

**Arundel Planning Board  
Minutes  
February 6, 2024 7:00 pm**

**Board Attendees:** Rich Ganong, Paul Green, Susan Roth, Zachary Shapiro, Marty Cain, Jamie Lowery, Tom McGinn, Lee Jay Feldman, Planner, Leah Rachin, town counsel

**Public Attendees:** George & Annette Labrecque, Luce Loper, Ariel Taschereau, Phil Taschereau, Michael DeLuca, Pam Roberge, Stella McCormick, Mike Corsie, Michael Thomas, Dolly & Todd Smith, Kim Gillingham, Jeff Hevey, Dan Letellier, Paulette Morin, Erica Frenett, Sarah Carrier, Sharon Binette, Kim Gallant, Diane Robbins-Mockus, Ethan Robbins, Shannon Thibeault, Bruce Read, Matthew Williams, Amy Dobson, Amy & Scott Hooper, Jake Hawkins, Sarah Steiner

**Call to Order** Chairman Ganong called the meeting to order at 7:00p.m.

**I. APPROVAL OF AGENDA**

**Motion:** Mr. Green moved to approve the agenda as written. Mr. Lowery seconds.

**Vote:** 7-0

**II. APPROVAL OF MINUTES** *January 2, 2024*

**Motion:** Mr. Green moved to approve the minutes of January 2, 2024 as written. Ms. Roth seconds.

**Vote:** 4-0-3 Mr. Cain, Mr. McGinn and Mr. Shapiro abstained

**III. PUBLIC COMMENT** There were no comments from the public.

**IV. NEW BUSINESS**

<b>Item 1:</b>	<b>Corsie Holdings, LLC; Terrapin Landscapes-Site Plan Review Application:</b> Terrapin Landscapes is seeking an after the fact approval for the construction of a 2,240 sq. ft. greenhouse. The parcel is located at 1544 Portland Rd. on Tax Map 29, Lot 19 in the DB1/DB2 district. Corsie Holdings, LLC is the property owner and Mike Corsie of Terrapin Landscapes is the agent.
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Michael Corsi of Terrapin Landscapes is present this evening seeking an after the fact permit for a 2,240 sq. ft. greenhouse at his business location on Portland Rd. This greenhouse is not a retail greenhouse, it is used for his landscaping business.

Mr. Lowery asked if the applicant had obtained a building permit for the structure. Mr. Corsie replied that he was unaware that he needed one.

Mr. Lowery asked where the applicant stands with the revised DEP permit. Mr. Corsie indicated he has submitted to the DEP.

**Motion:** Mr. McGinn moved to find the application complete. Mr. Cain seconds.

**Vote:** 7-0

**Motion:** Mr. McGinn moved to approve the application as submitted. Mr. Lowery seconds.

**Vote:** 7-0

**V. PUBLIC HEARING**

<b>Item 1:</b>	<b>Sunset Place Subdivision-Preliminary Plan Application and Clearview Estates-Subdivision Amendment:</b> The applicant, Michael Thomas, is proposing to develop a 6-lot subdivision on parcels (Tax Map 17, Lot 14-14 & a portion of Map 9 Lot 3). The project will consist of 5 single family homes known as the Sunset Place Subdivision as well as a 10-unit condominium community on Lot 6 known as Sunset Community Condominiums. The proposed project will be accessed by a proposed public roadway across 189 Clearview Drive (Lot 14 Clearview Estates –Tax Map 17 Lot 14-14). Since access to this project will be across lot 14 Clearview Estates –Tax Map 17 Lot 14-14 an
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	amendment to the Clearview Estates subdivision will be required as part of this review. Andrew Morrell of BH2M is the applicant's engineer.
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Andrew Morrell of BH2M is present this evening as the applicant's engineer.

Mr. Morrell provided an update to the Board regarding changes that have been made since they last appeared in December. They added a phasing plan; phase I will be the single family homes and Phase II will be the condos. He reviewed some of the changes that have been made to the notes section of the plan. He reviewed the deed proposed for the roadway, sheet #2 of the plans shows the location of the pins.

Michael Thomas, project developer commented that he has compiled an excellent team. He has lived here for 27 years and has listened to the concerns from the neighborhood. He indicated that he has done a traffic study, water analysis, quality of the water; aquifer study, and nitrate study.

**Public Speakers:**

Terry Currier, Kim Gallant, Peter Gillingham, George Labrecque, Diane Robbins-Mockus, Scott Hooper, Jeff Hevey, Erica Everett, Stella McCormick, Shannon Thibeault, Sara Steiner, Ethan Robbins, Jake Hawkins, Matt Williams, and Tom Errico

Issues raised include: traffic impact and safety due to vehicular traffic, stormwater management, location of the actual boundaries of the public road and subdivision, maintaining a buffer between neighbors and the subdivision, septic and well systems, can the subdivision support it and how will it effect the aquifer, utility location, above or underground?

Peter Gillingham submitted pictures taken on 12/18/23 after big rain storm.

Matt Williams, legal counsel for two residents of Clearview commented that he believes the Street Design and Construction Standards do not allow an "offset cul-de-sac" and encouraged the Board to deny the application.

Tom Errico-spoke to the traffic impact study and indicated that raised speed tables are a possibility as well as speed feedback signs.

Jeff Hevey spoke in favor of the project, noting that he believes the applicant has done everything according to the regulations.

The Board explained that the electrical utilities are required by the Subdivision Regs. to be underground.

The public hearing was closed at 8:04p.m.

**VI. PENDING BUSINESS**

<b>Item 1:</b>	<p><b>Sunset Place Subdivision-Preliminary Plan Application and Clearview Estates-Subdivision Amendment:</b> The applicant, Michael Thomas, is proposing to develop a 6-lot subdivision on parcels (Tax Map 17, Lot 14-14 &amp; a portion of Map 9 Lot 3). The project will consist of 5 single family homes known as the Sunset Place Subdivision as well as a 10-unit condominium community on Lot 6 known as Sunset Community Condominiums. The proposed project will be accessed by a proposed public roadway across 189 Clearview Drive (Lot 14 Clearview Estates –Tax Map 17 Lot 14-14). Since access to this project will be across lot 14 Clearview Estates –Tax Map 17 Lot 14-14 an amendment to the Clearview Estates subdivision will be required as part of this review.</p> <p>Andrew Morrell of BH2M is the applicant's engineer.</p>
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Chairman, Rich Ganong indicates that there have been numerous issues that have come up including access, etc.

Leah Rachin, town attorney, pointed out that there are three areas the Board should be concerned about. 1. Right Title & Interest, 2. Deed Restrictions, 3. Easement

Bruce Read, attorney for the applicant spoke to the three issues noted by Leah.

8:10p.m.

**Motion:** Mr. Green moved that the Board go into Executive Session with the Town Attorney. Ms. Roth seconds.

**Vote:** 7-0

8:47p.m.

**Motion:** Mr. Lowery moved to come out of Executive Session. Mr. Green seconds.

**Vote:** 7-0

Ms. Rachin explained the issues that the Planning Board needs to deal with are Right Title and Interest, Deed Restrictions, and the Tomasino Case.

Mr. Shapiro opined that Tomasino is limited to easements not deed restrictions and believes the Board should proceed as far as we can until courts preclude us from moving forward.

Mr. Lowery believes the Board should continue to move forward with the application until the courts tell us we cannot.

Mr. Lowery indicates that based on previous discussion Thomas has right title and interest unless a court states otherwise.

Mr. Shapiro agrees.

Mr. Read spoke to his position on Tomasino.

**Motion:** Mr. Shapiro moved that the Board determine if there is sufficient evidence that Mr. Thomas has demonstrated right title and interest. Mr. Lowery Seconds. The seven board members discussed the issue.

**Vote:** 7-0 in favor that Mr. Thomas has demonstrated that he has right title and interest.

**Motion:** Mr. McGinn moved to table the application until the applicant is ready to move forward. Mr. Cain seconds.

**Vote:** 7-0

## **VII. OTHER BUSINESS**

### **1. Arundel, Kennebunkport Cottages-Letter of Request**

Chairman Ganong reviewed the letter submitted requesting the extension of the time the cottages may be occupied.

Mr. McGinn states he is not opposed to allowing the additional month. Ms. Roth indicates she has no problem with it.

The Board determined they will move the request forward for consideration in the warrant articles for town meeting and they will use the amended language drafted by the applicant.

### **2. The Board will move the March 5<sup>th</sup> meeting to March 12<sup>th</sup> due to the Presidential Primary being held on the 5<sup>th</sup>.**

The meeting on the 12<sup>th</sup> will be reserved for a public hearing on all the proposed ordinance amendments.

## **Adjourn**

**Motion:** Ms. Roth moved to adjourn at 9:55p.m. Mr. McGinn seconds.

**Vote:** 7-0