

Brian R. Barrington*
Peter J. Mathieu
Linda J. Mayrand*
Anthony T. Coraine
David H. Colby**
Stuart Dedopoulos
Christopher Regan
Hamilton R. Krasner****
Emmanuel P. Krasner****

*Also Admitted in Maine
**Also Admitted in Massachusetts
***Of Counsel
****Retired

Clyde R. Coolidge 1963-2005

THE
COOLIDGE
LAW FIRM ^{PLLC}

www.coolidgelawfirm.com

98 HIGH STREET
SOMERSWORTH, NH 03878
PHONE (603) 692-4282,
1-800-392-4282
FAX (603) 692-4293

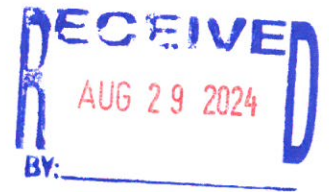
KRASNER LAW
523 MAIN STREET, APT #2
FARMINGTON, NH 03835
PHONE (603) 755-2082
FAX (603) 755-3934

**BAMFORD, DEPOPOULOS
& REGAN, PLLC**
68 MAIN STREET – STE 1
DURHAM, NH 03824

August 29, 2024

VIA EMAIL AND FIRST CLASS MAIL ArundelIPB@richganong.com

Mr. Richard Ganong
Town of Arundell Planning Board
257 Limerick Road
Arundel, ME 04046



**Re: Palakben Patel and Arundel, ME 04046
Gas Station-Meer**

Dear Richard:

This letter is a follow up to our request to consider a Zoning Change.

1144 Portland Road, Arundel, ME 04046 is in the Downtown Business District (DB1)

6.4.2. States:

6.4.2 CONDITIONAL USES

1. Automobile service stations, provided that a setback distance of 1000 feet is maintained from any other existing automobile service station operation.

Proposed

6.4.2 CONDITIONAL USES

Automobile service stations, provided that a setback distance of 1000 feet is maintained from any other existing automobile service station operation however a

convenience store, food market with no repair facilities only requires a separation of 250 feet.

We also suggest that the district that should have separation is not the DB1 but the DB2 which does not have frontage on Route 1 that interestingly has no conditional use requirement at all even though those are not on a major Route and in more residential area.

A gas station food market is not specifically mentioned in the ordinance. The phrase automobile service station operation is more descriptive a full service auto repair and gas station. Repair centers are much less likely to have gas these days and without a garage you do not get the parked cars waiting for repair and noise of repair work with air compressors and pneumatic equipment being operated all day.

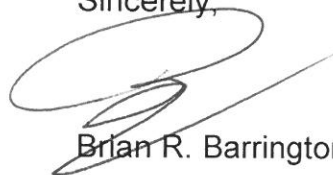
As previously stated, we repeat that Palakben Patel is the 95% owner of and manager of Meer Realty LLC which acquired the closed Arundell Market and real property on December 9, 2022. Despite spending over a million dollars for the property, we have been unable to come up with a viable plan to reopen the Arundel Market and Deli as food market and deli. This business was repossessed by a Gorham Savings Bank back April of 2022 when Daniel R. Richard closed the store and filed bankruptcy. The gas station is to be only secondary to being a food market and deli. No repair is proposed.

This used to be a vibrant meeting place for the community and source of local food market. Palakben and her husband Andy want to bring that back but need to have the right to install gas pumps so that enough traffic stops to sustain the business.

The Town passed an ordinance that requires a 1,000 foot separation between gas stations and this site is only 300 feet from the Citgo. This market is at a safer place for market and gas station being at a major intersection and in the middle of the existing business district. We can understand wanting separation for traffic safety elsewhere in Town but it seems to us that the reasons for the ordinance do not apply here. Attached is the new highway plan that the State DOT just installed.

We ask that the Planning Board recommend this zoning change for this district with any others that the Board has in mind and hold public hearing in October so that this proposal can be voted upon at Annual Town meeting next June.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian R. Barrington", written over a white background.

Brian R. Barrington

BRB/brb

6.4 DOWNTOWN BUSINESS DISTRICT (DB1)

The Downtown Business1 District encourages the development of business and services along the southern Route 1 corridor to provide for the needs of local citizens, visitors, and tourists in a compact environment that will serve as Arundel's central business district and service center. To meet the objectives of the 2014 Comprehensive Plan revisions, the DB-1 district will promote building, landscaping, and sign design that creates a memorable and intimate small-town setting while providing sizeable building floor areas, visibility, and adequate parking to sustain viable business ventures.

The boundaries of the Downtown Business1 District are depicted on the Official Zoning Map.

6.4.1 PERMITTED USES

The following are permitted uses in the Downtown Business1 District, providing that the uses meet all applicable performance standards herein and in section 5.0 of this Ordinance.

1. All legally existing businesses and associated structures operating in the DB-1 district as of June 10, 2015.
2. All residences legally existing in the DB-1 district as of June 10, 2015
3. Expansions of legally existing businesses and residences operating the DB-1 district as of June 10, 2015.
4. Multi-family dwellings provided that all units are located on any floor except first floor level
5. Accessory Buildings, Structures, or Uses.
6. Accessory Dwelling Units
7. Agriculture & Farm stands
8. Artist & Craftsman studios
9. Business/commercial services and professional offices, with a maximum gross area of 20,000 square feet per building footprint;
10. Catering and food preparation
11. Commercial Services
12. Churches and parish houses
13. Day Care Center and Day Care Home
14. Filling and earth moving activities of more than and less than 100 cubic yards
15. Garden centers
16. Health Clubs
17. Health Services
18. Lodging
19. Museums
20. Public Facility
21. Personal services
22. Retail, with a maximum gross area of 20,000 square feet per building footprint;
23. Residential, limited to one single family unit on a lot of record existing as of June 10, 2015 and all subsequent lots that are exempt from *30A MRSA §4401.4 and §4401.4D-1, D-2, D-3, and D-4.*
24. Residential, single-family dwellings provided the dwelling is secondary to a business located on the site or is located on any floor except first floor level.
25. Restaurants and Take Out Restaurants
26. Theaters
27. Recording studios/radio and TV stations
28. Recreational rentals
29. Recreational facilities, Passive
30. Retail, with a maximum gross area of 20,000 square feet per building footprint;
31. Service Clubs
32. Schools, Specialized
33. Timber Harvesting < 40% basal area
34. Yard sales

Section 6: Land Use Districts

6.4.2 CONDITIONAL USES

The following uses are permitted as conditional uses in the Downtown Business 1 District providing that the uses meet all applicable performance standards herein and in sections 5.0 and 9.0 of this Ordinance.

1. Automobile service station, provided that a setback distance of 1000 feet is maintained from any other existing automobile service station operation.
2. Contractor Yard 1
3. Drive Thru facilities
4. Filling and earth moving activity of greater than 100 cubic yards
5. Low Impact Manufacturing
6. Home occupations
7. Medical Facilities
8. Mobile Food Trucks and Mobile Food Trailers (Amended April 1, 2019)
9. Movie Theatres
10. Outdoor sales involving more than 2,500 square feet of sales area.
11. Pet Day Care Facilities
12. Public utility
13. Recreational Facilities, Commercial *excluding power sports amusements*
14. Residential, *Multi-family*, provided that all units are located on any floor except first floor level
15. Schools
16. Taverns
17. Timber Harvesting greater than 40% basal area of the forest stand
18. Veterinary Hospitals

6.4.3 Space & Bulk Requirements in the DB-1 District

Zoning Standard	Residential Uses	Mixed-Use & Non-Residential Uses
Minimum Lot Size	1 acre	1 acre
Minimum Net Lot Area per Family Unit	25,000 square feet	25,000 square feet
Minimum Floor Area per Family Unit		(Lodging Uses Not Included)
One bedroom	600 square feet	600 square feet
Two Bedroom	750 square feet	750 square feet
Three + Bedrooms	900 square feet	900 square feet
Minimum Lot Frontage	100 feet	100
Maximum Building Footprint	NA	20,000 square feet
Maximum Lot Coverage	70%	70%
Maximum Principal Building Height	35 feet	50 feet
Front Yard Setback	20 feet	20 feet
Maximum Front Yard Setback	NA	50 feet
Side Yard Setback	10 feet	10 feet
Rear Yard Setback	20 feet	20 Feet

6.4.4 Design Standards for New Construction and Rehabilitation

1. Architectural Design Standards:

All proposed structural renovations, modifications, or new construction proposed within the Downtown Business District-1 shall conform to the following design guidelines:

- a. **Mass and Scale:** Buildings shall be designed so as to emulate the mass and scale of a Maine village. Structures exceeding 3,000 square feet shall reduce their mass and scale by:
 - 1) Orienting shorter walls away towards the public road, and longer walls away from public view.
 - 2) Create façade divisions in long walls with architectural jogs, pediments, protruding vestibules, changes in siding or color, fences, walls, pergolas, or outdoor spaces such as patios.
 - 3) Creation of multiple and distinct entrances by protruding or receding vestibules sidewalks and seating areas.