



February 18, 2026

Town of Arundel
257 Limerick Road
Arundel, Maine 04046

Re: Conditional Use Permit Renewal | 2244 Portland Road, Arundel, Maine | AIM Recycling

Dear Town Planner:

On behalf of American Iron and Metal (AIM), Haley Ward, Inc. (Haley Ward) is submitting an Application for the Renewal of a Previously Approved Conditional Use for the recycling facility that is currently in use at 2244 Portland Road, Arundel, Maine (Tax Map 12, Lot 9). The last Conditional Use Permit Renewal was issued by the Arundel Planning Board on February 21, 2023.

The existing facility is a 43,000 +/- square foot solid waste recycling facility located on a 22.9-acre site. The current facility meets all standards set forth in the Town of Arundel Land Use Ordinance. The site is located in a BI Zone. Under section 6.6.2 in the Ordinance, this facility is allowed as a Conditional Use. The current facility also complies with all standards set forth in the Ordinance.

The only alteration to the use, functionality, and layout of the site from the approval on the February 21, 2023, Notice of Decision (NoD) from the Arundel Planning Board is the proposed relocation of the pylon sign along the property frontage. In its current location, the sign is not visible from the south due to adjacent landscaping. The nature of the sign relocation is depicted on the provided Site Plan. The Owner will submit a Sign permit to the Code Enforcement Office, under separate cover, for this alteration. It is requested that the Arundel Planning Board issue a renewal of the Conditional Use Permit based on the February 21, 2023, NoD (copy attached).

During the 2019 review, the Board requested that a surety in the amount of \$265,000.00 be provided to cover future closure costs. Contingency #3 of the February 21, 2023 planning board approval required the applicant to submit a surety bond to the Town Planner due to the bond expiring in December, 2022. A copy of the expired bond has been provided with this application.

The bond is currently being renewed and will be sent to the Town upon receipt.



Per the 2023 NoD, the Town requested that any results from testing of the stormwater pond's sediment or water quality be provided to the Town. These tests have not been performed since this NoD date. Haley Ward has performed regular stormwater inspection of the site in accordance with its MDEP Stormwater permit. These results can be sent to the Town upon request.

Please contact us if you have any questions or need additional information.

Sincerely,
Haley Ward, Inc.

Drew J. Olehowski, P.E.
Project Manager

DJO/cba

Town of Arundel, Maine

Application for Revision of Previously Approved Conditional Use or Site Plan

Application Type: Conditional Use or Site Plan

Review Authority: Staff Review Committee or Planning Board
(As Determined by the Town Planner)

APPLICANT INFORMATION

1. **Project Name:** AMERICAN IRON AND METAL
2. **Owner Name:** AMERICAN IRON AND METAL
Mail Address: 2244 Portland Road
Town, State, ZIP Code: Arundel, ME 04046
Telephone #: (207) 985-4892 ext. 3085
Email: dvaillancourt@aim-recycling.com
3. **Applicant Name** (if different): SAME AS OWNER
Mail Address: ---
Town, State, ZIP Code: ---
Telephone #: ---
Email: ---
4. **Authorized Agent** (person(s) who will be responsible for all communication with the Planning Board):
Name: HALEY WARD, INC. ATTN: DREW OLEHOWSKI, PE
Mail Address: 120 MAIN STREET #132
Town, State, ZIP Code: SACO, ME 04072
Telephone: (207) 989-4824
Email: dolehowski@haleyward.com

GENERAL INFORMATION

5. **Project Location:** 2244 PORTLAND ROAD
Arundel Tax Map 12 Lot 9
6. **Land Use District(s)** BI

(consult Land Use Map and Shoreland Zoning Map)

7. Is the application for the establishment of a new business? Yes NO
If yes, complete a business registration form.

SITE INFORMATION

8. Date of previous Conditional Use or Site Plan approval: **February 21, 2023**

Use(s) authorized under previous Conditional Use or Site Plan Approval: **Solid Waste Disposal Facility**

Describe new uses proposed or other proposed changes from the previously approved plan:

The only alteration to the use, functionality, and layout of the site from the approval on the February 21, 2023, Notice of Decision (NoD) from the Arundel Planning Board is the proposed relocation of the pylon sign along the property frontage. In its current location, the sign is not visible from the south due to adjacent landscaping. The nature of the sign relocation is depicted on the provided Site Plan. The Owner will submit a Sign permit to the Code Enforcement Office, under separate cover, for this alteration.

9. Application Fee:

X \$250 for CU/Site Plan Revision plus mailing fee of \$2.00 per abutter

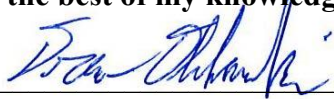
All applicable 3rd party review fees to be paid by applicant.

Application fee is doubled if work has started or business has been established prior to application

10. Waiver Requests? (Submit in writing) Yes NO

11. Please complete the attached Checklist to assure your application and site plan are complete.

To the best of my knowledge, all of the above stated information is true and correct.



Applicant's Signature

February 18, 2026

Date

From: Jerry Livengood <jlivengood@aim-recycling.com>
Sent: Thursday, February 12, 2026 3:13 PM
To: Drew Olehowski <dolehowski@haleyward.com>
Cc: Drew Vaillancourt <dvaillancourt@aim-recycling.com>; Dino Gioia <dgioia@aim-global.com>
Subject: Re: AIM Recycling Conditional Use

Hello Drew O.,

Haley Ward is authorized to act as an agent for AIM USA for the purpose of renewing a conditional use permit, for the AIM Arundel location, with the Town of Arundel

From: Drew Olehowski <dolehowski@haleyward.com>
Sent: 12 February 2026 14:01
To: Jerry Livengood <jlivengood@aim-recycling.com>
Cc: Drew Vaillancourt <dvaillancourt@aim-recycling.com>; Dino Gioia <dgioia@aim-global.com>
Subject: RE: AIM Recycling Conditional Use

CAUTION: ATTENTION: Courriel externe. Traitez ce courriel avec prudence. / External e-mail. Treat this e-mail with caution.

One other item, could you please send an email authorizing Haley Ward to act as your agent for this permitting process?

Thanks again,

Drew Olehowski, PE
Project Manager
t: 207.283.9151 d: 207.404.5893 m: 207.576.6488

This e-mail may be confidential and is intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author or HaleyWard, Inc. If you are not the intended recipient (or responsible for delivery of the message to such person), you may not use, copy, distribute or deliver to anyone this action in reliance on it. In such case, you should delete this message, and notify us immediately at 207 989 4824 or by email bangor@haleyward.com.

Town of Arundel Conditional Use/Site Plan Review Application Checklist

Project Name: **American Iron and Metal**

This checklist has been prepared to assist applicants develop their applications. It should be used as a guide. The checklist does not substitute for following the requirements of Section 10.5.2 of the Arundel Land Use Ordinance. The Town Planner will also be using the checklist to make sure your application is complete. Indicate in the first and third columns if the information has been submitted or if you request it to be waived. If you feel the information is not applicable to your project, please indicate so in the second column.

SITE PLAN REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
1. Property Boundary Survey signed & sealed by a Maine Licensed Land Surveyor, showing bearings and distances of the subject property boundary(s), and containing North arrow, graphic scale, acreage, property corners, date of survey, and location of adjacent lots and owner's names.	X				
2. Proposed Site Plan , drawn at a scale not to exceed one inch equals forty feet (1" = 40') or at a scale otherwise required by the Town Planner and showing both existing conditions and proposed improvements on the site; sealed by a Professional Engineer, Landscape Architect, or a Surveyor licensed in the State of Maine, and containing the following information:	X				No proposed changes to previously approved site plan.
• Existing & proposed lot setback lines.	X				
• Existing & proposed rights of way, easements & other legal restrictions	X				
• Topographic survey showing existing and proposed site and building elevations at a contour interval of no more than two (2) feet, location and elevation of all existing and proposed structures, site features and site improvements.	X				
• Information Block containing location, address, Map-Lot number(s) of the subject property, as recorded in the Town Assessor's Office, name and address of the applicant(s), and owner(s) if different;	X				
• Approval Block providing space for the signatures of Planning Board members or the Staff Review Committee	X				
• Location of all on-site streams, watercourses, wetlands, waterbodies, drainage facilities and structures, 100-year floodplains, roads, driveways, parking lots,	X				
• Delineation of all existing and proposed public and private easements on or directly adjacent to the property;			X		No easements on site.
• Location, dimensions, and layout of all existing and proposed built elements, including buildings and structures, parking areas, driveways, curbing, Town/State roads, sidewalks, fences, walls, steps, piers and docks, patios, swimming pools, and signage	X				

<ul style="list-style-type: none"> Location of existing site features located on the property, including but not limited to existing streams, wetlands, drainage swales, tree lines, identification, and location of specimen trees greater than eight inches (8") caliper, location of existing rock outcrops, and boundary of 100-year Flood Zone as defined by the FEMA Flood Insurance Rate Map for the Town of Arundel 	X				
SITE PLAN REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
<ul style="list-style-type: none"> Location of existing and proposed utilities including overhead telephone poles and/or underground cables, public water lines, gate valves, fire hydrants, dumpsters or waste receptacles, private septic systems, and water supply wells. 	X				
<ul style="list-style-type: none"> Location, layout, and dimensions of all existing and proposed drainage facilities, accompanied by detailed drainage calculations signed and sealed by a Professional Engineer licensed in the State of Maine; 		X			Drainage has not changed from previous approvals.
<ul style="list-style-type: none"> Identification and location of all on-site soils derived from a medium intensity soil survey. The Planning Board or Staff Review Committee may at their discretion, require a high intensity soil survey sealed by a Maine Licensed Soil Scientist. 		X			No changes to project site
<ul style="list-style-type: none"> Site Data Summary detailing the total area of all existing and proposed site improvements, the amount of impervious surface, lot area, lot coverage, street frontage, building area, wetlands area, and stream areas, and compliance with the space and bulk requirements of the governing zoning district. 	X				No proposed site improvements; all existing areas are the same as previously approved plan
<ul style="list-style-type: none"> The existing zone in which the property is located. In the event the property is divided by a zone line, the line shall be delineated and labeled on the Site Plan; 	X				
<ul style="list-style-type: none"> Sight distances delineated for all driveway and street openings and all easements required to maintain such sight distances in perpetuity shall also be delineated on the plan; 		X			No changes in existing driveway entrance
<ul style="list-style-type: none"> Location, type, size of incineration devices noise sources such as machinery. 		X			No changes in use of machinery
<ul style="list-style-type: none"> Location and inventory of outdoor materials storage 	X				
<ul style="list-style-type: none"> Existing and proposed fire protection and fire suppression resources including location, size, flow rates and capacity, construction details and specifications, of cisterns, dry hydrants, wet hydrants, fire ponds, booster pumps, building fire department connections, external sprinkler system cisterns 		X			No change in building or fire protection
3. Detail Sheet showing construction details of proposed streets, drives, roads, sidewalks, retaining walls, lighting fixtures, fences, and all similar proposed site improvements.		X			No new construction on site
4. Outdoor Lighting Plan <i>consisting of:</i>		X			No change in lighting

• The location of all existing and proposed exterior lighting fixtures.		X			
• Specifications for all proposed lighting fixtures		X			
• Proposed mounting height of all exterior lighting fixtures		X			
• Analyses and illuminance level diagrams.		X			
• Drawings of all relevant building elevations showing fixtures, portions of walls to be illuminated, illuminance levels, and the aiming points for remote light fixtures.		X			

SITE PLAN REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
5. Landscape Plan showing location, layout, and quantity of all ornamental plant material and ground cover to be installed on the site. Plan should include s of all proposed plant material and ground cover and including:		X			No changes to site
• Planting Schedule indicating plant species, variety, common name, quantity, size, and installation specifications;		X			
• Planting details for shrubs and trees		X			
6. Building Plans of all proposed structure(s) including interior layout, side, and front elevations drawn to a scale of not less than 1/4 inch to 1 foot.		X			No new buildings
7. Schematic elevation of proposed signs , drawn to a scale of not less than 3/4 inches to 1 foot, and illustrating sign layout, lettering, graphics and logos, materials, color, and proposed illumination.		X			
8. Detailed Cost Estimates of all proposed site improvements including quantity and unit costs of materials and 10% contingencies.		X			

WRITTEN SUBMISSION REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
1. Complete Conditional Use Application Form (10 copies) 2 copies of site plan 24" x 36" and 8 copies @ 11" x 17"	X				
2. Conditional Use application fee for either a Minor or Major Development Project and Peer Review fee	X				
3. Name, mailing addresses, and Map/Lot number of all abutters within 200 feet of the subject property printed on Avery 5160 labels. Include \$2.00/abutter along with application fee.		X			
4. Evidence of applicant's right, title or interest (deed, lease agreement, purchase & sale, or letter of authorization) in the property and any deed restrictions or easements on the property		X			

5. On-site soil investigation report by a Licensed Site Evaluator.		X			
6. Copies of final Association Covenants and Condominium documents, rights-of-ways, utility, construction, and sight distance easements, Road Maintenance Agreements, and other pertinent legal documents.		X			
7. Stormwater Drainage Calculations, prepared and sealed by a Maine licensed civil engineer.		X			
8. Digital copy of the entire application package in an Adobe PDF format, including maps and drawings	X				
9. Other Studies:					
<ul style="list-style-type: none"> Traffic Impact study, prepared and sealed by a Maine licensed Traffic Engineer. 		X			
<ul style="list-style-type: none"> Groundwater Study: Analyzing the individual and cumulative impacts of the proposed project upon existing groundwater quality. 		X			

WRITTEN SUBMISSION REQUIREMENTS	Submitted by Applicant	Does Not Apply	Applicant Requests to be Waived	Received by Town Planner	Comments
<ul style="list-style-type: none"> Market Study: Prepared by a qualified market research firm, and indicating the potential feasibility and projected success of a proposed use. 		X			
<ul style="list-style-type: none"> Fiscal Impact Assessment: Analyzing the projected fiscal impacts to the municipal service delivery system 		X			
10. Written copies of all required state and federal approvals. Relevant state and federal laws include, but are not limited to Stormwater, Site Location, Natural Resources Protection Act, and Sec. 404 Clean Water Act (federal), and MDOT permits for road and driveway openings on Route 1 and Route 111.		X			
11. Letter of Compliance from the Arundel Fire Chief		X			
12. Letter of Compliance from the Arundel Public Works Director (only if accessed from Town road)		X			
13. Other information required by the Planning Board or Staff Review Committee		X			

Bond No. 6355960

RECLAMATION BOND

KNOW ALL MEN THESE PRESENTS, That we AMERICAN IRON AND METAL LP
hereinafter referred to as the Principal, and Fidelity & Deposit Company of Maryland, a corporation organized and existing
under the laws of the State of Illinois, as Surety, are held and firmly bound unto
Maine Department of Environmental Protection hereinafter referred to as Oblige, in the sum of
two hundred sixty five thousand-----00/100 (\$ 265,000.00) Dollars, lawful money of the
United States of America, to the payment of which sum, well and truly to be made, we bind ourselves, our executors,
administrators, successors, and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the Principal made application for Permit to the
Oblige for the purpose of, or to exercise reclamation of Property located at:
2244 Portland Road, Tax map 12, lot 9 in the BI District in Arundel in Maine

NOW THEREFORE, if the principal shall faithfully comply with all ordinances, rules and regulations concerning said Site,
and shall save and keep harmless the Oblige from all loss or damage which it may sustain or which it may be liable on
account of the issuance of the permit to the Principal, then this obligation shall be void; otherwise, to remain in full force and
effect.

PROVIDED, that regardless of the number of years this bond shall continue or be continued in force and of the number of
premiums that shall be payable or paid, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the
amount of this bond, and

PROVIDED FURTHER, THAT THIS BOND WILL EXPIRE ON December 12, 2022 but may be
continued by continuation certificate signed by Principal and Surety. The Surety may at any time terminate its liability by
giving (30) thirty days written notice to the Oblige, and the Surety shall not be liable for any default after such thirty day
notice period, except for defaults occurring prior thereto.

SIGNED, SEALED, AND DATED this 21st day of July, 2020.

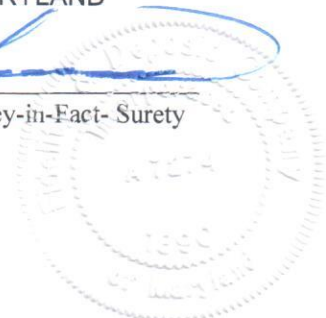
AMERICAN IRON AND METAL LP

By- _____
Principal

FIDELITY & DEPOSIT COMPANY OF MARYLAND

By- *Aaron D. Griffin*
Aaron D. Griffin, Attorney-in-Fact- Surety

Accepted By:
Maine Department of Environmental Protection
_____ Oblige



**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Aaron D. Griffin, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 11th day of July, A.D. 2019.



**ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 11th day of July, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 21st day of July, 2020.



Brian M. Hodges, Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsfclaims@zurichna.com
800-626-4577

Arundel Planning Board

FINDINGS OF FACT

Conditional Use Permit for American Iron & Metal LP Solid Waste Facility 2244 Portland Road

On December 12, 2019 the planning board issued a three-year Major Conditional Use permit to American Iron and Metal LP to continue operation of an existing 43,000 +/-sf solid waste recycling facility on a 22.9-acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District, contingent upon the provision of assurances that AIM Management had resources sufficient to close out and restore the existing solid waste site in the event of closure.

The applicant's Major Conditional Use permit expired on December 12, 2022.

The applicant submitted a renewal application on December 22, 2022 for a Major Conditional Use application from American Iron and Metal LP to resume operation of an existing 43,000 +/-sf solid waste recycling facility on a 22.9-acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District. contingent upon the provision of assurances that AIM Management had resources sufficient to close out and restore the existing solid waste site in the event of closure.

on January 28, 2023 the Arundel Planning Board conducted an advertised Public Site Walk on the premises.

on February 21, 2023, the Arundel Planning Board conducted a public hearing on the proposed project.

FINDINGS OF FACT

1. The applicant and owner of the property is American Iron & Metal LP
2. The property is located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District
3. The property has been used for the past 20 years as a solid waste recycling facility specializing in the collection, reduction, and exporting of recycled metals.
4. As depicted on the application and accompanying maps prepared by previously prepared by CES and now represented by HaleyWard and dated December 22, 2022, the applicant proposes to re-permit the recycling facility to process the same types of metal materials that the facility has historically processed. The applicant has previously installed a 10' x 20' Scale House, a second vehicle weighing scale, a Radcomm detection unit, install ten parking spaces, reduce the driveway entrance to 42 feet in width and install a 29-foot landscape aisle between Route 1 and the customer parking area.

5. All other recycling areas and collection points are to remain as shown on the Existing Conditions Map prepared by CES and dated May 13, 2019.
6. The driveway entrance maintains a sight distance in excess of 600 feet to the north and the south along Route 1 in conformance with the minimum distances for a 50-mph road as specified in section 5.21.1 of the Land Use Ordinance.
7. The applicant has both a current and active Solid Waste Permit and Stormwater Permit from the Maine Department of Environmental Protection. All peak runoff will be detained on the site and all runoff is collected in stormwater treatments ponds.
8. Water service is provided by the Kennebunk Kennebunkport Wells Water District from the Route I mains, and on-site septic is provided by an on-site septic system.
9. No new site lighting is proposed.
10. The Planning Board has determined that existing vegetation with limits of cutting as depicted on the existing conditions the plan set will be sufficient to meet all landscaping and parking lot buffering standards of the BI district to the side and the rear property boundaries.
11. The applicant has submitted proof of liability insurance in the amount of \$1,000,000 per occurrence and \$2,000,000 annually for accidental occurrences.
12. The applicant has submitted a revised Closure Plan and an itemized budget for contaminate testing and theoretical soil removal and remediation at such time that the facility closes. The applicant has proposed a surety amount of \$265,000.

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 uses and the sizes of the structures are similar in scale and scope to surrounding properties and other land uses in the BI district.

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 permits solid waste facilities for the BI district as conditional uses and therefore the proposed use is in conformance with the 2016 Comprehensive Plan.

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 existing operation will not generate a significant increase in trip generation, the applicant's driveway sight distances exceed the minimum standards of Section 5.21. 1., and the applicant has received a MDOT driveway opening permit for the proposed activity.

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

Existing onsite septic will be provided on site and water is provided to the site by Kennebunk Kennebunkport, Wells Water District. The proposed use will not increase the demands for water or septic flow on the property.

9.7.H.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: The nature of the business does generate noise from crushing and unloading materials, however, the Board finds that proposed sound levels are not unreasonable for the use or the district and meet sound level standards mandated LUO section 5.11.1 at the property line.

Odor: This use will not generate any odor issues.

Vibration/Smoke: No vibration or smoke issues are generated on-site.

Glare: The applicant is not proposing to add any additional lighting on-site.

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 applicant proposes no site modifications that would impact the existing slope and drainage conditions on the site.

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

The applicant has provided adequate documentation that a hazard mitigation and containment provisions are installed and operational at the facility to minimize nuisances generated by the proposed use.

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

The applicant has demonstrated financial and technical capacity to operate and close the facility and therefore is in compliance with section 9.3.38.7.c of the Arundel Land Use Ordinance.

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

Based on the above findings and conclusions the Arundel Planning Board approves the Conditional Use application of American Iron and Metal LP to operate a solid waste facility as herein presented contingent upon the following:

1. Any change from the approved plans shall require submittal of revised plans to the Board.
2. The applicant shall submit a surety to the Town Planner in the amount of \$265,000 to cover closure costs.
3. Any test results of pond water or sediment will be provided to the Town Planner along with the facility accepting the material.
4. This conditional use permit shall expire on February 21, 2026.

Approved by the Arundel Planning Board on February 21, 2023

