

Arundel Planning Board Draft Minutes
May 14, 2020 - 7:00pm
Remote Zoom Planning Board Public Hearing

Board Attendees: Rich Ganong, Chair; Susan Roth, Vice Chair; Jens Bergen, Secretary; Marty Cain, Tom McGinn, Roger Morin and Tad Redway, Town Planner

Attendees: Kris Woodward, Roger Taschereau, David Lourie, Esq; Velma Hayes, Russell Sawyer, Rick Licht, Andy Kaskic, Bob Metcalf, John Fitzpatrick, Beth Grachowski

Call to Order: Chair Ganong calls meeting to order at 7:02 PM.

I. APPROVAL OF AGENDA:

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

Vote: Unanimous in favor.

II. PUBLIC COMMENT: No one from the public spoke

III. PUBLIC HEARINGS

Item 1: Rontu's Run Dog Daycare: *Major Conditional Use Application, Determination of Completeness:* Proposal to establish a Pet Day Care Center in an existing Riding Stable located at 496 Limerick Road, Tax Map 27 Lot 2, in the R1 District. Kristin Woodward is the owner and applicant.

Chain Ganong opened the public hearing at 7:06 pm

Russell Sawyer of 497 Limerick Road asked the applicant about details on the number of dogs to be kenneled, duration outside, distance from his house at 497 Limerick, and strategy for controlling barking. The applicant stated that he was concerned most about prolonged barking and noise generated by the facility in a residential area.

The Chair closed the public hearing at 7:09 pm

VI. PENDING APPLICATIONS

Item 1: Rontu's Run Dog Daycare: *Major Conditional Use Application:* Proposal to establish a Pet Day Care Center in an existing Riding Stable located at 496 Limerick Road, Tax Map 27 Lot 2, in the R1 District. Kristin Woodward is the owner and applicant.

David Lourie, Esq. identified himself as the applicant's attorney and stated that the applicant had submitted all the information required by the LUO, and as a conditional use in which all the conditions had been met, the applicant had a legal right to receive her permit.

Chair Ganong stated that the applicant had not submitted proof of certification as an animal trainer.

Ms. Woodward stated she had emailed to the Planning Office this afternoon. The Planner was able to retrieve the email from his remote computer. The submission consisted of a *Riding Instructor, Riding Master, and a Camp Instructor Certificate* from Meredith Manor International Equestrian Centre of Waverly, West Virginia.

Board members asked if Ms. Woodward had any certifications as an animal trainer as required in section 9.3.33.

Ms. Roth asked the Planner to read the performance standards in the prepared findings of fact. The Planner then read the Conformance with the Conditional Use Criteria for the project:

After due review and consideration, the Arundel Planning Board has determined the application to be 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.

Pet Day Care facilities are conditional uses in the R1 district the use is consistent in scale and use with other uses in the surrounding neighborhood and the district.

Motion: Mr. Morin motions that the use is a permitted use in the district and is compatible with the surrounding neighborhood. Mr. McGinn 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:

The Comprehensive Plan does not specifically address the introduction of Pet Day Care facilities in the residential districts. Kennels are in fact prohibited from the district. However, the Town Meeting has approved this use for the R1 district, given specific performance standards.

Motion: Mr. Bergen motions that the use is a permitted use in the district and is in conformance with the Comprehensive Plan. Mr. McGinn 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 parking layout meets the minimum requirements for pet day care as specified in LUO section 5.12.4. The Public Works Department has approved the driveway access onto Limerick Road.

Motion: Mr. Morin motions that adequate and safe vehicular and pedestrian access and parking are provided for the proposed use. Ms. Roth seconds.

Vote: Unanimous in favor.

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

There is no direct water supply provided to the proposed facility to meet sanitation or animal hydration needs. All water will be carried in by hand or delivered to the facility by garden hose. Potable water supply and toilet facilities are located in the adjacent main house in compliance with LUO section 9.3.33.3.r. The applicant has proposed a plan for canine feces pickup by Casella Waste in compliance with Luo section 9.3.33.3.o.

Motion: Mr. Bergen motions that the use will be served by adequate water and septic service. Mr. Morin seconds.

Vote: **Aye-** Mr. Ganong, Ms. Roth, Mr. Bergen, Mr. Cain, and Mr. Morin **Nay-** Mr. McGinn

- 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 -

There is the potential for noise nuisances from barking dogs. The applicant has a plan for remedying excessive barking.

Glare: The applicant proposes exterior lighting that meets LUO section 5.10.

Motion: Mr. Bergen motions that the use will not generate undue noise, dust, vibration, glare or other nuisances. Mr. Morin seconds.

Vote: **Aye-** Mr. Ganong, Ms. Roth, Mr. Bergen, Mr. Cain, and Mr. Morin **Nay-** Mr. McGinn

- 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 not measurably change the existing topography, slopes, soils, or vegetative cover of the site.

Motion: Mr. McGinn motions that the site characteristics are suitable for the proposed use. Ms. Roth seconds.

Vote: Unanimous in favor.

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

Motion: Mr. Bergen motions that the proposed use will not constitute a public or private nuisance. Ms. Roth 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 substantially met all of the performance standards of LUO section 9.3.33 and all other pertinent sections of the Land Use Ordinance.

Motion: Mr. Morin motions that the proposed use meets all applicable provisions of the LUO, especially the performance standards of Section 9.3.33. Mr. Cain seconds.

Planning Board discusses the failure of the applicant to provide a specific Animal Training Certificate as required in LUO §9.3.33.3. d- a section of the ordinance actually written by the applicant.

Motion: Mr. McGinn motions that application be tabled until the May 28, 2020 meeting to give the applicant further time to provide evidence that she possesses the required animal training certifications. Mr. Morin seconds

Vote: Unanimous

Item 2: Old Logging Road Timber Harvest: Major Conditional Use Application, Determination of Completeness: Proposal to clear-cut between 4 and 5 acres of existing forestland for the purpose of creating pasture for equestrian uses on a 7.09-acre parcel located at 17 Old Logging Road Tax Map 27, Lot 17F in the R1 District. Rkiya Noyes and David Gochberg are the owners and applicants.

Mr. Redway reported that the applicants have officially withdrawn their application in order to select timber harvest the property employing the *Shoreland Zoning Statewide Permit* criteria specified in LUO.

V. NEW APPLICATIONS

Item 1: Bentley Warren- Conditional Use Permit -Registration of an Existing Contractor Yard: Request to register a 49,234 sf (1.13 acre) gravel area containing ten construction vehicles as a legally existing Contractor Yard 2 use on a 24.2-acre parcel, Tax Map30, Lot 2A, located at 345 Old Post Road in the R2 District. Bentley Warren is the owner and applicant.

Mr. Licht of Licht Environmental Design and Mr. Andy Kaski presented the proposed Contractor Yard 2 proposal on the applicant's behalf. The Chair asked if the applicant was proposing to open a new contracting or trucking operation for the public on his property. The applicants consultants stated that the only purpose in the application was to continue storing equipment used in the construction of the adjacent Bentley's Campground.

The Board then reiterated that as long as the applicant limited the stored equipment to Campground construction, then a Contractor Yard 2 permit was not required.

Item 2: Arundel Children's Garden: Major Conditional Use Application- Determination of Completeness: Proposal to operate a 24 child, 4 staff Day Care Center in a 2,460 square foot existing building, known as The Grange, with associated parking and an existing 4-unit apartment complex on a 2.53 acre parcel, Tax Map 39, Lot 15 , located at 34 Arundel Road in the Townhouse Corner District. Arundel Grange LLC is the owner/applicant and Robert Metcalf of Mitchell & Associates is the applicant's agent.

Bob Metcalf presented the project and requested a number of submission waivers. The applicant also agreed to conducting a site walk to determine if existing buffers along the parking lot were sufficient.

Motion: Mr. McGinn motions to schedule a site walk on May 28, 2020 at 6:00pm. Ms. Roth seconds.

Vote: Unanimous in favor

VI. LAND USE ORDINANCE REVISIONS:

Item 1: Discussion: Proposal to Amend LUO §3.2 Definition of Front Lot on a Corner Lot to be restricted to only one street

Planning Board discussed the merits and deficits of a proposal by Roger Taschereau to designate only one front yard setback for a corner lot located at the intersection of two streets. The Board directed the Planner to develop language for three scenarios for selection of which street frontage is designated as the front yard.

Item 2: Discussion with Action: Proposal to repeal LUO §1.8.2.1.c and 1.8.2.1.d.(1) Citizen *Petition Standards*

The Board discussed the Town Attorney's recommendation that LUO 1.8.2.1.c and 1.8.2.1.d(1) be repealed from the LUO given its current conflict with Maine State Statutes. The Town Attorney recommends that the Citizen Petition processes instead be incorporated as an amendment to the Town Charter.

Motion: Mr. McGinn motions that the Planning Board schedule a public hearing on June 11, 2020 for the repeal of LUO 1.8.2.1.c and 1.8.2.1.d(1). Mr. Cain seconds.

Vote: Unanimous in favor

II. APPROVAL OF MINUTES: Deferred to the end of the meeting

Motion: Ms. Roth motions to approve the minutes of April 23, 2020 as written. Mr. Morin seconds.

Vote: Aye: Mr. Ganong, Ms. Roth, Mr. Cain, and Mr. Morin **Abstain:** Mr. Bergen and Mr. McGinn

V: OTHER BUSINESS

There was no other business discussed.

ADJOURN

Motion: Mr. McGinn moved and Mr. Bergen seconded to adjourn the meeting at 9:40 PM.

Vote: *Unanimous in favor.*

Respectfully submitted,

Tad Redway
Secretary Pro Temp to the Planning Board