

**Arundel Planning Board**  
Minutes of Regular Meeting  
August 25, 2016 7:00 pm  
Fire Station Meeting Room 468 Limerick Road

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

**Public Attendees:** Jason Nedeau, J Group; Jason Beaulieu, J Group; Philip Labbe, Selectman; Keith Trefethen, Town Manager; John Der Kinderen.

**CALL TO ORDER:** Chair Ganong called the meeting to order at 7:06 pm. Attendance was taken. Mr. Der Kinderen elected not to sit as a Planning Board member and refused to sign his appointment papers. Town Clerk, Simone Boissonneault, swore in reappointed members Ganong, Cain, and McGinn.

**I. APPROVAL OF AGENDA:**

*MOTION:* Mr. McGinn moved and Mr. Bassett seconded the motion to approve the agenda.

*VOTE:* Unanimous in favor

**II. NEW APPLICATIONS**

**Item 1: Lovejoy Builders: *Registration of Existing Contractor Yard:*** Request to register an existing Building Contractor Yard and Construction Business as a *Contractor Yard 1* located at 62 John Cluff Road, Tax Map 39, Lot 45 in the R3 Zoning District. Richard Lovejoy is the owner and applicant.

The Planner reported that the applicant has requested his application to be tabled for the August 25<sup>th</sup> meeting. The Chair tabled the application.

**III: OTHER BUSINESS:**

**Item 1: Brookside Estates: *Discussion of Non-Compliance Issues-*** Discussion regarding reduced performance bond and remediation to the elimination of the required 25 foot landscape buffer 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.

The Town Manager requested the Planning Board meet with J Group to clarify the Planning Board's August 11, 2016 resolution advising the Code Enforcement Officer not to issue building permits should for Brookside Subdivision until such time that J Group provided a \$152,997 performance assurance and received approval for reinstalling the mandated buffer strip along Log Cabin Road. J Group had submitted a \$20,000 Letter of Credit for the remaining paving on August 19<sup>th</sup> to cover the remaining paving on Scouts Way. The applicant provided the Board with a reduced landscape planting plan for Lot 1 and a description for Lot 10.

After lengthily discussion, the Planning Board affirmed its decision that the applicant needs to post the \$152,997 performance bond before the Planning Board will review the proposed landscape remediation plan for Lots 1 and 10. The Planning Board did agree that the LOC could include draw-down provisions for work completed, inspected, and approved.

**VI. LAND USE ORDINANCE REVISIONS:**

**Item 1: Proposed Amendments to the Land Use Ordinance:** Correct conflicting regulatory requirements with LUO sections 2.2, 7.6.C.3.f, 8.21.3, 822.7, 8.24.3, and 8.25.4.

The Board discussed some of the ambiguities and loopholes caused by the current definition of a Right of Way and considered the Planner's recommended amendments.

**MODIFY SECTION 2.2 :DEFINITION OF RIGHT-OF-WAY**

**MOTION:** Mr. Bassett moved and Mr. Lowery seconded the motion to approve the Planner's proposed amendments to the definition of a "Right-of-Way with the following modifications [shown in double underline] and subject to the Town Attorney's approval:

**RIGHT-OF-WAY:** *An area or strip of land described in a recorded deed and dedicated to the purpose of providing legal access and lot frontage to a parcel or parcels of land. ~~other than the land on which the right of way crosses.~~ The right of way of a public street or private way shall not be counted as any part of any other parcel and the boundary of the right-of-way shall be defined as the front lot line of any adjacent parcels. ~~No land in the right of way may be used to meet any dimensional requirements of this ordinance.~~*

**VOTE:** Unanimous in favor

**MODIFY SECTION 7.6.C.3.F TO REFLECT FEDERAL REFERENCES TO ADA INSTEAD OF SUNSETTED BOCA CODE:**

**MOTION:** Mr. McGinn moved and Mr. Bassett seconded the motion to approve the proposed amendments to the section 7.6.C.3.f, as follows:

*Handicapped spaces shall be designed in accordance with the Federal requirements of the ~~B.O.C.A. Building Code.~~ ADA Standards for Accessible Design, Parking and Passenger Loading Zones (28 CFR Part 36 §4.1.6)*

**VOTE:** Unanimous in favor

**REWRITE 7.13 (5.20 IN THE NEW FORMAT) TO COORDINATE WITH ZERO PEAK RUNOFF REQUIREMENTS in Subdivision, Site Plan Review and Private Way Regulations**

The Planning Board discussed the proposed revisions to section 7.13(5.20) at length and concluded that Section 5.20.3.3 was redundant and should be deleted. In addition the Board debated the intent of section 5.20.2.2 and determined they would have to mull the issue over before making a decision.

**ELIMINATE BUILDING COVERAGE AND IMPERVIOUS SURFACE NOMENCLATURE IN DB-1, DB-2 ARD, BI, AND GW DISTRICTS**

**MOTION:** Mr. Bassett moved and Mr. McGinn seconded the motion to approve the proposed amendments to change sections 8.21.3, 8.22.3, 8.24.3, and 8.25.4 to "Lot Coverage".

**VOTE:** Unanimous in favor

**V. PLANNER'S REPORT**

- The Planner reported that Atlantic Mini-Storage has not received their DEP permit, yet and the Planning Board has to statutorily act at the September 8<sup>th</sup> meeting. In the event the applicant has not received their DEP ruling, the Planning Board will either have to deny the application on September 8<sup>th</sup> or the applicant can grant the Board an extension.
- Public hearing for Cape Arundel Cottages is scheduled for September 8<sup>th</sup>. The Fire Department has requested that a cone test of the proposed hammerhead layout at the end of Great Hill Road be performed with an aerial apparatus to verify the design's suitability.
- The Planner spoke with Leo Moreau who has demonstrated a clear right to maintain use of his well on Lot 3 of the Arundel Commerce Park.
- Four applicants have submitted applications for the Contractor Yard designation.
- Mr. Cain inquired about the status of a proposed Truck Food Vendor on Route 1. The Planner conferred with the CEO who reported that Food vendor trucks are not permitted uses in the Land Use Ordinance. The Chair stated that the Board

**ADJORNMENT:** Mr. Morin moved to adjourn at 9:08 pm, with Mr. McGinn seconding the motion. Motion passed unanimously.

Respectfully Submitted,

Tad Redway, *Planning Board Secretary, Pro Temp*