

**TOWN OF ARUNDEL, MAINE
SELECT BOARD MEETING**

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**Monday April 10, 2023
Arundel Municipal Building
6PM
Meeting Room**

I. Call to Order

**Conduct Interviews with Residents interested in a Select Board
Appointment to the RSU#21 School Board**

II. Approval of Agenda

III. Public Forum – Public comment on non-agenda items

IV. Approve Minutes of March 27, 2023

V. Committee and Board Reports

VI. Manager Report

- Administrative Inspection Warrant 159 Proctor Road
- Selling of Tax Deeded Property 3 Deer Run Circle
- Retirement of Town Employee
- Petition for Road Acceptance
- TIF Capture Committee next meeting

VII. Business

- Discuss Article 9 section 9.3.1 of the LUO on Accessory Apartments with Resident Alan Inzerillo
- Approval of Payable Warrant

VIII Executive Session MRSA 405 Sub Section (6) (A) Discussion by Select Board Members on Appointment of Resident to serve on RSU#21 School Board.

IX Adjournment

TOWN OF ARUNDEL
SELECT BOARD
Monday March 27, 2023
Arundel Municipal Building
Meeting Room
7PM Meeting

Members present: Select Board Dan Dubois, Phil Labbe, Tom Danylik, Velma Hayes, Jason Nedea

Others: TM Trefethen, Dan Fink, Jack Reetz, Andrew Stevenson, Cheryl Spofford, Herb Meyers, Dwayne Turnage,

Call to Order: Chairman Dubois called meeting to order @ 7:00PM

PUBLIC HEARING was held on the Food Truck Application received for review. Manager explained that the applications were reviewed by the Town Clerk and all seem to be in order. Discussion on Crosswalk and relocation was discussed along with the location of the Food Truck Son of a Bun. Hearing ended 7:03PM

Approval of Agenda: *MOTION Nedea second Labbe "Approve Agenda as amended" passed 5-0* (Code of Conduct Policy Select Board).

Public Forum: Mr. Dan Fink discussed with the Board any Municipal discussion happening with regard to Short Term Rentals.

Committee & Board Reports: No Reports

Approval of Minutes: *MOTION Nedea second Hayes "approve minutes of March 13, 2023 as presented" passed 5-0.*

Manager Report

-Regional Inspection Warrant 159 Proctor Road: The inspection Warrant is completed and Attorney Plante will provide to the Court for action.

-Selling Tax Acquired Property 3 Deer Run Circle: Manager sent a letter via Certified and Regular Mail to determine if the Trust wishes to re-purchase this property before it is advertised for sale by the Town. No response yet by the trust to the town.

-York County Budget Committee: Still looking for folks interested in serving on the Committee. YC Budget Committee will meet April 12th to organize for the Budget Season.

-Consideration for Beer/Wine at outside gathering: Request to consider allowing Beer/Wine at the Trail fest event was discussed by the Board. Board felt that the folks asking for permission should put together a presentation to the Select Board that discusses Insurance, License, Location, Control etc..

Business

-Action on Food Truck Applications: *MOTION Nedeau second Labbe “approve the applications submitted for the Food Trucks providing that the three located across from Bentley’s Saloon can operate without the Warning Lights installed until Bentley’s opens for the season at which time the Crosswalk signals must be located and operational” passed 5-0.*

-Resignation of School Board Member: *MOTION Nedeau second Hayes “accept the resignation of Ryan McQueen from the RSU #21 School Board” passed 5-0.* Board is taking applications to fill the position and will conduct interviews with possible School Board members as soon as applications are received.

-Select Board Code of Conduct: With the recent circumstances that occurred with the RSU #21 School Board member and his resignation, the Select Board wishes to review and examine their Code of Conduct and possible additions to the document. Action will take place after the new Fiscal Year begins.

-Payable Warrant: *MOTION Hayes second Nedeau “approve warrant as presented and reviewed” passed 5-0.*

ADJOURNMENT

MOTION Nedeau second Hayes “to adjourn” passed 5-0 @ 7:48PM

Respectfully submitted
Keith M. Trefethen, Town Manager

TOWN OF ARUNDEL

468 LIMERICK RD ARUNDEL MAINE 04046 (207) 985-4201 FAX (207) 985-7589

BUSINESS MEETING April 10, 2023

EXECUTIVE SUMMARY

Select Board Members: The purpose of this summary presented is to give you some information over and above just the mentioning of the subject matter on the agenda. It is my hope that this information assists you in your decision making.

Interviews with residents who wish to be appointed to RSU#21 School Board: As we spoke about on April 5th, this morning I contacted the 5 folks interested in interviews. Set them up starting at 6:15PM and running for 15 minutes apiece. Chairman Dubois will share with you all the interview questions created for the meeting.

MANAGERS REPORT

-Administrative Inspection Warrant 159 Proctor Road: Court date of April 7th seeking the inspection warrant. Town Attorney and Code Officer will attend. I will update you on the status at your meeting/

-Selling Tax Acquired Property: Trustee contacted me and will be seeking financing from Bank in order to pay outstanding taxes owed.

-Retirement of Town Employee: After 33 years of continued service Roger Taschereau will be departing on April 27, 2023. I just want to give you a heads up and my process moving forward with Public Works.

-Petition for Road Acceptance: A petition was circulated and certified by the Town Clerk for the Town to place the request to accept the road (Conifer Way) as a Town Way on the Annual Town Meeting Warrant. Staff has concerns that certain aspects of the Road as built do not meet requirements for acceptance as a Town Way.

-TIF Capture Committee: Based on information from the Attorney I would like to schedule another meeting on our options and procedure to follow.

BUSINESS

-Discuss Accessory Apartments in Land Use Ordinance: Resident Alan Inzerillo would like to discuss the Ordinance with you and the restriction within the ordinance around Septic Systems.

-Payable Warrant: Will be provided for review and action.

ADJOURNMENT

April 3, 2023

To: Keith Trefethen, Town Manager

After thirty-three plus years of service to the Town of Arundel, I have decided to resign from my position as Public Works Director and retire effective April 27, 2023.

I am aware that any decisions regarding my replacement are solely in your hands, but I would strongly recommend that Terry Merrill be given every possible consideration for the job. I truly believe that there would be a seamless transition if he were chosen. I would consider being available for occasional special projects and/or fleet inspection services.

I have always considered that what I set out to do was in the best interest of the Town of Arundel and that all current and future employees should be held to that same standard. With that in mind, I wish you and all others the best in any future challenges that you may encounter.

Sincerely,

A handwritten signature in black ink that reads "Roger A. Taschereau". The signature is written in a cursive style with a large initial 'R' and a long, sweeping underline.

Roger A. Taschereau

Town Clerk
Town of Arundel
257 Limerick Road
Arundel, ME 04046

Delivered by hand to the Town Hall

March 28th, 2023

Dear Ms. Bull,

Please find enclosed 11 Petition forms containing a total of 239 Signatures of Arundel registered voters in support of our petition for Conifer Way Town way application.

We were advised that the required number of signatures was 10% of the Gubernatorial Election on November 8th, 2022, which had 2,310 votes cast, requiring 231 signatures.

I attach copies of related emails for your reference.

Please let me know if there is anything else we should provide to assist you in your review.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Mitchell".

Brenda Mitchell

White Pine Owners Association

76 Conifer Way, Arundel ME 04046

Email: bjmitchell577@gmail.com

Telephone (cell): 207-504-0127

April 4, 2023

Selectman Members,

I would like to bring attention to the issue of wastewater treatment requirements in the context of Accessory Apartments and hopefully present my suggestions through whatever process is necessary to bring to town vote a change in the current language. Specifically, I would like to amend one of the provisions of Section 9.3.1 of the Land Use Ordinance - Accessory Apartments.

Currently, the language reads: "The Accessory Apartment may be located either in the principal dwelling unit or as a separate structure, provided the Accessory Apartment shares the septic system with the principle dwelling unit and on-site well shared with principal dwelling unit, where public water is not available."

This might be a viable and practical option in some cases but in others it certainly is not. I think in most cases it actually won't be. In most circumstances there are too many obstacles that will make it impossible or extremely expensive for landowners to achieve compliance. Examples include tree removal, ledge blasting, and even removal of existing structures that are in the way. A landowner might not even have room for leach field expansion if they are already maxed out on setbacks from property lines. If the ADU is a separate structure, digging/trenching would be required for the pipe connections, again involving all the various aforementioned obstacles. And, most septic leach fields with any age on them will have to be expanded or completely redone and/or enlarged in order to handle the increased living space and meet code.

In cases like mine, which must be numerous and not specific to my property, it makes more sense to put in a separate system to avoid unnecessary costs and detrimental environmental impacts. I have a building permit for a 30'x26' garage with a second floor ADU. It is a separate structure from my existing dwelling. The site is already cleared and I have the space and setbacks, a positive soil test and a design to build a separate septic system that is gravity-fed and made of stone and pipe adjacent to the new garage.

Under the current ordinance, the town is requiring me to connect into my existing system with a holding tank and pump system. This will require me to dig and blast about 250/300' or more, cut a bunch of trees on my property line (the last buffer I have to another property,) move several gardens, a chicken coop and a shed storage building, cut extra trees, and construct a temporary road across my lawn to gain access to the

existing leach field (to name a FEW obstacles!) The estimated cost for the new system to be built for the new building is \$17,000.00. The estimated cost to connect to my existing system and expand the old leach field is \$24,900 (not including the cost of blasting or rock hammering because there is no way to know how much will be needed until digging.)

I'm not exactly sure of the reasoning behind the existing ordinance provision, but it clearly is flawed. I have heard it is to prevent people from splitting their lots to prevent housing sprawl, but there must be other ways to accomplish that goal. I am not versed in all the laws and rules so I'm not sure how that would keep one from splitting their lot. My lot borders two large parcels of land; one is being prepared for development and the other is on the market advertised as a "developers dream," so it seems a little odd that the town is worried about lot splitting. All this being said, this seems like a very archaic ordinance and one that, under practical current execution, serves little to no purpose other than adding an unnecessary cost and destruction to an average property owner's already expensive investment.

In speaking with a very experienced septic designer who has worked around the state for many years (Mark Hampton,) Arundel is the only town where he has encountered this ordinance. He has written the attached letter at my request.

In situations that apply, I feel it would help people exorbitantly to change the language of this ordinance and allow for separate septic systems—both from a financial and practical standpoint. After all, these ADUs are supposed to be helping families and people by creating affordable living spaces. Why burden them with unnecessary costs and environmental impacts if not absolutely necessary?

Thank you for your consideration of these comments. I am hopeful that an appropriate ordinance amendment can be drafted that will address this unfortunate (and likely unintended) circumstance.

Alan Inzerillo

64 Rodeo Drive Arundel, ME 04046
(207)590-8719 | alan.inzerillo@gmail.com



MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

7039

April 2, 2023

Mr. Alan Inzerillo
64 Rodeo Drive
Arundel, ME 06046-7757

Re: Accessory Dwelling Units – Maine Subsurface Wastewater Disposal Rules

Dear Alan,

At your request, I have prepared this letter to outline how accessory dwelling units are addressed in the Maine Subsurface Wastewater Disposal Rules(Rules), dated August 2015, as amended. Accessory dwelling units (ADU) have become very popular over the last decade or so. Most towns have some ordinance which addresses ADUs. Under the Rules ADUs are addressed a couple of different ways. New construction is very straight forward, the design flows for the ADU is just added to the number of bedrooms in the house to be constructed. Issues arise when the ADU is being either added to an existing primary dwelling unit or added to or constructed as a detached structure to the primary dwelling unit. The design flows are calculated differently in each case. ADUs which are constructed as or in a detached dwelling unit, the design flows are 180 gallons per day, the minimum design flows allowed by the Rules for what is considered a single family dwelling unit. ADUs which are added to an existing primary dwelling unit, either as a renovation or expansion, the design flow is 120 gallon per day. Both of these design flows are detailed in Section 4, Design Criteria, Table 4A of the Rules.

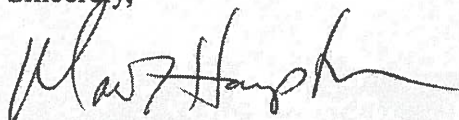
The Rules go further in addressing expansions to existing dwelling units for ADUs. Section 9, Expanded Systems in the Rules breaks down expansions as either major or minor. Major expansions are an increase of two bedrooms or more or an increase of design flows of greater than 25 percent of total design flow. A major expansion has to be installed at the time of construction of the expansion. An existing disposal field could be expanded to handle additional flows, or a separate disposal field can be design and constructed. However, minor expansions are defined in the Rules as an increase of 1 bedroom or an increase of design flows which is less than 25 percent of the existing design flows. A minor expansion, to a single family house, does not have to be installed or expanded. A design for a replacement disposal field for total design flows has to be completed, and recorded with the county registry of deeds and sent to all abutters by certified mail and provided to the Town for issuance of the building permit for the addition of the house. Section 9, Paragraph C. Design Criteria for Expanded Systems, 2.c in-law apartments, states, "in-law apartments are considered one bedroom and a minor expansion. So, the Rules do not require an immediate expansion to an existing disposal system for ADUs which are added to the existing dwelling unit.

In your case, since the ADU is proposed to be added to a detached dwelling unit, the Rules state that you have a choice of either constructing a disposal field just for the ADU, or you could expand the existing disposal field for the primary dwelling unit. In both cases, of course, all setbacks set forth in the Rules have to be maintained.

My understanding is that currently, the Town of Arundel, requires that all wastewater flows from ADUs must be directed to the disposal field of the primary dwelling unit. Depending on the age of the existing disposal field this may require a complete rebuild of the whole disposal bed. And in some cases, setback requirements may not allow the disposal field to be re-constructed in the same location. I have been a licensed site evaluator in Maine for nearly 35 years and design between 300 and 400 septic systems each year. In my experience, the Town of Arundel is the only town that I am aware of which has this requirement. And in my professional opinion, this requirement is unnecessary as outlined in the Rules and in fact results in increased costs to property owners .

If you have any questions, or require additional information, please don't hesitate contacting me.

Sincerely,



Mark J. Hampton L.S.E., C.S.S.
Licensed Site Evaluator #263
Certified Soil Scientist #216



To: Town of Arundel, Select Board
From: Lee Jay Feldman, Director of Planning
Date: April 5, 2023
Re: Amendments to Article 9 section 9.3.1 Accessory Apartments

Proposal

During the 130th legislature the passage of LD 2003 occurred. As part of the legislation, there are a number of amendments that every town will be required to make. This legislation indicates that Municipalities SHALL be required to allow for Multi-Family Affordable Housing development, 2-4 Units of housing on a single parcel and Accessory Dwelling Units. Every town varies in need based on the requirements of the law.

Here in Arundel, the Land Use ordinance already addresses the 2 units per parcel based on how the ordinance is set up by allowing 2 family homes in the Residential zones.

We do not qualify under the standards to have to allow Multi-Family Affordable housing developments with 2.5 times the density allowed in whatever zone the project would be proposed.

The Accessory Dwelling units is an issue that every community will need to deal with as this section is a requirement for every town. Currently, the town has an Accessory Apartment ordinance which is very close to the requirements of State law. Some minor modifications are proposed to clean up this ordinance by changing the name from Accessory Apartments to Accessory Dwelling Units, The town is not allowed to require additional parking spaces for ADU's 9.3.1.6 reflects this.

The law also requires ADU's to be in the home, attached to the home or as a stand-alone unit. These are options that must be given to the land owner and is reflected in a change to the Definition of an Accessory Dwelling Unit.

Public Hearing

On April 4th the planning board held a public hearing on this item. One person spoke to the item requesting the board to make a change to 9.3.1.4 & 9.3.1.5 allowing septic systems to be separate for each unit. Currently, septic systems are required to be consolidated as one system for the property. The planning board indicated that this exists as it is to assure that the units cannot be split allowing the ADU to become a primary unit.

Recommendation

Paul Green made a motion to pass on a favorable recommendation as proposed Jamie Lowrie seconded the motion and the board voted 3-1 with Susan Sinnott opposed.

9.3.1 ACCESSORY APARTMENTS DWELLING UNIT (Amended June 14, 2017)

Accessory ~~apartments~~ Dwelling Units are a permitted use in the residential districts, subject to the review of the Code Enforcement Officer and adherence to the following standards:

1. The owners of the property principal structure must reside in one of the dwelling units. ~~the principal structure, not the Accessory apartment.~~
2. The number of occupants of the Accessory Apartment dwelling unit is limited to two (2).
3. The Accessory Apartment shall not be greater than 50% of the living area of the principal single-family dwelling unit to a maximum of 800 square feet.
4. The Accessory Apartment dwelling unit may be located either in the principal dwelling unit or as a separate structure, provided the Accessory Apartment accessory dwelling unit shares the septic system with the principle dwelling unit and on-site well shared with the principal dwelling unit, where public water is not available.
5. The septic system on the property in question shall be functioning properly at the time of application for the permit approval by the Code Enforcement Officer. In addition, the applicant must submit a new HHE-200 form as documentation that suitable soil exists on the property to be used for septic system repair or replacement in the event of failure of the original system.
6. The parking requirements of the Arundel Land Use Ordinance shall not be considered when adding an accessory dwelling unit. ~~adhered to.~~
7. Proper ingress and egress shall be provided to the accessory unit.
8. Should the owners of the principal structure be found in non-compliance of the standards contained in this section, the non-compliance shall be considered a violation of this ordinance and subject to fines and penalties and the accessory unit shall be discontinued and the Certificate of Occupancy revoked.
9. An accessory apartment dwelling unit which complies with the requirements of this subsection shall not be considered an additional dwelling unit when calculating lot area per family under the dimensional requirements of the ordinance.
10. Only one accessory apartment dwelling ~~per unit per~~ principal structure shall be permitted on a lot.
11. The HHE-200 form, after review and approval by the Code Enforcement Officer, shall be recorded at the York County Registry of Deeds.

Wherever Accessory Apartment is cited, change the wording to Accessory Dwelling Unit throughout the Land Use Ordinance

Definitions

ACCESSORY-~~APARTMENT~~DWELLING UNIT: A separate dwelling unit that has been added on, or created within, a single-family house or a separate standalone structure for the purpose of providing separate living accommodations accessory to the primary residence.