

## Arundel Planning Board Minutes

August 22<sup>nd</sup>, 2019 - 7:00pm

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

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

**Attendees:** Steve Doe, Noah Pitchforth, Barry Pitchforth, Amanda Boutet, Tom Cloutier, Paul Marracco, Paul Gadbois

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

### I. APPROVAL OF AGENDA:

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

**Vote:** Unanimous in favor.

### II. PUBLIC COMMENT:

Citizen comment period opened and closed at 7:02 with no comments to record.

### III. APPROVAL OF MINUTES:

**Motion:** Mr. McGinn motions to approve the August 8<sup>th</sup>, 2019 Minutes as written. Mr. Cain seconds.

**Vote:** Mr. Lowery and Mr. Bergen abstain. Remaining five members in favor.

### IV. PUBLIC HEARINGS:

**Item 1: Pitchforth Subdivision: Amendment to a Major Subdivision Plan:** Proposed amendment to an approved subdivision of multi-family units where the applicant proposes to subdivide off a net 2 acre parcel in lieu of constructing an approved duplex located at 132 Log Cabin Road, Tax Map 38, Lot 18A in the R3 District. Barry Pitchforth is the applicant and owner. Stephen Doe, RLS of Sebago Technics, Inc is the applicant's agent.

Public Hearing opened at 7:04pm. No public comments.

Public Hearing closed at 7:04pm.

### V. PENDING APPLICATIONS:

**Item 1: Marrocco Enterprises, LLC: Plenary Site Plan Application:** Proposal to construct a 5,000 sf commercial building with five leasable spaces each on two approved subdivision lots in the Enterprise Drive Commercial Subdivision, Tax Map 12, Lots 8E-9, consisting of 1.46 acres and Tax Map 12, Lot 8E-10 consisting of 1.58 acres in the BI district. The two sites will be serviced by a common driveway from Enterprise Drive. Marrocco Enterprises, LLC is the owner and the applicant.

Mr. Gadbois notes that they are still waiting on DEP but the applicant is hoping to receive final approval from the Board this evening.

Mr. Redway recommends that an ingress/egress easement be established between the two lots in the event they are ever split in ownership.

Mr. Ganong reads the Findings of Fact.

**Town of Arundel  
Arundel Planning Board  
FINDINGS OF FACT AND MOTION FOR APPROVAL  
Marrocco Enterprises Project**

**WHEREAS** on May 23, 2019, the Arundel Planning Board received a Pre-application Site Plan submission from Marrocco Enterprises, LLC to construct a 5,000-sf commercial building with five leasable spaces each on two approved subdivision lots in the *Arundel Business Park*, Tax Map 12, Lots 8E-9, consisting of 1.46 acres and Tax Map 12, Lot 8E-10 consisting of 1.58 acres in the BI district.

**WHEREAS**, on June 6, 2019, the Arundel Planning Board conducted a site walk of the two properties.

**WHEREAS**, on July 25, 2019, the Arundel Planning Board received a complete Plenary Site Plan /application from Marrocco Enterprises, LLC to construct a 5,000-sf commercial building with four leasable spaces each on two approved subdivision lots in the *Arundel Business Park*. The two sites will be serviced by a common driveway from Enterprise Drive.

**WHEREAS**, on August 8, 2019, the Arundel Planning Board conducted a public hearing of the project in accordance with Section 10.6.3.3 of the Arundel Land Use Ordinance;

**AND WHEREAS** the Arundel Planning Board has determined the following Findings of Fact and Notice of Decision as of August 22, 2019:

**FINDINGS OF FACT**

1. The owners and the applicants are Marrocco Enterprises, LLC
2. The property is located at Enterprise Drive, Tax Map 12, Lot 8E 9 and 10 in the BI district.
3. Lot 8E- 9 is 1.46 acers while Lot 8E 10 is 1.58 acres.
4. Both lots were previously approved as commercial industrial sites in the *Arundel Business Park* subdivision approved by the Arundel Planning Board in June 1, 2004.
5. The applicant proposes to construct a 5,000-sf commercial building with four leasable spaces and a total of 20 associated parking spaces and 2 handicap spaces to serve the proposed warehouse use of the buildings. One space necessary to meet the parking requirement of LUO section 5.12.3.5 on Lot 8E-9 is located on Lot 8E-10. A parking easement should be granted from Lot 8E-10 to Lot 8E-9 to supply this necessary off-site parking especially in the event that the lots are conveyed to different parties.
6. Both lots are serviced by a shared driveway connecting the two lots to Enterprise Drive. No cooperative easement and maintenance agreement should be established allocating shared responsibility for the maintenance of the common driveway in the event that the two lots are conveyed to separate parties.
7. A DEP Stormwater Permit #L-21457-NJ-C-N was granted to the Arundel Business Park subdivision back in 2005 allocating no greater than 31,900 square feet of impervious area on lots 8E-9 and 8E-10. The applicant has demonstrated that the proposed development of the two lots as proposed will create 31,636 sf of impervious surface thereby complying with the limitations of the DEP Stormwater Permit.
8. The applicant is proposing to fill in excess of 2,705 sf of wetlands between Lots 8E 9 and 10 for the purposes of a commercial driveway crossing, thereby requiring a Tier 1 Wetlands Alteration Permit by Rule.
9. In lieu of developing a landscape plan, the applicant has submitted a no-cut plan showing the limits of woodland clearing on the two properties. Based on the existing cover and the no-cut plan, the proposed plan will meet the screening and buffering requirements of LUO section 5.9.and LUO §6.6.5.

10. Applicant proposes to install a comprehensive soil erosion control plan as depicted on the record plan set.
11. The applicant is proposing no additional exterior lighting other than wallpacs and over door lighting. This light will be screened by the proposed existing vegetation buffers.
12. Documentation provided by the applicant include a Site Plan, a Grading Utility and Layout Plan and a Detail Sheet, and Soil Erosion Control Sheet prepared by Paul Gadbois, PE and dated July 9, 2019 with revisions though August 8, 2019.

#### **CONFORMANCE WITH SITE PLAN APPROVAL CRITERIA**

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 10.6.4 of the Arundel Land Use Ordinance as follows:

1. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 5, 9, and 10 of this Ordinance;
2. The proposed project has submitted applications to the Maine DEP for a permit-by rule Wetlands Alteration Permits.
3. The proposed project does not unreasonably impact public safety and fire protection, and will not create a financial burden for the Town of Arundel in the provision of emergency services and law enforcement to the project site and the neighborhood;
4. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources;
5. The proposed project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event and will not have an undue impact on municipal stormwater facilities or downstream properties;
6. The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood;
7. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community;
8. The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life of surrounding parcels.
9. The proposed project will have a positive fiscal impact on municipal government.

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Plenary Site Plan application of Marrocco Enterprises, LLC to construct a 5,000-sf commercial building with four leasable spaces each on two approved subdivision lots in the Arundel Business Park, serviced by a common driveway from Enterprise Drive, subject to the following conditions:

1. This approval is subject to the issuance of all Maine DEP permits including Wetlands Alteration. No work shall be performed until these permits have been supplied to the Town Planner.
2. The applicant shall submit a performance surety in the amount of \$ 133,000 in compliance with LUO §10.7 prior to the issuance of a Building Permit.

3. All soil erosion control devices shall be installed prior to the commencement of site work, and no site work shall be shut down for the winter until all required soil stabilization mechanisms prescribed herein are made effective.
4. Prior to the issuance of a Building Permit, the applicant shall submit to the Town Planner an easement from Lot 8E-10 conveying the right to park one vehicle in a designated location to Lot 8E-9 in order to meet the parking requirements of LUO section 5.12.3.5.
5. Prior to the issuance of a Building Permit, the applicant shall submit to the Town Planner an easement granting Lots 8E-9 and 8E-10 the rights to travel over the shared driveway as well as a maintenance agreement where the responsibilities for repair and maintenance of the common driveway are equally shared.
6. The applicant is advised to consult with the Arundel Fire Chief regarding architectural compliance of the proposed buildings and their subdivisions with NFPA 101 and other related public safety ordinances. All deeds for the properties shall contain a specific reference to observance of the no-cut vegetation and landscape plan delineated on the Record Site Plan dated 8-8-19.
7. No Certificate of Occupancy shall be issued until the Code Enforcement Officer receives a certification from the design engineer that all improvements have been completed in accordance with the approved plans.

SO APPROVED by the Arundel Planning Board this 22nd day of August 2019:

**Motion:** Mr. McGinn motions to approve. Mr. Morin seconds.

Some discussion regarding the wording in paragraph 5. With some suggested edits: For all project description wording to match the description indicated from July 25<sup>th</sup>, 2019 (third "WHEREAS")

Mr. Lowery asks the applicant if Conditions 4 & 5 are acceptable to them. The applicant indicates that they are.

**Motion:** Mr. McGinn amends his previous motion to approve the Findings of Fact as edited. Mr. Morin seconds.

**Vote:** Unanimous in favor.

**Item 2: Pitchforth Subdivision: Amendment to a Major Subdivision Plan: Proposed amendment to an approved subdivision of multi-family units where the applicant proposes to subdivide off a net 2 acre parcel in lieu of constructing an approved duplex located at 132 Log Cabin Road, Tax Map 38, Lot 18A in the R3 District. Barry Pitchforth is the applicant and owner. Stephen Doe, RLS of Sebago Technics, Inc is the applicant's agent.**

Mr. Ganong reads the Findings of Fact.

ARUNDEL PLANNING BOARD  
Findings of Fact and Approval Motion  
*Amendment to Record Plan Pitchforth Subdivision*  
August 22, 2019

**WHEREAS**, on February 24, 2005 the Planning Board granted a Major Subdivision Permit to Barry and Judith Pitchforth 11.97-acre parcel to develop a 4-unit apartment complex, and a duplex in addition to the existing single-family residential unit and a telecommunications tower all serviced by a private way named Pitchforth Lane. Located at 132 Log Cabin Road Tax Map 38, Lot 18 in the R-2 district.

**WHEREAS** on June 14, 2007, the Planning Board granted the same applicants an amendment to the 2005 approval to delete their residence from the subdivision project.

**WHEREAS**, on May 23, 2019 the Planning Board reviewed a Pre-application from Barry and Judith Pitchforth to amend their 2007 Subdivision approval in order to delete the approved duplex at the front of the property in lieu of dividing a 2.72-acre single family lot serviced by the existing Pitchforth Drive.

**WHEREAS** on July 11, 2019 the Arundel Planning Board conducted a site walk of the proposed revision.

**WHEREAS** on August 8, the Planning Board received an Amendment to a Major Subdivision Plan : consisting of four multi-family units and the division of a net 2-acre parcel in lieu of constructing an approved duplex located at 132 Log Cabin Road , Tax Map 38, Lot 18A in the R3 district.

**WHEREAS** on August 22, 2019 the Planning Board held a Public Hearing.

**WHEREUPON** the Arundel Planning Board reviewed and given due consideration of the applicant's amended application and has arrived at the following:

#### **FINDINGS OF FACT**

1. Barry Pitchforth is the applicant and owner of the property.
2. The proposed Lot 3 meets all of the dimensional requirements of the R-3 district.
3. A wetlands analysis prepared by Sebago Technics demonstrates that the proposed division meets the net residential density for the entire existing subdivision.
4. The applicant has submitted an HHE-200 demonstrating that adequate soils are available on the proposed Lot 3 to accommodate a single-family home with an on-site well.
5. Pitchforth Drive meets the minimum construction standards for a private way according to section 2.0 of the Arundel Street Design and Construction Ordinance.
6. The Arundel Fire Chief has determined that the existing fire pond and hydrant are functioning well and requests that a wood pile be removed that hinders maneuvering of fire apparatus to the dry hydrant.
7. The applicant meets all setback requirements from identified Shoreland Zones on or adjacent to the property.
8. The proposal will result in net reduction in total residential density on the property.
9. A revised record subdivision plan has been prepared of the Pitchforth Subdivision showing the proposed amendments, prepared by Sebago Technics Inc and dated July 23 2019 with revisions to August 7, 2019

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the amendment to the Pitchforth Subdivision Plan for the elimination of the approved duplex and the creation of a 2.72 single family lot located on Pitchforth Drive at 132 Log Cabin Road , Tax Map 38, Lot 18A in the R3 district, subject to the following conditions:

1. The revised subdivision plat must be recorded in the York County Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board otherwise it shall become null and void. A copy of the recorded subdivision plat shall be submitted to the Planning Department.

2. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications.

**Motion:** Mr. Cain motions to approve as stated in the Findings of Fact as written. Mr. McGinn seconds.

**Vote:** Unanimous in favor.

**Item 3: American Iron & Metal: Major Conditional Use Application:** *Application for a conditional use permit for an existing 43,000 sf solid waste disposal facility and metal recycling yard located on a 22.9 acre parcel located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District. American Iron & Metal is the owner and applicant. CES Inc. is the applicant's agent.*

The Planner is still waiting on more information/documentation from the applicant.

**Item 4: Oak Ridge Terrace: Major Preliminary Subdivision Application:** *Proposal to develop a 14 lot subdivision on a 66.9 acre parcel identified as Tax Map 17, Lot 15A at the intersection of South Skillings Road and Limerick Road in the R2 and Shoreland Zones. Walter Woods is the property owner and Jason Vafiades is the applicant of record.*

No additional information has been submitted at this time.

## **VI. NEW APPLICATIONS:**

**Item 1: Specially Designed Stables: Major Conditional Use Application: Determination of Completeness:** *Proposal to establish a commercial Equestrian Center serving 16+ equines in conformance with LUO Section 9.3.19.2 on 43 acres of land. Tax Map 21, Lot 1, located at 30 Equestrian Way in the R4 District. Specially Designed Stables, LLC is the owner, the applicant is Amanda Boutet and the applicant's agent is Tom Cloutier.*

Mr. Cloutier recaps briefly:

- no new buildings are planned
- they live on the property
- they (applicant(s)) are looking to be in compliance

Mr. Redway notes that the Staff Review recommends a site walk.

**Motion:** Mr. Morin motions for a site walk to be held on September 12<sup>th</sup>, 2019 at 5:30pm. Ms. Roth seconds.

**Vote:** Unanimous in favor.

## **VII. OTHER BUSINESS:**

Mr. Redway explains Selectmen Dubois' recommendation for posting Planning Board submission to the Town website. There is discussion regarding how the Planning Board would like to receive their packets. Mr. Lowery is in favor of physical packets and there is general agreement on that. It's also pointed out that most engineering firms submitting information on behalf of clients should have the capability of submitting physical and PDF copies of an application.

Ms. de Kinderen's outline submission had been sent by the Planner to Board members. None of the Board has the chance to review, discussion postponed.

The petition to amend the Pet Daycare regulations has been submitted to the Town Clerk. The amendment includes the elimination of Section K and the requirement for potable water on site.

**Motion:** Mr. Morin motions to adjourn at 8:22pm. Ms. Roth seconds.

**Vote:** Unanimous in favor

### **Adjourn**

Respectfully submitted,



Corinne A. Goulet  
Secretary to the Planning Board