

## Arundel Planning Board Minutes

February 28<sup>th</sup>, 2019 - 7:00pm

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

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

**Attendees:** Phil Labbe, Jim Rooney, Ed LeBlanc, Sarah LeBlanc, Jim Logan, Jason Vafiades, Jamie Paschal, Kim White, Rick Licht, Sandy Nadeau, Ed Nadeau, Michael Nadeau

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

### I. APPROVAL OF AGENDA:

**Motion:** Mr. Lowery motions to approve the agenda as written. Ms. Roth seconds.

**Vote:** Unanimous in favor.

### II. APPROVAL OF MINUTES:

**Motion:** Mr. Cain motions to approve the Minutes from February 14<sup>th</sup>, 2019 as written. Mr. McGinn seconds.

**Vote:** Unanimous in favor.

### III. CITIZEN COMMENTS:

Citizen comment period opened and closed at 7:06pm with no comments to record.

### IV. PUBLIC HEARING

**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 briefly reviews the project. Highlights the results of the balloon/visibility test and provides photo examples of tanks identical to the one that will be constructed.

An attendee asks if the tank ever fully freezes. Mr. Paschal answers in the negative – often there is an ice cake at the top that can rise and fall with water levels but weather would have to be much colder than typical to fully freeze the tank.

Ms. White asks if it would be possible to put some plantings around the existing booster station while it's still in use. She recognizes that KKWWD has been

extremely cooperative but that residents will be beginning to move into this section of the development in the near future.

Mr. Paschal indicates that this is something that can certainly be discussed with Mr. Paolini.

Public hearing closed at 7:16pm.

## V. PENDING 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.**

The Board asks for clarification on where the existing pump station is. Mr. Paschal notes that it is close to the development with fairly high visibility. It is temporary since it will be replaced with a new pump station that is closer to the tank.

Mr. Ganong reads the Findings of Fact/Notice of Decision.

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

**Kennebunk Kennebunkport and Wells Water District (KKWWD) Water Tank**

**WHEREAS** on July 12, 2018, the Arundel Planning Board received a conditional use pre-application from Kennebunk, Kennebunkport, and Wells Water District for the construction of a 15-foot wide access road at 2104 Portland Road, Tax Map 15, Lot 14, to access the site of a proposed future series of water supply tanks on a 13.34-acre parcel, Tax Map 15, Lot 8a in the BI District.

**WHEREAS**, on August 9, 2018, the Planning Board conducted a public site walk of the proposed project site.

**WHEREAS**, on September 27, 2018, the Planning Board received a Major Conditional Use application from the applicant to expand their original proposal to include the construction of a 70-foot high 1.25 million-gallon water tank on the 13.34-acre parcel, Tax Map 15, Lot 8a, with construction access from Portland Road via the proposed 15-foot road on the Buzzell property, Tax Map 15, Lot 14.

**WHEREAS**, the Planning Board directed the applicant to provide more detailed engineering information of the tank site, the intersection of the access road with Route 1 extending into the property for a distance of 200 linear feet, a stormwater management strategy for the access road, and secure Permits from the Maine Department of Transportation for the driveway opening onto Route 1.

**WHEREAS**, the applicant resubmitted plans addressing Planning Board requests, and on February 14, 2019, the Planning Board determined the application complete.

**WHEREAS**, on February 28, 2019, the Planning Board conducted a public hearing in conformance with LUO §10.6.3.3.

**AND WHEREAS**, after due consideration, the Arundel Planning Board has determined the following Findings of Fact:

**FINDINGS OF FACT**

1. Kennebunk, Kennebunkport, and Wells Water District is the owner and applicant of property identified as Tax Map 15, Lot 8, while the owner of the parcel (Tax Map 15, Lot 14) containing the easement for the 15-foot road is Elizabeth Buzzell.
2. The property currently is undeveloped containing a small pump station located near Abenaki Lane in the abutting Arundel Seasonal Cottage Resort.
3. The applicant is proposing to construct a 70-foot-tall 1.25 million-gallon water tank on 13.34-acre parcel, Tax Map 15, Lot 8a serviced by a 15-foot access road within a dedicated easement granted by Elizabeth Buzzell connecting to Route 1.
4. Water service piping from the tank will be installed through the Arundel Seasonal Cottage Resort property connecting to the existing mains in Route 1. While construction will utilize the 15-foot construction road on the Buzzell property, KKWWD vehicles performing operational and maintenance functions will regularly access the tank site via Abenaki Lane.
5. The applicant has prepared a visual impact assessment that indicates the tank will not be visible from Route 1 or any adjacent properties except for buffered views from the back of Phase 3 of the Arundel Seasonal Cottages.
6. The applicant has received a modified Highway Entrance Permit from Maine DOT dated 10/24/18.
7. Construction plan set submitted by the applicant in support of the proposed application includes Plan and Profile of the Arundel Storage Tank Driveway Entrance and Erosion Control Notes and Details prepared by Blais Civil Engineers and Licht Environmental Design, 1/14/19, Proposed Construction Driveway from Station 13+50 to 23+50 prepared by KKWWD and dated 1/29/19 with revisions to 2/1/19; Arundel Storage Tank Plan and Detail prepared by KK&W Water District and dated 1/23/19.

**CONFORMANCE WITH CONDITIONAL USE CRITERIA**

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 9.2.9 of the Arundel Land Use Ordinance as follows:

- 9.2.9.1 That the use is compatible with and similar to the general categories of uses of neighboring properties.

*The tank is a unique structure and facility in the general neighborhood. However, it is well concealed from abutting properties and will remain effectively visually innocuous to the neighborhood.*

**Motion:** Mr. McGinn motions to confirm that the use is compatible with and similar to general categories of uses of neighboring properties. Mr. Lowery seconds.

**Vote:** Unanimous in favor.

- 9.2.9.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that:

*Water utility facilities are considered public services essential to the growth and welfare of the community according to the 2016 Comprehensive Plan.*

**Motion:** Mr. McGinn motions to confirm that the use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood. Mr. Lowery seconds.

**Vote:** Unanimous in favor.

9.2.9.3 That there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use.

*The proposed use will not generate any significant trip generation, except during construction. The terms of the MDOT permit strictly control safety issues involving ingress and egress of the construction materials and equipment.*

**Motion:** Mr. McGinn motions to confirm that there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use. Mr. Lowery seconds.

**Vote:** Unanimous in favor.

9.2.9.4 That there is adequate water supply and sewage disposal available to service the use.

*The proposed use will have adequate water supply and no need for sewer service.*

**Motion:** Mr. McGinn motions to confirm that there is adequate water supply and sewage disposal to service the use. Mr. Lowery seconds.

**Vote:** Unanimous in favor.

9.2.9.5 That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties in that -

*Noise, Dust and Smoke: The nature of the utility does not generate any undue noise, dust or smoke or any other nuisance.*

*Glare: the use will not produce any glare sources for the neighborhood or adjacent properties.*

**Motion:** Mr. McGinn motions to confirm that there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties. Mr. Lowery seconds.

**Vote:** Unanimous in favor.

9.2.9.6 That the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use.

*The proposed use will require limited alteration of the existing site topography, except at the tank site. Runoff from the tank site will be sheet dispersed into the surrounding wood. Tree cover will be retained on the perimeter of the site. Runoff from the access road will be dispersed by existing perpendicular skidder ruts, with the exception of runoff collected by the existing Stormwater system along Route 1.*

**Motion:** Mr. McGinn motions to confirm that the physical characteristics of the site including location, slope, drainage and vegetative cover are suitable for the proposed use. Mr. Lowery seconds.

**Vote:** Unanimous in favor.

9.2.9.7 That the use will not constitute a public or private nuisance.

*No additional nuisances will be generated by the proposed use.*

**Motion:** Mr. Cain motions to confirm that the use will not constitute a public or private nuisance.  
Mr. McGinn seconds.

**Vote:** Unanimous in favor.

9.2.9.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.

*The applicant has met all pertinent portions of the Arundel Land Use Ordinance in the design of the proposed activities.*

**Motion:** Mr. McGinn motions to confirm that all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met. Mr. Lowery seconds.

**Vote:** Unanimous in favor.

**THEREFORE, BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Major Conditional Use application of Kennebunk, Kennebunkport, and Wells water District to construct a 70-foot high 1.25 million gallon water tank on a 13.34-acre parcel, Tax Map 15, Lot 8a in the BI District and accessed by a 15-foot wide access road at 2104 Portland Road, Tax Map 15, Lot 14, subject to the following conditions:

1. All erosion control devices shall be installed prior to and during construction.
2. No certificate of Occupancy shall be issued nor the tank made operational until all proposed landscape screening along boundary of Phase 3 of the Cape Arundel Cottage Resort has been installed per the approved plans.

SO APPROVED by the Arundel Planning Board this 28th day of February 2019

**Motion:** Mr. McGinn motions to approve the Findings of Fact/Notice of Decision with changes; tank size to 1.25 million gallon as seen in 3 instances in the FOF/NOD and that no Certificate of Occupancy will be issued until the landscape plantings, as shown on the plan, have been installed.

**Vote:** Unanimous in favor.

**Item 2: Arundel Farm Stand: Site Plan Pre-Application:** Proposal to construct a 1,020 sf Farm Retail building, serviced by a 480 foot log commercial driveway with two parking areas containing 20 parking spaces on a 2.02 acre parcel located on Portland Road, Tax Map 36, Lot 13 in the DB-1 District. Peter Faulkner, Trustee is the owner and Ed and Sara LaBlank are the applicants.

Mr. McGinn and Ms. Roth voice support for this use on this parcel after having done a site walk. Ms. Roth inquires about signage.

The applicant states the desire to have a sign but recognizes the need to review the Town's Ordinance on the topic.

Mr. Logan asks the Planner & Board if the wetlands on this parcel fall within the Shoreland Zone. This is important to establish since 14,745 sq/ft of fill will be required on the site for the proposed use.

Mr. Ganong suggests that the applicant review the list of waivers to see if any can/should be applied in this situation.

Mr. McGinn asks Mr. Vafiades how the proposed number of parking spaces was decided upon.

Mr. Vafiades points out that the Ordinance requires 6 spaces to be available for this sized structure but that the applicants' experience with other farm stand locations suggest much more would be needed.

The applicant shares that they typically open their Farm Stands as soon as 5-6 products can be offered and close for the season on/around Columbus Day. If all goes well with the purchase of the parcel & the application to the Board, the hope is to start on the project in April.

**Item 3: Oak Ridge Terrace: Major Subdivision Pre-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 North 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.*

Mr. Ganong asks Mr. Vafiades if any agreement has been secured with Dolly since the site walk.

Mr. Vafiades indicates that they are in a holding pattern until a hopeful agreement can be made.

Mr. M. Nadeau speaks to encourage the final plan to include *usable* open space.

Mr. Lowery points out that the Board didn't walk the proposed South Skillings entrance for this plan. If the potential Laurel Lane alternative does not pan out, he suggests that the Board hold a second site walk.

Mr. Ganong asks the applicant to keep in touch with updates.

## **VI. ORDINANCE REVISIONS**

**Item 1: Ordinance Revision:** *Review of Proposed changes to Street Design and Construction Ordinance proposed by the Ad Hoc Street Design Committee.*

Members have been supplied with the Current Street Design and Construction Ordinance as well as the proposed revision. Several members express the desire to discuss the Ordinance and the proposed changes after review of the documents.

**Motion:** Mr. Cain motions to hold the public hearing on March 21<sup>st</sup>, 2019 at 7pm. Mr. McGinn seconds.

**Vote:** Mr. Cain, Mr. McGinn, Mr. Ganong and Ms. Roth are in favor. Mr. Lowery abstains.

**Item 2: LUO Revision:** *Discussion with Action Review LUO Section 9.3.22 Food Trucks Location and Performance Standards.*

The Board reviews the revised (Revision 3.1 included at the end of the Minutes) document that Mr. Redway provides regarding Food Truck Performance Standards. The edits to previously discussed Standards are amenable to the Board and it's decided that it should be an included Warrant Article at the upcoming special Town Meeting.

**Item 3: LUO Revision:** *Discussion permitting 10 acre lot subdivisions.*

Discussion regarding the proposed 10 acre lot subdivisions touches on how this is a attempt to preserve the rural character of Arundel. Mr. Redway points out that exempt property divisions (family divisions & divisions every 5 years) may present a greater threat to this character than cluster subdivisions. Conversation also leads to the lack of affordable properties for purchase or rent within the community and how the Board needs to be conscious of how feasible it is to develop some of the remaining larger parcels in R-1. Some of this land simply cannot support the private water/sewer systems that would accompany residential development.

## **VII. OTHER BUSINESS**

Board agrees to include the following Articles in the upcoming Special Town Meeting:

Article 1

Shall the Town vote to adopt an Ordinance entitled "Amendments to the *Arundel Street Design and Construction Ordinance*"?

Article 2 (if Article 1 passes)

Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance 3.2 Definitions; 5.13 Private Ways, 9.3.19.1.d(1) and 9.3.1.9.1d(1)"?

Article 3

Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance regarding museums in 3.2 Definitions; 6.6.1.12 Business Industrial Office District (BI); and 5.12 Parking?"

Article 4

Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance to amend the definition of a Front Lot Line in LUO 3.2 Definitions"?

Articles 5-7 regarding Contractor Yards will be withheld until the regular June Town Meeting.

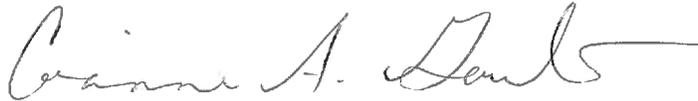
Article 8

Shall the Town vote to adopt an Ordinance entitled "Amendments to the Arundel Land Use Ordinance adding definitions to LUO 3.2 and performance standards for Mobile Food Trucks and Mobile Food Trailers to LUO 9.3.22"?

Ms. Roth motions to adjourn at 9:22pm. Mr. McGinn seconds.

**Adjourn**

Respectfully submitted,



Corinne A. Goulet  
Secretary to the Planning Board