

Arundel Planning Board Minutes

January 5, 2021

Zoom Meeting

Board Attendees: Rich Ganong, Chair; Susan Roth, Vice Chair; Jens Bergen Marty Cain, Roger Morin, and Tad Redway, Town Planner

Attendees: Peter Biegel, *Land Design Solutions*; Les Williams, Jason Vafiades, *Atlantic Resource Consultants*; Paul Green, and Jason Labonte.

Call to Order: Chair Ganong calls meeting to order at 7:15 PM.

I. APPROVAL OF AGENDA:

Motion: Ms. Roth motions to approve the agenda. Mr. Morin seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES

Motion: Ms. Roth motions to approve the minutes of December 10, 2020 as written. Mr. Morin seconds.

Vote: Unanimous in favor.

III. PUBLIC COMMENT:

No person from the public spoke.

IV. PUBLIC HEARINGS

Item 1: Williams Auto Sales and Repair: Plenary Site Plan Review Application: Determination of Completeness Proposed auto sales and repair facility consisting of a 2,400-sf building and 27-space parking lot on a 0.8-acre lot containing a single-family home at 660 Alfred Road, Tax Map 4 Lot 39 in the Alfred Road Business District. Lester Williams is the owner applicant and Peter Biegel of Land Design Solutions is the applicant's agent.

Chair Ganong opened the public hearing at 7:20 pm. No one from the public spoke.
The Chair closed the public hearing at 7:21 pm.

V. PENDING APPLICATIONS:

Item 1: Williams Auto Sales and Repair: Plenary Site Plan Review Application: Determination of Completeness Proposed auto sales and repair facility consisting of a 2,400-sf building and 27-space parking lot on a 0.8-acre lot containing a single-family home at 660 Alfred Road, Tax Map 4 Lot 39 in the Alfred Road Business District. Lester Williams is the owner applicant and Peter Biegel of Land Design Solutions is the applicant's agent.

On behalf of the applicant, Peter Biegel of *Land Design Solutions* reported that the corrected deed for the property was nearly resolved. Discussion ensued regarding the need for a corrective deed and the disparity in lot area. The Board concluded that the disparity was a *Scribner's Error* and that the application could be acted upon with the condition that a corrective deed be registered and a copy provided to staff prior to the issuance of a Building Permit.

Mr. Williams proposed a \$39,195 surety rather than the \$49,000 proposed by the Planner, stating that maintaining liquidity of the balance funding was essential for securing discounts and contractor availability on the project. The Board debated how best to meet the surety requirements of LUO §10.7 and all parties agreed that a Tri-Party agreement (LUO 10.7.2.3) for the \$39,195 would meet the Ordinance objective and enable the applicant to complete the project.

The Chair read the following amended Findings of Fact:

FINDINGS OF FACT AND MOTION FOR APPROVAL Lester Williams Auto Sales and Repair Facility

WHEREAS on November 12, 2020 the Arundel Planning Board received a Plenary Site Plan submission from Lester Williams to construct an auto repair and sales facility consisting of a 2,400-sf building and 23-space parking lot on a 0.8-acre lot containing a single-family home at 660 Alfred Road, Tax Map 4 Lot 39 in the Alfred Road Business District. Lester Williams is the owner applicant and Peter Biegel, LLA of Land Design Solutions is the applicant's agent.

WHEREAS, on November 14, 2020, the Arundel Planning Board conducted a site walk of the property.

WHEREAS, on December 10, 2020 the Arundel Planning Board reviewed several amendments to the Site Plan, determined the site plan application complete and scheduled a public hearing on January 5, 2021.

WHEREAS, on January 5, 2021, the Arundel Planning Board conducted a public hearing of the project in accordance with Section 10.6.3.3 of the Arundel Land Use Ordinance;

AND WHEREAS on January 5, 2021, the Arundel Planning Board has determined the following Findings of Fact and Notice of Decision:

FINDINGS OF FACT

1. The existing property owners are Jessica and Lester Williams Jr. and the applicant is Lester Williams Jr.
2. The property is located at 660 Alfred Road, Tax Map 4 Lot 39 in the Alfred Road Business District.
3. Lot 39 is a legally non-conforming lot misdescribed as 0.39 acres that will be legally corrected to 0.789 acres after filing of a corrective deed sanctioned by the Probate Court.
4. The lot currently contains an existing residence built in 1964 and remodeled in 2013 and 2019, with an outdoor deck and swimming pool. In addition to maintaining the residence, the applicant proposes to operate an auto repair shop and outdoor auto sales, both of which are permitted uses in the AR District.
5. In support of the automobile repair and sales operation, the applicant proposes to construct a 2,400-commercial building to the east of the existing residence, containing four automobile lifts used to repair and remodel and then sell performance automobiles.
6. Access to the property shall be via the existing 18 +/- foot driveway from an existing 32-foot curb cut on Alfred Road. The applicant has received a *MDOT Driveway Entrance Permit* dated November 3, 2020, a *MDOT Driveway/Highway Entrance Permit Waiver* to reduce driveway separation distance to 142 feet in an easterly direction, and a *Mobility Arterial Waiver* from MDOT Region 1 for 467 feet in an easterly direction.
7. A 6 -vehicle display parking lot will be located along the eastern property line and in front of the proposed repair facility, with an additional two parking spaces located to the west of the driveway entrance. The existing family parking area to the north will be eliminated. Customer, employee and additional display space shall be provided to the west of the of the proposed repair facility by a 13 -space paved parking lot. One handicap parking space will be provided with 75 feet of the repair facility entrance.
8. The proposed site layout conforms to the Space. and Bulk requirements of LUO §6.7.3
9. The repair facility along with the residence will be serviced by a replacement and expansion of the existing on-site septic system, as documented in an HHE-200 and HHE-234, prepared by Mark Hampton, LSE and dated November 2, 2020. Water service will be provided by an on-site well. Electric, telephone, and cable service will be delivered to the new facility via underground conduit extending from the existing house.
10. Additional site lighting shall be provided by three shielded LED wall packs over bay and entrance doors and

meets the requirements of LUO §5.10.4.3.

11. The applicant has devised a Stormwater Management Plan, prepared by Site Design Associates, consisting of drip edges along the perimeter of the proposed repair facility, rain garden detention area and grass swale containment of runoff from the customer parking area, all discharging into the drainage system of Alfred Road. There will be minimal increase in peak runoff from the site and MDOT has granted the applicant a drainage easement to accept such runoff discharge.
12. The applicant has submitted an Erosion Control Plan that is suitable for the proposed activities.
13. Buffering and Landscaping: The applicant proposes to buffer the boundary between the new facility and the residential property to the east by a combination of seven Siberian spruce and a 6-foot-high black vinyl coated chain-link fence with privacy slats. The applicant has submitted a letter from Daniel Nason, the abutting residential neighbor to the east, approving the proposed buffering strategy. Four Accolade Cherry trees will be installed along the street front of the property in compliance with LUO section 5.9.6.
14. The applicant has submitted a site development cost estimate of \$39,195.
15. Plan set documentation provided by the applicant include a Boundary Survey, prepared by Wayne Desper, PLS and dated October 12, 2020, an Existing Conditions and Demolition Plan, a Site Plan, a Grading, Drainage and Erosion Control Plan, a Landscape and Lighting Plan, Site Details and a Pre and Post Development Drainage Plan prepared by Peter Biegel LLA, and dated October 2020 with revisions to November 23, 2020.

CONFORMANCE WITH SITE PLAN APPROVAL CRITERIA

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 10.6.4 of the Arundel Land Use Ordinance as follows:

1. The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in Sections 5, 9, and 10 of this Ordinance;
2. The proposed project has received all Driveway and Highway access permits and appropriate waivers from MDOT for the proposed use to be serviced by Alfred Road (Route 111), and has received a drainage agreement from the Maine Department of Transportation to discharge runoff into the existing Alfred Road drainage system.
3. The proposed project does not unreasonably impact public safety and fire protection, and will not create a financial burden for the Town of Arundel in the provision of emergency services and law enforcement to the project site and the neighborhood;
4. The proposed project will not have an adverse impact upon the quality of surface or groundwater resources;
5. The proposed project provides adequate stormwater management facilities to produce minimal additional peak runoff from the site during a 25-year storm event and will not have an undue impact on municipal stormwater facilities or downstream properties;
6. 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;
7. The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community;
8. The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life of surrounding parcels.
9. The proposed project will have a positive fiscal impact on municipal government.

THEREFORE, BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Plenary Site Plan application of Lester Williams to construct an auto repair and sales facility consisting of a 2,400-sf building and 21-space parking lot on a 0.8-acre lot containing a single-family home at 660 Alfred Road, Tax Map 4 Lot 39 in the Alfred Road Business District, subject to the following conditions:

1. The applicant shall submit a performance surety in the amount of \$ 39,195 in compliance with LUO §10.7 prior to the issuance of a Building Permit.
2. No building permit may be issued until the applicant submits to the Town Planner and the Code Enforcement Officer a copy of the corrective deed recorded in the York County Registry documenting that the property at 660 Alfred Road has a lot area of 0.789 acres.
3. All soil erosion control devices shall be installed prior to the commencement of site work, and no site work shall be shut down for the winter until all required soil stabilization mechanisms prescribed herein are made effective.
4. No Certificate of Occupancy shall be issued until the Code Enforcement Officer receives a certification from the design landscape architect and engineer that all improvements have been completed in accordance with the approved plans.

SO APPROVED by the Arundel Planning Board this 5th day of January 2021.

Motion: Mr. Morin moved and Mr. Bergen seconded the motion to approve the application in accordance with the conditions of the Findings of Fact

Vote: *Unanimous in favor.*

Item 2: Arundel's Keep: Preliminary Subdivision Application: Determination of Completeness: Proposed cluster subdivision containing 9 lots serviced in part by a 550-foot road called First Light Way located on a 58.03-acre parcel, Tax Map 19, Lot 8, located at 150 Irving Road in the Rural Conservation District and Resource Protection District. Arundel's Keep LLC is the owner and applicant and Jason Vafiades PE of Atlantic Resource Consultants is the applicant's agent.

The applicant's engineer, Jason Vafiades, presented the alternative project design submitted at the December 10th meeting, prompted by discussions with the Town Planner and the Planning Board at the November 14th site walk. Instead of the 9-lot "keyhole" design in the original proposal, the 8-lot alternative plan clusters 6 lots along Irving Road, accessed by common driveways and two additional two-lot interior cluster lots are served by a private way along the western property boundary.

The Board generally endorsed the 8-lot design change noting that house lots were larger and provided owners with more privacy than the original design.

In response to the Chair's concern about homeowner encroachment on the required 50-foot buffer, the Planner proposed that a conservation easement be attached to the 50-foot buffer held by a third party such as the Arundel Conservation Trust.

The Board encourage the applicant to pursue the Alternative design and the applicant Mr. Vafiades gave the Planner permission to approach ACT with the conservation easement proposal.

VI. LAND USE ORDINANCE AMENDMENTS

Item 2: Discussion: Proposed revisions to the Residential Growth Ordinance

In order to accommodate public participants, the Chair took this item out of order. The Planner presented a white paper on the existing issues with the Residential Growth Ordinance including the infrequency of the building cap being exceeded, the equity of the point system, and the restrictions the Ordinance places on multi-family and age-restricted housing.

Jason Labonte, a builder, reported that the RGO point system does not coincide with lending institution timetables and restrictions making home construction costly and difficult. Mr. Bergen reminded the audience that the Town could not be beholden to bank procedures. The Board would resume discussion of possible remedies at the next meeting.

Item 1: Discussion: Design suitability and land carrying capacity as factors in determining subdivision compliance with approval criteria

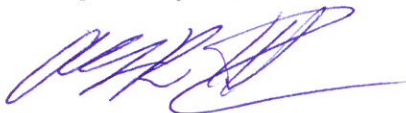
The Chair postponed this discussion to the January 12th meeting.

ADJOURN

Motion: Ms. Roth moved and Mr. Bergen seconded the motion to adjourn the meeting at 9:17 pm

Vote: *Unanimous in favor.*

Respectfully submitted,



Tad Redway
Secretary Pro Temp to the Planning Board

