

Arundel Planning Board Minutes

August 6, 2020

Zoom Special Meeting

Board Attendees: Rich Ganong, Chair; Susan Roth, Vice Chair; Marty Cain, Jamie Lowery, Roger Morin and Tad Redway, Town Planner

Attendees: Joan Hull, Sam Hull, Noah Pitchforth, Matt and Meagan Cooper

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

I. APPROVAL OF AGENDA:

Motion: Mr. Morin motions to approve the Agenda as written. Mr. Morin seconds.

Vote: Unanimous in favor.

II. PUBLIC COMMENT

No one from the public had a comment.

III. PUBLIC HEARING

Item 1: Limerick Road Bike Trail #1- Shoreland Zoning Application Proposed excavation and construction of approximately 200 feet of bike trail (0.03 acres) within the Stream Protection District on the 37-acre parcel, Tax Map 28 Lot 5B in the R1, SP, SO, and RP districts behind the future Town Hall on Limerick Road. Kennebunkport Land Trust is the property owner, the Arundel Conservation Trust is the applicant, and Joan Hull is the applicant's agent.

Chair Ganong opened the Public Hearing at 7:02 and asked if anyone in the audience had a question or opposed the proposed project. No one spoke. The Chair closed the Public Hearing at 7:03.

IV. PENDING APPLICATION

Item 1: Limerick Road Bike Trail #1- Shoreland Zoning Application Proposed excavation and construction of approximately 200 feet of bike trail (0.03 acres) within the Stream Protection District on the 37-acre parcel, Tax Map 28 Lot 5B in the R1, SP, SO, and RP districts behind the future Town Hall on Limerick Road. Kennebunkport Land Trust is the property owner, the Arundel Conservation Trust is the applicant, and Joan Hull is the applicant's agent.

Joan Hull of the Arundel Conservation Trust (ACT) gave a brief synopsis of the proposed project to construct a bicycle flow trail in the rear of the new Town Hall with approximately 200 linear feet of trail traversing the Stream Protection District.

Matt Cooper of ACT explained that the entire trail is designed for a length of approximately 1/3 of a mile and will include 20-30 "features" that are designed to maintain momentum and interest for the riders.

Mr. Cain asked for a definition of "features". Mr. Cooper explained that "features" refers to earthwork berms, mounds, and trail bankings that propel the bike rider and challenge their skills. It particularly is important on sites with gentle terrain such as the proposed ACT site.

Meagan Cooper stated that she is a 34-year-old novice mother who finds that bike flow trails to be exciting and yet safe for her children as well as herself.

With no further questions asked, Chair Ganong read the Findings of Fact:

ARUNDEL PLANNING BOARD
Findings of Fact and Approval Motion
Arundel Conservation Trust
Bicycle Flow Trail Shoreland Zone Permit

WHEREAS, on July 30, 2020 the Planning Board received an application from the Arundel Conservation Trust to excavate and construct approximately 200 feet of a flow-type bike trail (0.03 acres) within the Stream Protection District on the 37 acre parcel, Tax Map 28 Lot 5B in the R1, SP, SO, and RP districts behind the future Town Hall on Limerick Road.

WHEREAS, on July 30, 2020, the Planning Board determined the application complete and scheduled a public hearing for August 6, 2020.

WHEREAS on August 6, 2020, the Planning Board conducted a public hearing on the proposed project.

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

FINDINGS OF FACT

1. The owner with right title and interest in the property identified as Tax Map 28, Lot 5B is the Kennebunkport Conservation Trust and the applicant is the Arundel Conservation Trust.
2. The property is located at 257 Limerick Road in the R1, SO, SP, and RP districts.
3. The property is currently serving as a natural conservation area with a number of existing and approved walking trails intended to provide passive recreation and interpretative nature study for the public.
4. The applicant is proposing to construct an active recreational mountain bike trail primarily on the upland portion of the property with access to the parking lot at the new Arundel Town Hall with a terminus at the existing rude bridge over a Stream Protection watercourse stream that marks the eastern boundary of the property's wetland complexes. The trail will not cross the stream in this phase.
5. Approximately 200 linear feet of mountain bike flow trail will be constructed within the 75-foot SP district.
6. Construction of the flow trail will involve excavation of the top 4" +/- of organic duff to be replaced with mineral soil from a borrow location outside of the SP District. Imported clay or binder material will be imported from offsite if the borrow soil resists compaction. Construction will also include trail features such as rollers, banked turns, and undulations that provide excitement and test rider skills.
7. Duff material extracted from the bike path will be removed and deposited in the borrow area outside of the Stream Protection District.
8. Equipment to be used includes a *Bobcat e20 Mini Excavator*, weighing approximately 4300 lbs. with a variable track width of 39-48 inches, a *Canycam Tracked Dumpster* with a track width of 35 inches serving as a material transport, and a plate compactor. The equipment uses "rubber" tracks to minimize soil disturbance and resource impact. Much of the trail will be contoured by hand tools.

9. Construction is estimated to begin in August and be completed before October, 2020.

CONFORMANCE WITH THE SHORELAND ZONING CRITERIA-LUO 8.6.7

- 1. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 5, 8, and 9 of this Ordinance;**

Hiking and activity trails are permitted in the SP District, with minimum impact to the resource. The trail as designed will be within the 75-foot setback but will not clear existing tree cover, nor will intrude upon the watercourse of associated streams. At the trail terminus.

Motion: Mr. Cain motions that the application is in conformance with LUO section 8.6.7.1. Ms. Roth seconds.

Vote: Unanimous in favor.

- 2. The proposed project conforms to the goals and objectives of the Arundel Comprehensive Plan;**

The 2016 Comprehensive Plan encourages both the preservation of open space and wetland resources while encouraging active and passive recreational resources for the townspeople. The project will achieve these objectives.

Motion: Mr. Morin motions that the application is in conformance with LUO section 8.6.7.2. Mr. Cain seconds.

Vote: Unanimous in favor.

- 3. The proposed project has received all applicable Federal and State Permits;**

No additional permits are required from Army Corps of Engineers or the Maine DEP.

Motion: Mr. Morin motions that the application is in conformance with LUO section 8.6.7.3. Ms. Roth seconds.

Vote: Unanimous in favor.

- 4. The proposed project will not adversely impact upon the existing water regime, hydrology, salinity, water chemistry, flow volume, or flow velocity of wetlands, ponds, streams and watercourses;**

The proposed trail will not encroach upon the hydric resources within the SP District and with the establishment of a soil erosion control devices, will have no deleterious impact upon the adjacent streams and wetlands.

Motion: Ms. Roth motions that the application is in conformance with LUO section 8.6.7.4. Mr. Morin seconds.

Vote: Unanimous in favor.

5. The proposed project will not have an adverse impact upon the quality of groundwater resources;

The proposed project will have no impact on groundwater resources by the activity.

Motion: Mr. Morin motions that the application is in conformance with LUO section 8.6.7.5. Mr. Cain seconds.

Vote: Unanimous in favor.

6. The proposed project will not result in sedimentation, erosion, and/or nutrient loading of adjacent and downstream wetlands, waterbodies, streams and watercourses;

The design of the trail will prevent erosion of the trail surface post construction, the existing gentle topography will avert sedimentation and scour of the resource and the installation of a stump-grinding barrier at the terminus of the trail will prevent sedimentation during construction.

Motion: Mr. Morin motions that the application is in conformance with LUO section 8.6.7.6. Ms. Roth seconds.

Vote: Unanimous in favor.

7. The proposed project will not have a deleterious impact upon existing and valuable aquatic and wildlife habitats and populations;

The project will be outside of the resource area and therefore will have no deleterious impact upon aquatic and wildlife populations. The incursion into the buffer will be minimal and will not impact wildlife migration along the stream.

Motion: Mr. Morin motions that the application is in conformance with LUO section 8.6.7.7. Ms. Roth seconds.

Vote: Unanimous in favor.

8. The proposed project will not adversely impact critical wildlife habitats and marine resources;

There are no critical wildlife habitats in the project area and soil erosion control and design will result in no impacts to downstream marine resources in the tidal portion of the Kennebunk River.

Motion: Mr. Cain motions that the application is in conformance with LUO section 8.6.7.8. Mr. Morin seconds.

Vote: Unanimous in favor.

9. The proposed project will not adversely impact important local cultural resources, archeological and historic resources, or the visual quality of shorelines and surrounding environs as viewed from the resource and public spaces;

The project will have no impact upon local cultural, historical, or archeological resources nor create a visual impact to public spaces.

Motion: Mr. Lowery motions that the application is in conformance with LUO section 8.6.7.9. Mr. Cain seconds.

Vote: Unanimous in favor.

- 10. The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life in the resource area;**

While there will be some noise generated by the recreational use of the flow trail, it will not be of any magnitude that presents a nuisance to surrounding properties or users. The trail will not produce glare, solar obstruction., odors or dust.

Motion: Mr. Morin. motions that the application is in conformance with LUO section 8.6.7.10. Ms. Roth seconds.

Vote: Unanimous in favor.

- 11. The proposed project will not adversely impact the integrity of important vegetative stands as well as unique natural areas as identified by the Maine Department of Conservation;**

The project is not located in a Unique Natural Area as determined by the DOC.

Motion: Ms. Roth motions that the application is in conformance with LUO section 8.6.7.11. Mr. Morin seconds.

Vote: Unanimous in favor.

- 12. The proposed project meets the approval standards of LUO § 10.6.4.**

The project meets all other Site Plan criteria of LUO § 10.6.4.

Motion: Ms. Morin motions that the application is in conformance with LUO section 8.6.7.12. Ms. Roth seconds.

Vote: Unanimous in favor.

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Shoreland Zone application of Arundel Conservation Trust to excavate and construct approximately 200 feet of a flow-type bike trail within the Stream Protection District on the 37-acre parcel, Tax Map 28 Lot 5B in the R1, SP, SO, and RP districts, subject to the following conditions:

1. The applicant shall install a stump grinding soil erosion control barrier between the stream and the work area in the area of the terminus to prevent potential sedimentation of the protected stream during construction in that area. At the conclusion of the trail construction, the stump grindings can be removed.

So approved by the Arundel Planning Board this 6th day of August 2020

Motion: Ms. Roth motions that the Shoreland Zoning Application for a Bike Flow Trail as proposed by the Arundel Conservation Trust be approved. Mr. Morin seconds.

Vote: Unanimous in favor

VI: OTHER BUSINESS

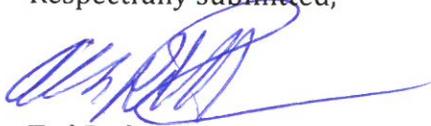
Mr. Cain inquired if a permit had been secured for a large clearcut behind Norman and Deb Cloutier's house on Campground Road. The Planner stated that he did not know about the logging operation, but will ask the Code Enforcement Officer to investigate.

ADJOURN

Motion: Ms. Roth moved and Mr. Morin seconded the motion to adjourn the meeting at 7:30 pm.

Vote: *Unanimous in favor.*

Respectfully submitted,



Tad Redway
Secretary Pro Temp to the Planning Board