

Arundel Planning Board Minutes

September 28, 2017 7:00 pm

Mildred L Day School Library 600 Limerick Road

Board Attendees: Chip Bassett, Rich Ganong, Tom McGinn, and Roger Morin.

Public Attendees: Kristin Woodward, *MerryMay Stables*; Rob Melvin, *Arundel Market*; Teresa Andrioli, *Arundel Ice Cream Shop & Seafood Center*; Dino Krouscallis, *Arundel House of Pizza*; Jake Ersha, *Retail Marijuana Consultant*

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

I. APPROVAL OF AGENDA

MOTION: Mr. Morin moved and Mr. McGinn seconded the motion to approve the agenda.

VOTE: Unanimous in favor

II. APPROVAL OF MINUTES:

MOTION: Mr. Ganong moved and Mr. Morin seconded the motion to approve the minutes of September 14, 2017 with corrections to name spellings.

VOTE: *Aye:* Messrs. Bassett, Ganong, and Morin *Abstain:* Mr. McGinn

III. PENDING APPLICATIONS

Item 1: Rontu's Run Dog Daycare: Conditional Use Pre-Application: Proposal to establish a Pet Day Care Center in an existing Riding Stable located at 496 Limerick Road, Tax Map 27 Lot 2, in the R1 District. Kristin Woodward is the owner and applicant.

Kristin Woodward presented her recent submissions to the Board including a Dog Kennel License from the State of Maine dated September 7, 2017 and a schematic layout of the interior kennel area. In addition, the applicant presented a survey of surrounding communities lacking the requirement that at least one employee of a Dog Day Care facility in Arundel must hold a Dog Trainer's Certification, and be a member of the APDT.

The applicant stated that only Arundel has this requirement for a Dog Day Care Center and it is an excessive standard. The applicant also made a case that her certification as a horse trainer should cover the pet trainer standard. The Board disagreed stating that the LUO language was very specific to pet dogs, and intended require skills to recognize and avert aggressive behavior in a pack environment.

The Planner gave his report based on his staff notes and asked the Board to determine what submission requirements could be waived per the applicant's request so the formal Conditional Use application could be prepared. The Board determined that the applicant's application requirements should include:

- A property survey, topographic survey, identification of significant stands of vegetation and a stormwater management plan are waived by the Planning Board.
- A scaled site plan of the property and the proposed exterior improvements shall be required, including the extent of the exterior pen and conformance with LUO section 9.3.33.3.h. Attention should be given to location of adjacent residential properties, distances to the neighboring residential properties, and location and dimensions of driveway and parking facilities (including number and layout of parking spaces).
- A detail of the proposed coyote roller and literature verifying its effectiveness in both keeping coyotes out and large dogs in, shall be submitted to determine if achieves the same performance as the 8 foot fence required in LUO § 9.3.33.3.i.
- A detail and performance literature of the privacy screening proposed by the applicant to be used in lieu of the opaque fence required under LUO § 9.3.33.3.j.
- An engineering report verifying the dimensions and surface condition of the existing driveway to withstand winter conditions shall be provided as part of the Conditional Use application.

- A scaled interior layout of the interior kennel space, location of the Monitor heater and kennel cages, and a detail of the double gated ingress /egress to the facility from the parking lot shall be provided. The applicant is advised to consult with the Code Enforcement Officer to determine the use group and building code requirements of the facility prior to submitting the Conditional Use Permit.
- Submit a full Conditional Use Permit as specified on the application form, minus the waived items.

VI. LAND USE ORDINANCE REVISIONS

Item 1: Workshop with Restaurant Owners & Operators: Proposed Food Truck Performance Standards

The Chair opened the workshop by recognizing the three brick and mortar restaurant owners attending and informing them that the Board is seeking input on the potential financial impacts and benefits that the presence of food trucks and trailers could have on their Portland Road businesses. The Board recognized the contribution brick and mortar food services make to the community via participation in volunteer organizations, business to business activity, and municipal tax base.

Teresa Andreoli of *Arundel Ice Cream Shop/Seafood Center* stated that she would support proposal that increases customer traffic on Portland Avenue. She stated that she takes a food cart to Bentley's Saloon to increase her business sales and would be supportive of regulatory changes that would enable her to put food carts in her parking lot. She proposed allowing a food cart or a food truck court in large parking lots like hers to bring more customers into Arundel.

Rob Melvin of *Arundel Market* also stated that he has contemplated renting space on his property to a mobile food truck that would compliment his food business. He is not afraid of competition but would be cautious to insure the food truck would not compete directly with his menu.

Dino Krouscallis of *Arundel House of Pizza* stated that that food trucks would enjoy an unfair advantage over brick and mortar restaurants in that they do not have to provide public rest rooms, do not pay property taxes, and do not have the high overhead costs of a permanent structure. He doesn't mind competition but wants a level playing field. Other owners agreed with his point.

The Board will review owner's comments and consider the following options:

- Limiting the number of food truck permits issued for the Portland Road corridor
- Imposing setback distances of food trucks from an existing restaurant
- Permitting existing restaurants to lease a portion of their property to complementary food trucks,
- Investigate food truck courts and
- Permit food trucks at events

Item 2: Setting Priorities for Future Land Use Ordinance Changes

Jacob Auger, a Commercial Marijuana Consultant, inquired of the Board as to its progress regarding zoning for the retail marijuana facilities in Arundel. The Board informed him that a citizen survey had been distributed to the community via the property tax bill mailings, and the Board would make appropriate decisions regarding these various uses based in part of on the will of the people.

The Planner supplied the Board with an updated Punch List of changes scheduled for the LUO, showing the both amendments that have been accomplished and those yet to be done. After much debate the Board concluded the following LUO amendments should be completed by January 1st 2018, in order of priority:

1. Retail Marijuana Uses
2. § 5.9 Landscaping & Buffering
3. § 9.3.5 Animal Husbandry
4. § 9.3.22 Food Trucks and Food Trailers
5. § 9.3.19 Equestrian Facilities (Commercial Riding Stables < 11 horses)

Item 3: Workshop on Rural Character and Mandated Changes to the R1, R2, R3, and R4 district per 2017 Comprehensive Plan

Given the time of night, the Board postponed this item until a future date, yet to be determined.

VI. OTHER BUSINESS

Planner's Report: The Planner reported on a number of upcoming projects and the status of the Elizabeth's Way road construction project.

Adjourn

MOTION: Mr. Ganong moved and Mr. Morin seconded the motion to adjourn the meeting at 9:51 pm.

VOTE: Unanimous in favor

I hereby attest the preceding is a true and accurate account of the Arundel Planning Board Meeting of September 28, 2017.



Tad Redway
Secretary Pro Temp