

Arundel Planning Board Minutes

October 26, 2017 7:00pm

Mildred L. Day School Library - 600 Limerick Rd. Arundel

Board Attendees: Jens-Peter Bergen, Richard Ganong, Chip Bassett, Tom McGinn, Marty Cain, Tad Redway *Town Planner*, and Corinne Goulet, *Board Secretary*

Attendees: Paul Gadbois, Dave Fitzpatrick, Ben Fitzpatrick, Shawn Garrity, Stacy Gile, Chad Moreside, Heidi Philbrook, Rick Licht, Joe Paolini

Call to Order: Chair Bassett called the meeting to order at 7:03pm.

I. APPROVAL OF AGENDA:

Motion: Mr. McGinn moved and Mr. Ganong seconded the motion to approve the agenda with Item 2, Item 3 and Item 5 of Land Use Ordinance Revisions removed.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES:

Motion: Mr. Ganong motions and Mr. Cain seconds the approval of the October 12th 2017 Meeting Minutes.

Vote: Mr. Bergen and Mr. McGinn abstain. Otherwise unanimous.

Motion: Mr. Ganong motions and Mr. Cain seconds the approval of the September 28th ES Minutes.

Vote: Mr. Bergen abstains. Otherwise unanimous.

Attendee Gile voices concern regarding Item 2 in VI. Land Use Ordinance Revisions. Since the Item has been removed from the Agenda Chair Bassett notes that the topic is not up for discussion at this time. The Board moves on.

III. PUBLIC HEARING

Item 1: Lineman Farm Road: *Private Way Application:* Proposal to upgrade a driveway serving two existing lots to a private way serving three lots and a request to waive the 50 foot right of way requirement for an 18 acre parcel at 278 Thompson Road, Tax Map 20, Lot 11G in the R-4 District. Chad Moreside is the owner and applicant.

No comments from those in attendance.

Mr. Bassett presents and reads a letter submitted by Todd and Deborah Bucu. Primary concerns are that they will no longer be the only residents utilizing the ROW, the utilities and a change of address. Within the letter itself it notes that Mr. Moreside has already assuaged the concern about utilities.

Mr. Ganong notes and Mr. Redway confirms that the change of address is unavoidable because it is a function of the E-911 service.

It is also noted that the Buco's have a ROW on Mr. Moreside's property so the concern about others using the newly minted private way is something that is nonactionable by the Buco's.

Public hearing closed at 7:37pm by Chair Bassett

IV. PENDING APPLICATIONS

Item 1: Lineman Farm Road: Private Way Application: Proposal to upgrade a driveway serving two existing lots to a private way serving three lots and a request to waive the 50 foot right of way requirement for an 18 acre parcel at 278 Thompson Road, Tax Map 20, Lot 11G in the R-4 District. Chad Moreside is the owner and applicant.

Chair Bassett reads the conditions to grant an Article 14 Waiver:

1) There must be special or peculiar circumstances of the property that warrant granting of the waiver.

Motion: Mr. McGinn motions that there are special or peculiar circumstances in this case. Mr. Bergen seconds.

Vote: Vote is unanimous in favor.

2) The granting of the waiver will not adversely impact public health, safety or welfare.

Motion: Mr. McGinn motions to agree that there will be no adverse impacts. Mr. Cain seconds.

Vote: Vote is unanimous in favor.

3) The granting of the waiver will not nullify the intent and purpose of the Maine Subdivision Statute.

Motion: Mr. Bergen motions to confirm that this case does not nullify intent or purpose of the Maine Subdivision Statute. Mr. Cain seconds.

Vote: Vote is unanimous in favor.

4) The granting of the waiver will not adversely impact environmental quality.

Motion: Mr. Cain motions to confirm that this case does not adversely impact environmental quality. Mr. Bergen seconds.

Vote: Vote is unanimous in favor.

5) The waiver will not nullify the purpose and intent of the Comprehensive Plan or the LUO.

Motion: Mr. Bergen motions to confirm that the waiver will not nullify the purpose and intent of the Comprehensive Plan or LUO. Mr. Cain seconds.

Vote: Mr. McGinn, Mr. Bergen & Mr. Cain in favor. Mr. Ganong is opposed. Mr. Bassett abstains.

Waiver granted to Mr. Moreside.

Item 2: BDF Holdings, Site Plan Review, Pre-Application: Proposal to construct a 50' x 100' metal structure for commercial uses on a 32 acre parcel located at 715 Alfred Road, Tax Map 4, Lot 23 in the AR Business District. BDF Holdings is the owner and applicant. Paul Gadbois PE is the applicant's agent.

Mr. Ganong notes that the Arundel Town Attorney states this proposal represents a subdivision. The Code Enforcement Officer concurs. It is decided to consider the proposal as a Subdivision. Discussion centers upon how extensive the initial high intensity soil survey and storm water plan must be. Applicant will submit the plan as a Subdivision Application in one month's time.

V. NEW APPLICATIONS

Item 1: Cape Arundel Cottage Preserve: Amendment to Conditional

Use/Subdivision Permit: Proposal to erect garden pergolas at select locations within a 294.3 acre parcel Tax Map 15, Lot 13 in the BI and Shoreland Districts. Kennebunkport Arundel Cottage Preserve is the owner and Joe Paolini is the applicant.

Discussion centers around size, if the pergolas increase value, and if they increase impervious area. Mr. Paolini indicates that size/shape must vary to accommodate the different patio layouts and confirms that the structures do not increase the impervious area. Mr. Redway confirms that the pergolas do increase value.

Motion: Mr Ganong motions to approve pergola additions to the existing plan. Mr. Bergen seconds.

Mr. McGinn suggests that a size limit be placed on the pergola structures.

Ammended Motion: Mr. Ganong motions to approve pergola additions not to exceed 200 sq ft or 2 ft offset from the patio to the existing plan. Mr. Bergen seconds.

Vote: Unanimous approval.

VI. LAND USE ORDINANCE REVISIONS

Item 1: LUO 1.9 Omitted Uses: *Addition of 1.9 Omitted Uses Language and prohibition of retail marijuana uses where not specifically permitted.*

Motion: Mr. Ganong makes a motion to accept the addition of LUO 1.9 with the format change of making the second sentence a new paragraph. Mr. Cain seconds.

Vote: Unanimous in acceptance.

~~**Item 2: LUO 9.3.14: Contractor Yards:** Removed during approval of minutes.~~

~~**Item 3: LUO 9.2.9 & 10.6.4:** Removed during approval of minutes~~

Item 4: LUO 5.9: *Discussion of proposed Landscaping & Buffering amendments.*

Motion: Mr. Cain moves to table Item 4. Mr. Ganong seconds.

Vote: Unanimous in agreement.

~~Item 5: LUO & Subdivision Regulations:~~ Removed during approval of minutes

VII. OTHER BUSINESS

Mr. Redway notes that the first meeting with KSD regarding sewer. He found that it was productive and that the next step is to go to the board of directors.

Other projects:

Mr. Lovejoy's progress is being closely monitored

2 other private ways are at the staff review stage

Brookside Estates Landscaping:

-technique with "berm" is doubtful

-it's decided that a site walk is unnecessary

-there is concern about lack of incentive to correct issues; perhaps a situation where the \$134,000 letter of credit should be leveraged?

Mr. Bassett notes that he has not heard a word from any attorney representing him in any of the 4 cases being brought up against him.

Mr. Redway recognizes and states that he will convey the concern.

Mr. Ganong states the need to plan/prepare a budget. Previously the budget has been prepared by the Town Manager for the Board. It's pointed out that there can be some significant variables in the budget. Namely in legal fees and even inspection & engineering costs.

Mr. Bassett notes that he's tried to gather some folks to put together an agenda in an effort to relax the Private Way requirements.

Mr. Ganong brings up Land Use Ordinance changes. Should it be that 10% of the number of people who voted in the last election OR simply 25 people are required to approve any change?

Mr. McGinn questions the cutting on Route 1 at the Arundel/Biddeford line. Mr. Redway suggests a formal inquiry.

Adjourn

Mr. Ganong motions and Mr Bassett seconds meeting adjournment at 9:24 pm.

