

**Arundel Planning Board
Minutes**
September 7, 2021 7:00 pm
Arundel Municipal Building
Meeting Room

Call to Order

I. APPROVAL OF AGENDA

Motion: Mr. Lowery motions to approve the agenda. Mr. Cain seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES: *August 17, 2021*

Motion: Mr. Green motions to approve the minutes. Mr. McGinn seconds.

Vote: Unanimous in favor.

III. PUBLIC COMMENT

None (no members of public present)

IV. PUBLIC HEARING

Item 1: Conditional Use Permit: *The Holy Donut Map 36 Lot 17* Application for change of use to the existing structures on the site to create a drive-thru, storage, office and production space. The Holy Donut, Inc. is the applicant, Seasalt Holding Company, LLC is the landowner, Sam Lebel, PE of Acorn Engineering Inc. is the authorized agent for the applicant.

Open & Close: 7:05 (no members of public present)

V. PENDING APPLICATIONS

Item 1: Conditional Use Permit: *The Holy Donut Map 36 Lot 17* Application for change of use to the existing structures on the site to create a drive-thru, storage, office and production space. The Holy Donut, Inc. is the applicant, Seasalt Holding Company, LLC is the landowner, Sam Lebel, PE of Acorn Engineering Inc. is the authorized agent for the applicant.

FINDINGS OF FACT

1. The owners of the property SeaSalt Holding Company, LLC DBA Holy Donut.
2. The property is located at 1181 Portland Road Tax Map 36 Lot 17
3. The property is 3.05 Acres.
4. The property currently contains 4 separate structures serving as a Restaurant, Church, Storage building and an Ice Cream Shop.
5. The applicant proposes to utilize the Ice Cream shop as Drive-Thru retail Donut sales, demolish the rear building and utilize the small front building as office space and storage and the former restaurant as a production facility for Donuts.
6. The fourth building on the property has been previously demolished.

CONFORMANCE WITH CONDITIONAL USE CRITERIA

After due review and consideration, the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 9.2.9 of the Arundel Land Use Ordinance as follows:

9.2.9.1 That the use is compatible with and similar to the general categories of uses of neighboring properties.

The structures on the property will be utilize in the same manner as the previous buildings had been used. A drive-thru retail, office, and a previous restaurant to be utilized for food production.

Motion: Mr. McGinn motions to approve. Mr. Cain seconds.

Discussion: Change “same as” to “similar”.

Vote: Unanimous in favor.

- 9.2.9.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that:

The 2016 Comprehensive Plan encourages the route 1 corridor to be utilized for commercial development. The current zoning on the property is split between DB-1 and DB-2.

Motion: Ms. Sinnott motions to approve. Mr. McGinn seconds.

Vote: Unanimous in favor.

- 9.2.9.3 That there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use.

The proposed use is proposing to make modifications on the site and point of access that will provide better safety controls for traffic circulation than currently exists.

Motion: Mr. Green motions to approve. Mr. Lowery seconds.

Vote: Unanimous in favor.

- 9.2.9.4 That there is adequate water supply and sewage disposal available to service the use.

The proposed use already has adequate water supply and septic systems, and has adequate capacity for the proposed uses.

Motion: Mr. McGinn motions to approve. Ms. Sinnott seconds.

Discussion: Add “fire hydrant within 1,000 feet”.

Vote: Unanimous in favor.

- 9.2.9.5 That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties in that -

The uses proposed on the site are consistent with previous uses and are of an office and retail nature.

Motion: Mr. McGinn motions to approve. Mr. Green seconds.

Vote: Unanimous in favor.

- 9.2.9.6 That the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use.

The existing structures on this site will be reutilized not disturbing the physical characteristics of the current site.

Motion: Mr. Cain motions to approve. Mr. Lowery seconds.

Vote: Unanimous in favor.

- 9.2.9.7 That the use will not constitute a public or private nuisance.

No additional nuisances will be generated by the proposed use.

Motion: Mr. Cain motions to approve. Mr. Green seconds.

Vote: Unanimous in favor.

- 9.2.9.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.

The applicant has met all pertinent portions of the Arundel Land Use Ordinance and the Street Design and Construction Ordinance in the design of the proposed activities.

Motion: Mr. Cain motions to approve. Ms. Sinnott seconds.

Vote: Unanimous in favor.

THEREFORE, BE IT RESOLVED that based on the above findings and conclusions the Arundel Planning Board hereby approves the Amended Conditional Use application of Seasalt Holding Company, LLC submitted an application for the property at 1181 Portland Road to be approved for the use of Holy Donut. ... subject to the following conditions:

1. Any amendments to the Site Plan or this approval shall be subject to Planning Board or Staff Review Committee approvals.

SO APPROVED by the Arundel Planning Board this 7th day of September 2021.

Motion: Mr. Lowery motions to approve. Mr. Cain seconds.

Vote: Unanimous in favor.

VI. OTHER BUSINESS

1. Motion to send LUO 8.6.4.5 to Public Hearing on September 21, 2021

Motion: Mr. McGinn motions to approve. Mr. Lowery seconds.

Vote: Unanimous in favor.

2. Town Planner's Report

Adjourn

Motion: 7:53p.m. Mr. Cain.

Respectfully Submitted,

Tom McGinn, Planning Board Secretary