

Arundel Planning Board Minutes

September 27, 2018 - 7:00pm

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

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

Attendees: Jason Anderson, Kristopher Reynolds, Bree Duffy-King, Clifford Gajtkowski, Pauline Fritz, Alan Labreque, Kim White, Jamie Paschal, Anthony Trottier, Bill Huston, Paul Gadbois, Norm Labbe, Ben Fitzpatrick, Bruce Pitt, Julie Pitt

Call to Order: Mr. Lowery calls meeting to order at 7:00pm.

I. APPROVAL OF AGENDA:

Motion: Mr. McGinn motions to approve the agenda as written. Mr. Bergen seconds.

Vote: All in favor.

II. APPROVAL OF MINUTES

Ms. Goulet notes that the Minutes up for approval are in fact those from Aug 23rd and not Sept 13th.

Motion: Ms. Roth motions to approve Minutes as they have been amended (Board attendance correction). Mr. Morin seconds.

Vote: Mr. Lowery abstains. All others in favor.

III. CITIZEN COMMENTS

Citizen Comment period opened and closed at 7:03pm. No comments.

IV. NEW APPLICATIONS

Item 1: KKWWD Water Storage Tank: Major Conditional Use Permit: Proposed construction of a 15-foot wide access road from Route 1 within a 30-foot easement across a 33.32-acre parcel. Tax Map 15, Lot 14, to access a 13.34-acre parcel; Tax Map 15, Lot 8, which will serve as the site of a future vertical water tank(s). Kennebunk, Kennebunkport, and Wells Water District (KKWWD) is the owner of Tax Map 15, Lot 8 and is the applicant, and Jamie Paschal, District Engineer, is the applicant's agent. The owner of Tax Map 15, Lot 14, is Elizabeth Buzzell.

Mr. Paschal presents a review of the application.

- Purpose of temporary road is to avoid significant disruption at The Cottages.
- Construction, once started, would be constant and include heavy machinery for a period of time when folks would be in residence.
- The cleared site area would accommodate for 6-8 casting sites as well as 2 crane pads

- The road would be gated and maintained annually for potential future use (possible addition of second tank)
- Proposed to use reclaim for the first 300 ft and then pave the surface
- Drainage and design will need to be improved & DOT has denied the application due to insufficient site distances – working on options to get DOT approval and it seems that it will be possible

Essentially, KKWWD is hoping to get a soft OK to move forward with investment and plans with less risk that the tank won't be approved.

Planner Redway suggests tailoring the application to include the road **and** tank. To do so, a grading and drainage plan will need to be completed as well as a visual impact study.

Mr. Lowery suggests that it may be prudent to adjust the grade to moderate the initial angle where the access road meets Route 1.

Planner Redway notes that it may be possible to utilize logging road standards for this application.

Mr. Cain asks what the hopeful timeline on the project.

Mr. Paschel indicates that it's the hope to start the road late Fall/early Winter, design the tank in Winter/Spring and then construct the tank in Summer of 2019. Visual impact investigations already done have shown that only the very top of the tank should be visible once outside of the immediate tank site.

Mr. Bergen notes that the easement was created a long time ago. Is there intent to retain it and make it permanent? It does effectively split the lot in two.

Mr. Labbe answers to say that the original intent was to run the main water line from the tank through the easement as well. This line has since been run through the Arundel Cottages which allows this access point to be used just for construction purposes. However, there is a possibility that a second tank may be added some time in the future so the road would be retained and maintained.

Mr. Lowery suggests that further discussion be picked back up at the next meeting in hopes that the DOT has updated their stance on the application. It's also noted that the visual impact will be part of the Board's final consideration for the project.

Mr. Cain suggests the possibility of camouflaging the tank.

Mr. McGinn confirms that overall the concept seems to be a good one but that the Board needs more detail in order to weigh in officially.

Item 2: Trottier Paving: Conditional use: *Proposal to operate a Contractor Yard 2 for a commercial paving company on a 10.06-acre parcel or land. Tax Map 5, Lot 3, at 44 Tunnies Way in the R-4 District. Anthony and Katlyn Trottier are the owners and applicants.*

Mr. Trottier opens discussion by noting that he will be resubmitting his vehicle/equipment list, revegetating the setback area and has purchased a containment area for his fuel tank.

Mr. Redway notes that the applicant's site is exactly what the Board had in mind with Contractor 2 Sites. This site is remote and surrounded by vegetation while being a good distance from family owned neighboring properties.

Mr. McGinn notes that it seems the only sticking point is that the location of truck parking is close (within 35-100 feet) to the property line. This causes concern for noise.

Mr. Bergen asks if it's possible to obtain noise easements from abutters.

Mr. Redway has spoken to the Town's attorney on the subject and indicates that the stance is that a noise easement doesn't allow someone to break the noise ordinance law without consequence.

Mr. Lowery suggests that the applicant consult with the Planner about possible modifications to the plan in order to keep the application moving forward.

Mr. Cain suggests that the applicant may be able to obtain running decibel levels from the dealer the trucks were purchased at.

Mr. Trottier confirms his to do list:

- Identify a means to comply with the noise ordinance
- Setback clarification on area to be revegetated
- Submit specifications on the fuel containment system he obtained

Item 3: B&B Trucking: Plenary Site Plan Review – Determination of Completeness: *Proposal to demolish and rebuild a truck repair facility with associated parking and support facilities on a 2.04-acre parcel of land. Tax Map 4, Lot 13 in the Alfred Road Business District. Robert Maskell is the owner and applicant, Paul Gadbois, PE is the applicant's agent.*

Owner, Mr. Maskell, confirms that nearly all work is done on box trucks and that all unregistered vehicles have been removed from the property.

Mr. Gadbois notes that DOT will be constructing the entrances, he has recommended that a neighboring culvert be increased in size from 15" to 18" (owner will discuss with neighbor) and the septic tank will not be under pavement despite any indications otherwise on the plan.

Mr. Redway requests a flow metric for lighting in time for the next meeting.

Mr. Gadbois notes that landscaping will be important due to grade changes and fairly close proximity of the neighbors.

Mr. Lowery suggests that the landscaping may need some adjusting but that will not hinder forward motion on the project. After review of the site plan requirements, it's also stated that a cost estimate will be needed for the landscaping cost expected to be borne by the applicant.

Motion: Mr. McGinn motions to deem the application complete. Mr. Morin seconds.

Mr. Redway makes it known to the applicant's agent that the storm water study will be going out for peer review.

Vote: All in favor.

Motion: Mr. Morin motions to schedule the public hearing on October 11th, 2018.

Mr. McGinn seconds.

Vote: All in favor.

Item 4: Northern Creek Distillery: *Conditional Use Pre-Application: Proposal to construct a grain spirits distillery as an Agricultural Demonstration Project.*

Jason Anderson and Kristopher Reynolds review their hope to operate a distillery on Thompson Road directly across from Mr. Reynolds primary residence. The process involves obtaining Town approval and then securing the necessary Federal, then State approvals. Equipment must be purchased prior to submitting for Federal approval. Currently, the ordinance states that an owner or employee must maintain a residence on site of the distillery. The applicants are hoping for a waiver for this factor.

Ms. Roth asks if a distillery is even allowed.

Mr. Redway suggests that the ordinance is open to interpretation in that it reads "produced with living organisms..." Is yeast not an organism? An argument could certainly be made in the affirmative. Mr. Redway's biggest concern is that Section J of the ordinance specifically states "an owner or employee must have permanent residence on site".

Mr. Lowery argues that "site" could include both Reynolds' lot and the lot across directly across the street that the applicants propose to purchase.

Mr. Redway is concerned that this is a twist of the words "site" and "lot".

A straw pole on the subject comes back 3 in favor of "site" being considered both lots, 2 against, and 1 with no firm answer.

Mr. Redway is tasked with discussing the matter with the Town attorney.

Applicants will consult representation on the subject as well.

Item 5: Raptor Falls: *Plenary Site Plan Review: Determination of Completeness:* *Proposal to construct an 18-hole miniature golf course with a dinosaur theme complete with range building, and associated off-site parking on an 8-acre (formally Fritz's Tire). Located at 1912 Portland Road, Tax Map 15, Lot 12, in the DB-1 District. Clifford Gajtkowski and Bree Duffy-King are the owners and applicants.*

Mr. Gajtkowski reviews the plan.

Mr. McGinn voices concern about the dip in the road which may create poor site lines at the entrance/exit and additional concern regarding noise and lighting disruption for abutters.

Mr. Gajtkowski points out that the proposed entrance is between two existing entrances/exits. With this in mind, the site of the entrance should allow for acceptable sightlines. He also believes that there is adequate wooded buffer to mitigate noise and lighting disruption.

Mr. Redway notes that grading/drainage must be shown for the course itself, landscaping must be more robust, and the applicant must ensure that the club house is within the footprint of the existing building.

Motion: Mr. Morin motions that a site walk be scheduled for 8:30am on October 13th, 2018. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 6: Huston and Company: *Conditional Use Pre-Application:* *Proposal to construct an 1,856 sf furniture finishing and storage addition to the existing 4,882 sf showroom and woodworking facility. Located on a 4.04-acre site located at 223 Log Cabin Road, Tax Map 31, Lot 3A, in the R-3 District. Bill Huston is the owner and applicant.*

Bill Huston reviews his plan. The intent is to expand a building to allow his business to move the spraying part of production on the same property as everything else. The addition is planned to look like a second barn with a 14-foot overhead door with a state of the art spray booth & exhaust system set up on the interior.

Motion: Mr. McGinn motions to schedule a site walk at 7:45am on October 13th, 2018. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 7: BDF Holdings: Plenary Site Plan Review: *Determination of Completeness:*
Proposal to construct a 5,000 sf single use steel building with associated parking and driveway access on a 31.2-acre site. Located at 715 Alfred Road, Tax Map 4, Lot 23, in the AR and SO Districts. BDF Holdings is the owner and applicant, Paul Gadbois, PE is the applicant's agent.

Mr. Gadbois provides a quick synopsis of the plan and what has changed since the Board last reviewed a similar application from BDF Holdings. Two lots are to be merged so activities do not trigger the subdivision process. It is also admitted that landscaping is minimal. The building will be quite set back from the road so there is hope that this will not be too much of a concern. Water/sewer, above ground utilities and the building plan are all accounted for.

Motion: Mr. McGinn motions that the application be deemed complete. Ms. Roth seconds.

Vote: Unanimous in favor.

Item 8: Clean & Shine: Plenary Site Plan Review: *Pre-Application:*
After the fact permit for construction of a 24-foot-wide access road into a vacant 31-acre parcel of land. Located at 2205 Portland Road, Tax Map 12, Lot 7, in the BI, SO, and RP Districts. Mario Binette and Richard Pate are the owners and applicants.

Mr. Redway provides a quick synopsis that this application is in actuality an after the fact application and that the applicant is not in attendance upon his direction. The permit is to accommodate for excessive earth moving and fill

Motion: Mr. Morin makes the motion to hold a site walk at 9:30am on October 13th. Mr. Cain seconds.

Vote: Unanimous in favor.

V. OTHER BUSINESS

There are no mylars to sign.

Street design and construction committee is winding down and is proposing some dramatic changes.

-Public hearing will be scheduled because some changes do effect areas under the Planning Board's purview.

There are a couple of topics/issues that the Board should try and work on so they can be piggy backed on the Town Meeting agenda.

Maybe the Board should look into revising the Town's Noise Ordinance.

Mr. Cain inquires if the Planner has heard from the Department of Agriculture. Mr. Redway has not, but does note that news outlets have published that the DEP has pulled permits for Dubois.

Mr. Lowery inquires about the pending litigation for Hissong Properties Bartlett Farms development. Mr. Redway indicates that the issue is a civil matter to be handled between Hissong and the complainant. The Planner has advised Hissong to post bond and move forward.

Mr. Morin motions to adjourn at 10:22pm. Mr. Bergen seconds.

Adjourn

Respectfully submitted,



Corinne A. Goulet
Secretary to the Planning Board

