

# Arundel Planning Board

## Meeting Minutes

July 30, 2024 6:00 pm

**Board Attendees:** Rich Ganong, Susan Roth, Paul Green, Jaime Lowery, Tom McGinn, Marty Cain, Zachary Shapiro, Jamel Torres(Planner), Leah Rachin (Legal Counsel)

Chairman Ganong called the meeting to order at 6:03 pm.

**Motion:** Motion by Ms. Roth to enter into EXECUTIVE SESSION: The Planning Board will enter into executive session in accordance with M.R.S.A. Title 1, Chapter 13, §405 for legal counsel. Mr. Lowery seconds.

**Vote:** 7 – 0 Motion carries.

**Motion:** Motion by Mr. Cain to exit Executive session at 6:52 PM. Mr. McGinn seconds.

**Vote:** 7 – 0 Motion carries.

**Call to Order:** Chairman Ganong called the public hearing meeting to order at 7:00pm.

**Public Attendees:** Jennifer Wasson, Adam Burgess, Tom Errico, Kurt Shillington, Bill Ridlon, Debra Ridlon, Tony Woodsum, Terry Merrill, (Public Works Director & Staff Review Committee member)

Chairman Ganong read the agenda for the meeting.

**Motion:** Motion by Mr. McGinn to approve the agenda as read, Mr. Cain seconds.

**Vote:** 7 – 0 Motion carries.

## II. NEW BUSINESS

**Item 1:** Administrative Appeal Application: Appeal of Staff Review Committee Decision: Kennebunk River Food Court: Adam Burgess and Jennifer Wasson are the applicants and owners of property located on Tax Map 35 Lot 1. They are appealing the decision of the Arundel Staff Review Committee on May 20, 2024.

Mr. Cain announced to the board and the public that in the interest of Full Disclosure he identified he was a friend and acquaintance of the applicant. He added that he did not believe it would affect his ability to make an impartial judgement in the proceedings. The board and the applicant agreed.

Legal counsel for the town set the boundaries for the appeal process at the request of the chair.

The appeal centered on factor 6 of the Arundel Land Use Ordinance para 10.6.4 Criteria for Approval: The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood.

Chairman Ganong ask the applicants to present their case.

Jennifer Wasson: Ms. Wasson stated the denial by the Staff Review Committee was arbitrary and factually incorrect. Curb Cuts were approved and visibility was determined to be satisfactory. DOT had no restrictions identified and the land use ordinance does not list minimum or maximum curb cut openings for an area. No such restrictions were identified for other approved food courts. Line of site visibility was determined to be 400ft by ME DOT. Checked with a laser and distance was 442 to the left and greater than 500 ft to the right of the opening. Ms. Wasson also stated she was told by the previous town planner that if a traffic study was favorable, the project would be good. She read the MDOT rules for acceptance to the board.

Adam Burgess: Mr. Burgess spoke about the negative communication by the Staff Review Committee and provided email copies to the town counsel.

Mr. Shapiro asked what the hours of operation for the food court were planned? Mr. Burgess stated between 11 am and 7-8 pm.

Mr. Shapiro asked how that related to the traffic study?

Mr. Tom Errico explained the traffic study, the focus was on driveway location and line of site distance views. He explained that he considered corner clearance requirements and reviewed safety crash data. Threshold trip point for additional detailed study is 100 peak hour trips.

Mr. Lowrey asked what Mr. Errico would estimate the percentage adjustment to his study would be for a high traffic month such as July? Mr. Errico estimated approximately a 10% increase. Mr. Lowery asked about the fitting curve which was used, would it change the analysis? Mr. Errico answered there would not be a change.

Mr. Burgess added that the Farmers Daughter stand located in the adjacent vicinity averages approximately 30 cars per hour during peak traffic time.

Mr. Ganong questioned why 14-year-old data from the west coast was used for the traffic study? Mr. Errico replied it is the standard data/percentages dictated by MDOT.

Mr. Burgess stated his observation of the food court located on Rt 1, has approximately 6 to 11 cars entering/exiting per hour.

Mr. Errico stated that when warranted, actual vehicle counts are used vice standard data.

Mr. Merrill the Public Works Director for the town is the only remaining member of the Staff Review Committee as Mr. Tardif (Deputy Fire Chief) and Mr. Feldman (Town Planner) are no longer with the town. Mr. Merrill explained that the application was denied because of traffic safety concerns.

Ms. Roth asked if traffic options were discussed, Mr. Merrill replied all options resulted in backed up traffic and further safety concerns.

A video taken by Mr. Merrill on July 3<sup>rd</sup> at 2:32pm was played showing the high volume of traffic. Mr. Merrill also stated concerns with site lines with regards to Walker Lane and Old Post Rd.

Kurt Shillington (Abutter) voiced concerns that traffic turning left from Walkers Lane is dangerous and adding a food truck court would add to the safety concerns and increase traffic on Walkers Lane.

Debra Ridlon (Abutter) voiced concerns that line of site is hampered by Old Post Rd traffic and the guardrail by the bridge.

Mr. Burgess Stated that no traffic will exit to Walker Lane and the driveway entrance was moved and widened to improve visibility. Route 1 is a high growth area and traffic flow would be improved if the traffic lights were modified. There would be no added traffic due to the food court.

Ms. Roth asked if traffic could be modified to only enter and exit from south bound traffic, The Town Counselor Leah Rachin reminded the board that modification of the application is not within the bounds of this hearing.

Mr. Shapiro asked if this was a safety concern with left turning traffic or a traffic concern?

Public hearing was closed at 8:14pm.

Town Counsel Leah Rachin reiterated the boundaries of the appeal for the board.

The board discussed views and concerns of the appeal.

Mr. Lowery asked the appellants if they would consider establishing a right turn only policy?

Mr. Burgess stated yes he was open to solutions.

**Motion:** Mr. Shapiro motioned to uphold the Staff Review decision, Mr. McGinn seconds the motion.

**Vote:** 7 – 0 Motion carries.

Ms. Rachin sated she would draft a decision letter for the board.

**Motion:** Ms. Roth motions to adjourn, Mr. Lowery seconds.

Respectfully Submitted

Paul R. Green  
Planning Board Recording Secretary