

**Arundel Planning Board  
Minutes  
April 3, 2014 at 7:00 pm  
Code Enforcement Office, Town Hall**

**Board:** Roger Morin, John Der Kinderen, James Lowery, Marty Cain, Tom McGinn, Tad Redway, Planner, Ann Tardif, Board Secretary

**Public:** Linda Zuke

**Call to Order:** Chairman Morin called the meeting to order at 7:02 pm. Attendance was taken and the agenda was reviewed.

**I. Zoning Ordinance Modifications:**

**Item 1: DB-2 District: Discussion with Action:** Residential Development Policy adopted by the Comprehensive Plan Review Committee at April 1, 2014 meeting

The Planner reviewed the memo dated April 2, 2014 from the CPRC to the Planner. This memo was distributed to the Board prior to tonight's meeting via email. At their meeting on April 1, the CPRC reviewed the permitted uses table as well as the summary of Option 1 which was approved by the Planning Board at their meeting on March 27, 2014. The CPRC felt that the proposed regulations put forth by the Planning Board violated the intent of the Comprehensive Plan as drafted. A compromise was put developed by the CPRC and adopted. They are sending the following amendment as well as all the district descriptions to the Selectmen for inclusion in the Town Warrant for June town meeting and have also instructed the Planner to schedule a public hearing on the matter.

The revision to the DB-2 description is as follows:

*The DB 2 district will permit small, medium, and large [100,000 sf] scale wholesale, retail, office, and service uses as well as community uses and low-impact manufacturing. Residential uses, both single and multifamily, that are part of a mixed-use project will be permitted. In addition, single-family dwellings will be permitted, but new residential subdivisions, as defined by statute, will be excluded. Those residential uses that are part of a mixed-use project will qualify for inclusion in an incentive plan linking residential density to parcel area dedicated to commercial uses, thus encouraging a greater proportion of commercial development than residential development.*

The Board had lengthy discussion on the revision and the concluded that the revised description would match best with Option 3 that was reviewed by the Board on 3/27/14. The board reviewed Table 3 and made adjustments based on their discussion. The table shown below is how it will appear with the approved revisions:

<b>Table 3</b>	
<b>Parcel Area Dedicated to of Non-residential Use (NDD*)</b>	<b>Minimum Residential Lot size</b>
<del>&gt;</del> 25%	<del>3</del> acres
<del>26%</del> 35%-50%	2 acres
51%-65%	1.5 acres
<del>66%</del> 75% - <del>66%</del> +	1 acre
76%+	<del>0.5</del> acres
*NDD- Net Development Density: Area minus wetlands, steep slopes, hydric soils, shallow to bedrock soils, and Shoreland Zoning Setbacks	

There will also be an exemption listed for family subdivisions and incrementally divided lots; they will be a minimum lot size of 2 acres.

The Board asked for inclusion of language that requires the commercial development to be completed first if it is a phased project.

The Board discussed and agreed that they will keep the NDD footnote in the table for calculating development density.

The Board also reviewed and accepted the Space and Bulk requirements table 7.3.3 from the Downtown Business District 2, version 7.0: April 1, 2014 for inclusion in the DB2 ordinance draft.

***McGinn moved to accept Table 3 with the changes as noted above and table 7.3.3 Space & Bulk Requirements for the DB2 District. Der Kinderen seconded the motion and it passed with all in favor.***

**Item 2: Townhouse Corner District: Discussion with Action:** Proposed changes to the District

Linda Zuke is present this evening to discuss the proposed district. She is a property owner in the proposed district as well as a member of the Economic Development Committee.

The Board reviewed version 3.3 dated April 3, 2014

Conditional Uses were discussed particularly the exclusion of Commercial Parking facilities. Mrs. Zuke brought up the item for discussion and wondered why it had been crossed off the list. The Planner explained that it was the CPRC and Planning Board's opinion that the use was not compatible with the other uses in the district. Mrs. Zuke disagreed as did some Board members, particularly Mr. Der Kinderen and Mr. Lowery. Mrs. Zuke explained that she and Jen Burrows had been approached by someone they knew who was interested in developing a parking facility in the district. There is an interest by the operators of the buses that bring tourists to Kennebunkport to have a location in which to park the buses when not being used. McGinn commented that leaving a diesel bus running in a parking lot for an extended period could become a nuisance to the surrounding neighbors due to fumes and noise. Mrs. Zuke suggested a stipulation that the buses not be left running could be put into the standards. The Planner noted that a stipulation such as that could be difficult to enforce in terms of policing the lot.

Discussion continued and a compromise was reached. The Board agreed to add "Visitor Information Center" which would include a structure with bathroom facilities, information area, as well as parking area. Tad will draft standards for such a facility.

#11 on the list was discussed the wording will be revised to read: 11. Recreational facilities, excluding powered vehicle amusements.

Section 8.22.4 Performance Standards were discussed by the Board and Mrs. Zuke. She indicated that she felt it was too restrictive and limiting in terms of what would be allowed for building materials, design standards, etc. The Planner explained that he had written the standards presented tonight based on the discussion that was had with the Economic Development Committee when they had shared their thoughts on how they envisioned the district, which was a character similar to what might be seen in Cape Porpoise.

Zuke countered with the comment that she didn't think metal buildings, for example, should be disallowed if they are at the back of a lot and cannot be seen from the road.

**Further discussion continued and the Board decided to add in an item which will allow the Planning Board to "modify the design standards if the building is not visible from the road."**

**8.24.4.1. b Façade Treatment: amended as follows**

**2) Façade Materials:** The board asked the Planner to **strike out** the last line: ~~High quality vinyl siding may be permitted if the Planning Board/Staff Review Committee determines the product is visually indistinguishable from wood.~~

**Lighting:** Zuke commented that she had a concern with the height restriction and used her property as an example. She feels that for her lot, a taller fixture would be beneficial and that a restriction of 15 feet would be too low. The Board discussed the matter and will add an addendum to the lighting standards which states that the height is negotiable by the Planning Board up to 20 feet tall for parking areas in the rear of a lot.

**II. New Business**

The Planner presented a revision to the Seasonal Cottage Resort standards which the Board had entertained and agreed to change at the last meeting. The Board reviewed the text and made some wording amendments and voted as follows:

*McGinn moved to accept the following revision to section 8.17.A.5 of the Land Use Ordinance:*

**8.17.A.5** Seasonal resorts shall be open to the cottage owners and their guests from May 1 to ~~October~~ December 31. Other than maintenance and security staff, no full-time, year-round residents will be allowed to live on the resort premises, nor shall any children be enrolled in or supported by the Arundel school system except those of the resident maintenance and security staff.

*Lowery seconded the motion and it passed with all in favor.*

**III Planner's Business**

Tad presented the Board with a memo dated 4/3/14 Re: Conditional Use Standards to be developed.

The Planner indicated that he will not have time to draft the standards for the new conditional uses that will be proposed with the ordinance revisions but they can be drafted later and presented for the November ballot or the next town meeting in June, 2015. He will focus on developing the standards for some of the more critical uses such as Information Center, Drive Thru Facilities and Medical Marijuana facility standards. He also will come up with a definition for Amusement & Recreational Facilities as requested by the Board.

**Adjourn**

*McGinn moved to adjourn at 10:15 pm. Der Kinderen seconded the motion and it passed with all in favor.*