

Arundel Staff Review Committee

Meeting Minutes

December 15, 2016

Members: Terry Merrill, *Public Works Director designee*; Renald Tardif, *Deputy Fire Chief*; James Nagle, *CEO*; Tad Redway, *Town Planner*

Public: Bruce Mullen, *Arundel Fire Chief*; Roger Taschereau, Abutter; Dana Peck, Abutter; Wendy Lank, Town of Arundel; and the applicant Ron Couture .

Call to Order: The meeting was called to order at 0905 hours.

I. Site Walk at 120 Downing Road

Item 1: **Duck Brook Road: Private Way Application and Administrative Review:** Proposal to construct a 1,100 foot long private way on 27 acres of land at 120 Downing Road Tax Map 26, Lots 6D and 6D-02, for the purpose of providing legal street access for two residential lots in the R-4 District on a portion of the discontinued Curtis Road. James Jones and Ronald Couture are the owners and applicants

Ron Couture provided the Committee with a brief overview of the proposed private way, showing where the property line was in relation to the existing Curtis travelway and where the new private way road would be located.

Abutter s Dana Peck and Roger Taschereau inquired the length of the road and its relationship to the existing James Jones driveway.

The Planner noted that the proposed road extended to where the trees had been cut.

The site walk was closed at 0925 hours to be reconvened at the Code Enforcement Officer's Office..

II. Public Hearing at Code Enforcement Officer's Office, Arundel Town Hall

Item 1: **Duck Brook Road: Private Way Application and Administrative Review:** Proposal to construct a 1,100 foot long private way on 27 acres of land at 120 Downing Road Tax Map 26, Lots 6D and 6D-02, for the purpose of providing legal street access for two residential lots in the R-4 District on a portion of the discontinued Curtis Road. James Jones and Ronald Couture are the owners and applicants

The Planner opened the public hearing at 0935 hours.

Mr. Peck asked if the existing Curtis travelway would be removed if the application proceeded as designed. Mr. Couture confirmed that half the existing Curtis travelway was on his land and the proposed Duck Brook Road drainage system would eradicate 7 feet of the travelway. Mr. Redway stated that the engineering drawings confirmed this assessment. Mr. Peck stated that the closure of this driveway would devastate his business.

In response to questions from Mrs. Lank and the Deputy Chief, Mr. Nagle explained how the private way was located on private property and the sequence of events leading to Mr. Jones securing a building permit.

In response to a question, Mr. Redway explained that Curtis Road has not legally existed since 1955 when the Town discontinued the road. The State statutes at that time did not preserve the public right of travel over the former ROW by abutting property owners. This is why the applicants must build their private way over their private property to create legal access for their lots.

As the Arundel E911 Coordinator, Mrs. Lank expressed dismay that the existing travelway would be eliminated from Downing Road to the Jones lot and this represented a serious life safety issue. She advocated that the name Curtis Road should be maintained instead of Duck Brook Road for 911 purposes, unless there is a physical separation between the two roads.

Mr. Taschereau expressed doubt that the proposed Duck Brook Road would be separated from the existing Curtis driveway. Residents would use Mr. Jones driveway to the proposed private way to access Downing Road.

Deputy Tardif expressed serious concerns about the impact of shutting down the access to properties on the southern end of Curtis Road from Downing Road.

Mr. Nagle reminded the Deputy that there is no legal public travelway called Curtis Road south of the power lines.

The Public Hearing was closed at 1015 hours

III. Pending Application

Item 1: **Duck Brook Road: *Private Way Application and Administrative Review:*** Proposal to construct a 1,100 foot long private way on 27 acres of land at 120 Downing Road Tax Map 26, Lots 6D and 6D-02, for the purpose of providing legal street access for two residential lots in the R-4 District on a portion of the discontinued Curtis Road. James Jones and Ronald Couture are the owners and applicants

Considerable discussion among Committee members ensued regarding issues raised during the Public Hearing. Both Mr. Merrill and Deputy Tardif stated they could not act on the application without knowing whether Mr. Jones would grant permission for Arundel Fire Rescue to use his driveway and the proposed Duck Brook Road to access the southern portion of Curtis travelway from Downing Road.

MOTION: Deputy Chief Tardif moved to table the private way application of James Jones and Ronald Couture, until Mr. Jones was available to answer questions about emergency use of the proposed Duck Brook Road. Mr. Redway seconded.

VOTE: Unanimous in favor.

Adjournment: Deputy Chief Tardif moved and Mr. Merrill seconded to adjourn the meeting at 1035 hours.

I certify that the foregoing minutes are a true and accurate representation of actions taken at the December 15, 2016 meeting of the Arundel Staff Review Committee:

So attested:



Tad Redway, Secretary, Pro Temp