

Arundel Planning Board
Minutes of Regular Meeting
September 10, 2015
M.L. Day School Library 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: John Swallow, Russell Townsend, Daniel Cecil-Herriman, Kevin Crowley, John Kuckinski, MaryBeth Luce, Kenneth Millett, Paulette Millett, Eric Williams, Bud Legros, Jack Reetz

Called to Order: 6:59pm

I. Approval of Agenda - *Morin motioned* to approve, *derKinderen second*, Unanimously passed

II. Approval of Minutes:

8/13/15 Site Walk Seashore Trolley Museum - *McGinn motioned* to approve, *Coon second*, *der Kinderin* abstained, **Motion Passed**

8/13/15 Regular Meeting - *Coon motioned* to approve, *McGinn second*, revisions were needed due to typographical and clarification issues. In order to move forward with meeting, it was decided to come back to wording after public hearing. After clarification, *Morin motioned* to approve minutes as amended, *Cain second*, **Unanimous**

8/27/15 Regular Meeting -*McGinn motioned* to approve, *der Kinderen second*, it was noted and changed that the letter read was written by “Mary” Castner, not “Mildred”. *McGinn amended motion* to accept minutes with change. *Cain second - Lowery abstained - Motion passed*

III. Public Hearing- Began at 7:16pm

Item 1: Champagne Energy Parking Lot-Plenary Site Plan Application: Proposal to construct new 41,000 square foot parking lot with exterior lighting to accommodate the storage of delivery/transport vehicles associated with the fuel storage and distribution facility on a 6.36 acre parcel located at 833 Old Post Road, Map 1 Lot 1A-1E in the BI district. Champagne’s Energy is the owner applicant and Eric Williams of SGC Engineering is the owner’s agent.

Eric Williams presented project, explaining the bordered buffer vegetation would be removed to be replaced with more attractive and easier to maintain bushes. Neighbor, John Swallow explained that he wants buffer to be left natural and “like it is”.

Public Hearing Ended at 7:21pm

IV: Pending Applications:

Item 1: Champagne Energy Parking Lot-Plenary Site Plan Application: Proposal to construct new 41,000 square foot parking lot with exterior lighting to accommodate the storage of delivery/ transport vehicles associated with the fuel storage and distribution facility on a 6.36 acre parcel located at 833 Old Post Road, Map 1 Lot 1A-1E in the BI district. Champagne’s Energy is the owner applicant and Eric Williams of SGC Engineering is the owner’s agent.

der Kinderen said he'd be in favor of the project if they met the ordinance requirements. The board, as well as Bud Legros, made suggestions regarding plant buffering per town ordinance. Applicant wanted to install a more manicured setting. If they removed the existing plantings, the town ordinances in Section 2.2 of land use would mandate new plantings heights and widths to a 76%-100% buffer coverage. Neighbor, John Swallow viewed photos and depictions of plantings and said he didn't like it. Paulette Millett, owner said they were prepared to spend about \$8,000 on plantings and hire a gardener to maintain them. However, if it pleased the town to leave it as is, they would rather move forward with their parking lot sooner than later.

CHAMPAGNE ENERGY FINDINGS OF FACT AND VOTES:

WHEREAS on July 30, 2015 the Arundel Planning Board received a Plenary Site Plan application from **Champagne Energy** to construct a new 41,555 square foot parking lot with exterior lighting to accommodate the storage of delivery/ transport vehicles associated with the fuel storage and distribution facility on a 6.36 acre parcel located at 833 Old Post Road.

WHEREAS, on August 20, 2015 the Arundel Planning Board conducted a public site walk of the project.

WHEREAS, on September 10, 2015 the Arundel Planning Board conducted a public hearing of the project in accordance with Section 9.8.F.3.c of the Arundel Land Use Ordinance;

AND WHEREAS the Arundel Planning Board has determined the following Findings of Fact and Notice of Decision:

FINDINGS OF FACT

1. The owners of the property and the applicants are Champagne's Energy.
2. The property is located at 833 Old Post Road, Map 1 Lot 1A-1E in the BI district.
3. The property is approximately 6.36 acres in size.
4. The property currently undeveloped
5. The applicant proposes to construct a to construct a new 41,000 square foot parking lot with exterior lighting to accommodate the storage of delivery/ transport vehicles associated with the fuel storage and distribution facility.
6. The proposed parking/storage area is scheduled to park no more than 14 vehicles at any time and therefore under section 7.6.B.2 of the Land Use Ordinance, the lot will be surfaced with gravel and reclaimed asphalt instead of a 2" bituminous concrete surface.
7. The proposed parking area is an accessory use to the adjacent repair facility on Lot 1E and therefore will not generate any additional parking demand, nor result in a net loss of employee parking.
8. The applicants propose to fill in 3,600 feet of palustrian forested wetland –an action that will be exempt from DEP Natural Resources Protection Act standards.
9. The applicant's 41,000 sf parking lot expansion narrowly falls beneath the 1 acre threshold for a Maine DEPO Stormwater Permit.

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10. Applicant proposes to install a standard silt fence at the toe of the slope between the proposed garage and the wetland along the southern and western perimeter of the building.

11. The applicant is proposing a series of 5 LED security lighting fixtures mounted on 20 foot poles. The photometric plan reveals that the lighting distribution is below the maximum average foot candles, and well below the

maximum foot candles permitted beyond the property line. Color ratio exceeds minimums for the BI district, however uniformity ratio is slightly above the maximum. Given the non-private nature of the use, this variation in the uniformity ratio will not pose a visual hazard to site users. As such. The applicant meets the standards of Section 7.5.B3.c and 8.25.5.2 of the LUO.

12. The applicant has prepared a stormwater management plan that will result in no net increase in peak runoff discharge from the site in conformance with Section 7.13.A of the LUO.

13. The applicant has submitted a sediment control plan that will prevent soil erosion from the site during construction.

14. The applicant has provided a landscape plan that when implemented will provide adequate visual buffering of the project from adjacent residences , visually buffer adjacent non-residential properties and meet the performance standards of section 8.25.5.4 of the LUO.

15. The applicant will provide a performance surety in the amount of estimated construction costs plus a 10% contingency to insure that all improvements are constructed in accordance with the approved plans.

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 9.8.F.4 of the Arundel Land Use Ordinance as follows:

- a. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 7, 8, 8.25 and 9.8 of this Ordinance; *der Kinderen Motioned* to approve, ***Cain Second Motion Passed***
 - b. The proposed project is exempt from all Maine DEP Stormwater and NRPA permits. *Morin Motioned* to approve, ***Cain Second Motion Passed***
 - c. 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; *derKinderen Motioned* to approve, ***Cain Second Motion Passed***
 - d. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources; *Morin Motioned* to approve, ***der Kinderen Second Motion Passed***
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- e. The 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; **der Kinderen Motioned** to approve, ***Cain Second Motion Passed***
 - f. 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; *Lowery Motioned* to approve, ***Morin Second Motion Passed***

- g. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, or important cultural resources. The proposed project could have a deleterious impact upon the visual quality of adjacent residential properties, but this impact will be mitigated by the proposed landscape and buffering plan. **McGinn Motioned** to approve, **Cain Second Motion Passed**
- h. 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. Coon felt that he preferred to note that they should avoid undue nuisance. **der Kinderen Motioned** to approve, **Morin Second Motion Passed**
- i. The proposed project will have a neutral fiscal impact on municipal government. **McGinn Motioned** to approve, **Morin Second Motion Passed**

THEREFORE BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Plenary Site Plan application of **Champaign Energy** to construct a new 41,000 square foot parking lot with exterior lighting to accommodate the storage of delivery/ transport vehicles associated with the fuel storage and distribution facility on a 6.36 acre parcel located at 833 Old Post Road, Tax Map 1 Lot 1A-1E in the BI district, subject to the following conditions:

1. No work shall commence until the required Performance Surety in the amount of \$46,093.00 is posted with the Town Planner;
2. 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.
3. No site lighting shall be made operational until all required landscape plantings have been installed to the satisfaction of the Town Planner.
4. No more than 14 vehicles and/or trailers shall be parked on the gravel surface of the parking lot at any one time. The applicant may increase the 14 vehicle parking limitation of the site by installing a 2-inch bituminous pavement surface.

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5. The southern entrance to the parking lot shall be paved with a minimum of 2 inches of bituminous concrete extending from Old Post Road to the property line.

Morin motioned to approve in entirety as amended, **Cain seconded Unanimously approved**

SO APPROVED by the Arundel Planning Board this 9th day of September 2015:

******Chairman Ganong realized the tape recorder hadn't been turned on and it was turned on here.**

V. New Applications:

Item 1: RSU 21 M.L. Day School Expansion: -Plenary Site Plan Pre-Application: Proposal to reconstruct ML Day School campus renovation and portions of the existing building, 24,045 square feet of building expansion, and relocated parking and recreational facilities on a 9.59 acre parcel located at 600 Limerick Road, Map 17 Lot 25 in the R2 district. RSU 21 is the owner applicant and Frank Crabtree of Harriman Associates is the owner's agent.

A presentation was done by Daniel Cecil, John Kuchinski and Kevin Crowley of Harriman. 77 new parking spots will be added. The two existing driveways will continue to be used. Extensive research has been done to properly site the new construction on solid ground. Board members asked questions regarding how normal school activities would resume while construction was happening, security and safety issues, snow loads, the possibility of highway sound buffering, etc. Since all rooms would have air conditioning, double glazed windows could stay shut plus the larger gym may buffer some noise. No special electronics or items like solar panels would be installed, but these types of upgrades could be prepared for if within budget.

The three school projects for RSU21 will be staggered. ML Day's drawings and specs will be given to project managers to verify that they are on budget. All three projects will be re-quoted again to verify budgets. Consolidated's Kennebunkport school drawings will be ready by February. Construction should begin in the spring of 2016 at ML Day School.

Since the contractor, PC Construction had used 70% local tradespeople for Portland school renovations, this had weight in choosing them at RSU21.

A sprinkler system has already been put in wings A and B with a 15,000 gallon water tank. No wetlands will be impacted. Playground will be unchanged.

Coon motioned to schedule a site walk and ***Lowery second*** - **Passed**
Site Walk scheduled on Sept. 24th at 6pm

V. Planners Report:

Dubois has filed an appeal to the ZBA for the board determining their application to be incomplete based on denial of constitutional rights. The appeal will be held at ML Day school at 7pm on September 29th. The town has filed, in Biddeford court, an injunction to the ADK for the Dubois facility for operating without a permit and having Land Use Violations. Court date is set 10/2/15.

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Kennebunk Sewer is discussing extending their line down Route 1. It is a huge expense and if so, they would be asked for a \$20 million bond for the project. Cape Arundel Cottages is putting in a gravity fed sewer system that the Planning Board decided our town engineer should review.

Redway said that town hall's staff is extremely busy right now. Actions include an amendment to a conditional use at LaFlammes on New Road as well as a two lot, private way on New Road.

J Group may be selling house and changing their subdivision plan that they presented.

Cain discussed that a fire hydrant was suppose to be put in on Rt 1 after a business had a fire, years ago. Cain was told by a town businessman that he'd paid to have a town mandated fire hydrant installed that was never installed. The board decided to get more factually information about this subject and pass it on to the Selectman to handle if appropriate.

McGinn motioned to adjourn, Morin second - Adjourned 9:40pm