actual location of the subdivision road as well as to combine Lots 2 and 3B and lots 4B and 5 on the previously approved Bittersweet Farms Subdivision located on Bittersweet Drive, Tax Map 22, Lots 8, 10, 11, and 13 in the R-4, NRC, Resource Protection, and Shoreland Overlay districts. Bittersweet Farms Homeowner's Association, Tom and Nancy Danylik, and Chris and Rae Reimer are the owners, and Tom Danylik is the owners' agent. *Public Hearing Opened 7:44 - No Public Comment - Public Hearing Closed 7:45pm*

#### **IV. Pending Applications:**

**Item 1: Goff Mill Brook Dam Removal: Conditional Use/Shoreland Zoning:** Proposal to demolish an existing 25 +/- foot wide dam on the Goff Mill Brook in order to facilitate the migration of marine fish, eel and lamprey species from the Kennebunk River at a property located at 94 River Road, Tax Map 40, Lot 8 in the R4, Resource Protection, and Shoreland Overlay Districts. Mary Castner is the owner, the Wells National Estuarine Reserve is the applicant, and Jacob Aman is the applicant's agent.

Aman thanked the public for their input and stressed that the removal of the dam would be a benefit to the public and animal species in his documentation. Paul Dess, director of Wells Reserve spoke on the projects behalf, Bruce Reid, Chairman of Laudholm Trust and land use attorney stressed that private property ownership a key feature in making this decision.

**Item 2: Bittersweet Farms Subdivision: Amendment to an Approved Subdivision:** Proposal to configure existing lots with the actual location of the subdivision road as well as to combine Lots 2 and 3B and lots 4B and 5 on the previously approved Bittersweet Farms Subdivision located on Bittersweet Drive, Tax Map 22, Lots 8, 10, 11, and 13 in the R-4, NRC, Resource Protection, and Shoreland Overlay districts. Bittersweet Farms Homeowner's Association, Tom and Nancy Danylik, and Chris and Rae Reimer are the owners, and Tom Danylik is the owners' agent.

Town of Lyman board asked, as a courtesy to review and comment on subdivision. As Town Planner Redway stated there is no requirement to do so. Board members all felt they should proceed to allow the applicant to move forward. Staff review had been held. Private way exemption request. Last Wed. 77B1B exception - supplied all reports, etc. Received exemption for two lots. The road that was improved is in the new subdivision. Revision is to allow them to move some lines to combine lots onto one side of the road. Decision had been made not to do a site walk.

No findings of fact were prepared so they will be prepared and ready for the next meeting.

**Item 3: Lovejoy Subdivision: Subdivision Pre-application:** Proposed development of a 3-lot residential cluster subdivision and construction of an 800 linear feet +/- foot private way serving four lots on 6.21 acres located at 295 Limerick Road Tax Map 28, Lots 6, in the R1 and the R4 zones. Peter Lovejoy is the owner and applicant and Paul Gadbois, PE is the owner's agent.

Gadbois showed a different plan than the board had previously seen and explained that the cluster zoning didn't work well for this development. Developments over 6 acres have to be clustered and he felt it was almost impossible to cluster one acre lots. He showed that he would like to reconfigure lot 1 and lot 2 by changing the ROW which would reduce the development size to 5.22 acres. Three one acre lots would be created without clustering and avoids the need of open space. This change eliminates nitrate studies and high intensity soil surveys. The board asked relevant questions and didn't see an issue with the change and felt Gadbois did a good job in creating the best use of the land. Redway felt concerns with and expected the applicant to consider nutrient loading factors and distance between the wells and septic systems. Gadbois would be submitting the new plan to the board.

**Item 4: Seashore Trolley Museum: Conditional Use Pre-application:** Proposal to construct a 9,696 square foot addition to the existing Fairview Barn for the storage and rehabilitation of museum equipment and exhibits on a combined 40.09 acre property, Tax Map 31, Lots 12 and 13, located at 195 Log Cabin Road in the R-3 and Shoreland Overlay districts. Seashore Trolley Museum is the owner applicant and Sally Bates, Executive Director, is the owner's agent.

Discussion was held regarding snow loads on building, etc. The site walk was discussed. Changes are being made and board is waiting for revised application to be submitted.

**Item 5: Dubois Livestock Inc., Solid Waste Facility: Conditional Use Permit Renewal - Determination of Application form completeness:** Proposed renewal of a 2011 conditional use permit for an existing Solid Waste Processing Facility producing an annual output of 5,806 cubic yards of finished compost material on a 3.1 acre site located at 2 Irving Road, Tax Map 19, Lot 6 in the R-4 District and the Shoreland Overlay districts. Ranrick Trust is the owner and Dubois Livestock, Inc. is the applicant.

*der Kinderen recused* himself as a property abutter. Chairman Ganong asked the board if the information related to the conditions requested by the board were complete to act on their application? Since this is a renewal, question was made to applicant if there were any made changes to the plan from 2011. Fedder said he didn't know how to answer that question, since he didn't have the 2011 information. After review, it was noted that numerous items were not submitted to deem the submission complete. At the July 9, 2015 meeting, Ganong had responded to the applicant that the application was incomplete so could not be put on the agenda. Dubois felt Ganong didn't have the right to make that decision with the position that the entire board has to decide if an application is complete or not. In fact, it is the town planner's responsibility to make sure that all of the submission requirements have been met before the application can be placed on the agenda. Then the planning board assesses if the application is complete and can make a reasonable decision based on the provided information. The applicant contested that the Town Planner has the right to decide if an application submission is incomplete.

The original Permit from 2011 that lists the conditions will be mailed from Town Hall to Dubois.

*Coon motioned* to deem application incomplete, *Morin seconded*, **motion Passed** with one recused

2) Written report from CEO regarding ground water report monitoring - 7/29/14 dept of agriculture

*McGinn motioned* no CEO report attached to application, *Morin second*, Application incomplete - **unanimous**

Regarding checklist page 2 - *Coon motioned* that they don't have and it's part of conditional application, *Cain second*.

**Planner's Report: Cape Arundel Cottages** Conference Center - New Proposed complex. Cape Arundel Cottages Changed sales office and parking lot

Approved amendment to branch brook fuels, relocated hydrant to south side of road.

Approved Bittersweet Lane exemption. They were building the road with a hammerhead at end so firetruck can turn around.

Approved Solar Greenhouse - remedial action - when pond was dug, it wasn't stabilized. So condition was made to stabilize it.

**New applicants:** - 2 lot private way, Draw down at cottages, alternative construction entrances. Mountain Road is not available unless they would like to rebuild the road. Completing 3 tier walls and landscaping. Septic designs have become more complex. Issue is still not having the condo docs and they have been told that they will not be allowed to move forward without them by next draw down. Discussion about utility sheds.

**Adjourn:** *Morin* motioned to adjourn, *der Kinderen* second 9:22pm

Page 4 of 4

Respectfully Submitted,  
Marie Burgie