

Arundel Planning Board Minutes
April 23, 2020 - 7:00pm
Remote Zoom Planning Board Public Hearing

Board Attendees: Mr. Ganong, Ms. Roth, Mr. Cain, Mr. Morin and Tad Redway, Town Planner

Attendees: Ben Fitzpatrick, Paul Gadbois, Stephen Doe, Mike Corse, Amy McNally, Kristin Woodward, John Smart, Bob Jackson, Robert Patoine, Mike Anderson, Rkiya Noyes, and David

Call to Order: Chair Ganong calls meeting to order at 7:05 PM.

I. APPROVAL OF AGENDA:

Motion: Mr. Morin motions to approve the Agenda as written. Mr. Cain seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES:

Motion: Ms. Roth motions to approve the minutes of April 9, 2020 as written. Mr. Morin seconds.

Vote: Unanimous in favor.

III. PUBLIC HEARINGS

Item 1: Terrapin Landscapes: *Plenary Site Plan Application*-: Proposal to construct a 40,280 square foot gravel parking lot for the storage of equipment, trucks, mulch, loam and other earth materials associated with a Landscape Design and installation business located at 1544 Portland Road, Tax Map 29, Lot 19 in the DB-1 and DB-2 districts. Corsie Holdings Inc is the owner and applicant.

Chair Ganong opened the Public Hearing at 7:09 PM. No one from the public spoke. Chair Ganong closed the public hearing at 7:10 pm.

Item 2: Smart Transportation: *Major Conditional Use Application*- Proposal to operate an approximately 32 vehicle livery-transport business within the existing Arundel Self Storage facility located at 2501 Portland Road, Tax Map 1, Lot 1F in the BI district. Improvements include construction of an 800-sf office and a 6,800 square foot paved parking lot for the transport vehicles. The Blue Chip Corp Group is the owner, John Smart of Smart Transportation is the applicant, and Kirk Butterfield is the applicant's agent.

Chair Ganong opened the Public Hearing at 7:10 PM. No one from the public spoke. Chair Ganong closed the public hearing at 7:11 pm.

VI. PENDING APPLICATIONS

Item 1: BDF Holdings Inc: *Major Subdivision Application*: Proposal to subdivide an 31.5 acre parcel, Tax Map 4, Lot 23 at 715 Alfred Road in the AR District into 4 lots, subdivide the existing 5,000 sf building on proposed Lot 2 into an additional 4 units, and make improvements to the existing Heavy Hammer Lane to bring it into conformance with Town commercial driveway standards. BDF Holdings is the owner and applicant.

The Board agreed to the performance assurance for improvements to Heavy Hammer Lane to be \$18,000.

Motion: Mr. Morin motions to forego reading the entire text of the Planner's Finding of Facts in lieu of reading the approval motion and conditions of approval. Ms. Roth seconds.

Vote: Unanimous in favor.

MOTION: Ms. Roth makes the following motion and Mr. Morin seconds:

To approve the Minor Subdivision Application of BDF Holdings Inc. to subdivide an 31.5 acre parcel, Tax Map 4, Lot 23 at 715 Alfred Road in the AR District into 4 lots, subdivide the existing 5,000 sf building on proposed Lot 2 into an additional 4 units, and make improvements to the existing Heavy Hammer Lane to bring it into conformance with Town commercial driveway standards, contingent upon the following conditions:

1. The subdivision must be recorded in the York County Registry of Deeds within ninety (90) days of the date upon which the plan is approved and signed by the Board otherwise it shall become null and void.
2. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications.
3. Before any construction activity commences on the site or Certificates of Occupancy are issued for the division of the existing building on Lot 2, the applicant shall submit to the Town Planner a monetary Performance Assurance in the amount of \$18,000 to insure that all improvements to Heavy Hammer Lane are completed in accordance with the approved plans. The form of the surety shall consist of one of the financial instruments sanctioned in Article 13 of the Arundel Subdivision Ordinance.
4. No construction shall proceed until all proposed soil erosion control measures are installed in good working order.
5. The owners of Lots 3 and 4 individually shall be responsible for the design and construction of stormwater management facilities meeting the standards of the Arundel Land Use Ordinance when developed.
6. The applicant shall complete all approved improvements in this action no later than April 23, 2022 otherwise the subdivision shall be deemed null and void.
7. The applicant shall be responsible for upgrading Heavy Hammer Lane to the street standards in section 1.6.3.1 of the *Arundel Street Design and Construction Ordinance* at such time where the cumulative number of vehicle parking spaces in the subdivision exceeds 15 spaces.

Vote: Unanimous in favor.

Item 2: Terrapin Landscapes: *Plenary Site Plan Application*- Proposal to construct a 40,280 square foot gravel parking lot for the storage of equipment, trucks, mulch, loam and other earth materials associated with a Landscape Design and installation business located at 1544 Portland Road, Tax Map 29, Lot 19 in the DB-1 and DB-2 districts. Corsie Holdings Inc is the owner and applicant.

The Planner reviewed the applicant's response to the Planning Board concerns about noise levels generated by loading equipment and effectiveness of proposed parking lot buffering on the northern property line. The Board found the applicant's evidence of compliance with Noise Ordinance

requirements for the DB1 and 2 districts satisfactory. Chair Ganong expressed concern that the evidence of buffering compliance was insufficient. The applicant offered to install additional plantings if the parking lot buffering was deemed by the Town Planner to be insufficient.

Motion: Mr. Morin motions to forego reading the entire text of the Planner's Finding of Facts in lieu of reading the approval motion and conditions of approval. Ms. Roth seconds.

Vote: Unanimous in favor.

MOTION: Ms. Roth makes the following motion and Mr. Morin seconds:

MOTION to approve the Plenary Site Plan Application of Corsie Holdings Inc to construct a 40,280 square foot gravel parking lot for the storage of equipment, trucks, mulch, loam and other earth materials associated with Terrapin Landscaping business located at 1544 Portland Road, Tax Map 29, Lot 19 in the DB-1 and DB-2 districts, subject to the following conditions:

1. The applicant shall submit a performance surety in the amount of \$ 63,000 in compliance with LUO §10.7 prior to the commencement of any site work.
2. All soil erosion control devises 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.
3. All no cut buffers along the north and south boundaries along the proposed parking lot shall be flagged and verified as accurate by Sebago Technics, Inc prior to the removal of any site vegetative stands.
4. In the event that the lack of existing vegetation retained along the northern boundary is insufficient to meet the screening requirements of LUO sections then the applicant will either provide fencing or evergreen plantings to the satisfaction of the Town Planner.

Vote: Unanimous in favor.

Item 3: 35 DMR Drive: Plenary Site Plan Review-Determination of Completeness: Proposal to construct a 4,251-sf metal building complimenting an existing 3,440 sf commercial building on a 2.83-acre site located at 35 DMR Drive, Tax Map 1 Lot 1D in the BI district. Gary Martin is the owner and applicant and Amy Mc Nally, Esq. is the applicant's agent.

Representing the applicant, Attorney Amy McNalley acknowledged the encroachment of DMR Drive onto the Martin property represented an issued for the Board and offered to grant an easement to the abutter Tax Map 1, Lot 1F.

The Board discussed the need for the encroachment to be incorporated into a "right-of-way" as defined in the Section 3.2 definitions of the Land Use Ordinance in order for DMR Drive to be a legitimate access for the proposed project. The Board suggested that creating an access to Route 1 would alleviate any issues with the non-conforming road.

Ms. McNalley stated that she needed to consult with her client and would advise the Board how the applicant wished to proceed.

- Item 4: Smart Transportation: Major Conditional Use Application- Determination of Completeness:** Proposal to operate an approximately 32 vehicle livery-transport business within the existing Arundel Self Storage facility located at 2501 Portland Road, Tax Map 1, Lot 1F in the BI district. Improvements include construction of an 800-sf office and a 6,800 square foot paved parking lot for the transport vehicles. The Blue Chip Corp Group is the owner, John Smart of Smart Transportation is the applicant, and Kirk Butterfield is the applicant's agent.

The Planner reported that the applicant had submitted responses to the April 20th Staff Review and that satisfied outstanding concerns except for the setback from the Shoreland Overlay zone wetland identified and delineated on the revised plan.

Given the fact that 1) the applicant's property was filled prior to the promulgation of Shoreland Zoning, 2) that the current parking lot terminates at the SO wetlands edge, and 3) the applicant proposes to mitigate the existing impact by pulling back the parking area 25 feet from the wetland edge and installing a wet garden and level spreader to halt bank erosion, the applicant met the criteria for a reduction in wetland setback on the property from 50 feet to 25 feet per the standards of LUO section 8.6.2.4 and 8.6.4.5.

Motion: Mr. Cain motions to grant a reduction in SO wetland setback along the northern side of the parking area from 50 feet to 25 feet. Mr. Morin seconds.

Vote: Unanimous in favor.

Motion: Mr. Morin motions to forego reading the entire text of the Planner's Finding of Facts in lieu of reading the approval motion and conditions of approval. Ms. Cain seconds.

Vote: Unanimous in favor.

Motion: Ms. Roth motions to approve the Major Conditional Use application of The Blue Chip Corp Group subject to the provision of a \$7,500 plus 10% cash escrow to the Town Planner as a performance surety. Mr. Morin seconds.

Vote: Unanimous in favor.

- Item 5: Old Logging Road Timber Harvest: Major Conditional Use Application, Determination of Completeness:** Proposal to clear-cut between 4 and 5 acres of existing forestland for the purpose of creating pasture for equestrian uses on a 7.09-acre parcel located at 17 Old Logging Road Tax Map 27, Lot 17F in the R1 District. Rkiya Noyes and David Gochberg are the owners and applicants.

The Planner reported that he performed the photographic site walk on behalf of the Planning Board on April 17th. Given the density of the standing vegetation on the property, the photographs do not adequately illustrate field conditions. The Planner reported that there is substantial number of forested wetlands on the property verifying the dominance of hydric Naumburg soils as depicted on the USDA Soil Map. Most likely there is a presence of Shoreland wetlands on the site that complicate the clear-cutting of the property.

Ms. Noyes stated that York County District Forester Oliver Markewicz stated that the timber harvesting in a forested wetland may be feasible without impacting the wetlands integrity or the Shoreland Zoning regulations. The Planner stated that he would consult with Mr. Markewicz and report back to the Board.

Item 6: Rontu's Run Dog Daycare: Major Conditional Use Application, Determination of Completeness: 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.

Mr. Redway reported that on April 17th, he conducted the photographic site walk of the applicant's facility on behalf of the Planning Board. The site walk revealed that the applicant had made substantial improvements to the facility and set up the kennel area to demonstrate compliance with the separation and isolation standards of the Guidelines for Standards of Care Animal Shelters per LUO section 9.3.33.3.n. All improvements have not been completed.

Ms. Roth informed the applicant that the wire cages were not optimal for the use and recommended the use of Vari-Kennels (solid-sided plastic kennels). The applicant disagreed.

Motion: Mr. Morin motions that the application is complete and to schedule a public hearing at the May 14th meeting. Ms. Cain seconds.

Vote: Unanimous in favor.

V: OTHER BUSINESS

There was no other business discussed.

ADJOURN

Motion: Ms. Roth moved Mr. Morin seconded to adjourn the meeting at 9:15 PM.

Vote: *Unanimous in favor.*

Respectfully submitted,

Tad Redway
Secretary Pro Temp to the Planning Board