

Town of Kennebunk, Maine



**Kennebunk Planning Board Agenda
Room 301, 7:00 p.m.
Monday, March 25, 2019**

***** Please Note NO NEW BUSINESS AFTER 10:00 PM *****

- I. Open Meeting**
- II. Public Hearing**
 - A. Special Exception Application – Proposed Dock submitted by Portview Condominium Association and located at 148 Port Road.
 - B. Subdivision Amendment Application – Lake Brook Farms Subdivision submitted by Woody Creek Development, LLC and located at 37 Port Road.
- II. Other/Information Items**
- III. Approval of Minutes**
 - A. March 11, 2019 Meeting Minutes
- IV. Adjournment**

Town of Kennebunk, Maine



Kennebunk Planning Board Agenda
Room 301, 7:00 p.m.
Monday, March 25, 2019

Chair Summary

***** Please Note NO NEW BUSINESS AFTER 10:00 PM *****

I. Open Meeting

II. Public Hearing

A. Special Exception Application – Proposed Dock submitted by Portview Condominium Association and located at 148 Port Road.

1. General Comments

1.1 The following comments pertain to shoreland/special exception plan set for Portview Condominium Association.

1.2 The application has been reviewed and approved by Maine DEP and the Army Corps of Engineers.

1.3 The Planning Board held a site walk on March 2, 2019.

1.4 The Planning Board held a public hearing on March 25, 2019.

2. Article 7.1.A. Special Exception Approval Standards

2.1 Hazards to vehicular or pedestrian traffic Met __; Not Met __; Not Applicable __

Fact(s)

- The proposed dock is intended for private use and is not expected to increase the volume of traffic at this location.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility afforded to pedestrians and the operators of motor vehicles.

2.2 Water pollution Met __; Not Met __; Not Applicable __

Fact(s)

- The applicants have proposed a seasonal dock system comprised of a 4' x 12' stationary dock, 4' x 16' hinged ramp, and 8' x 8' float.
- The proposed float will be anchored in the water using two helical anchors screwed into the mud flat – chain-crossing method: 30 feet out and crossing underneath the float.
- The approach ramp will be elevated 4' above the marsh grass. Perforated grill decking with 47% open surface will be utilized to allow light, water and air to pass through the structure.
- Skids will be provided to protect the mud flat at low tide.
- Stationary dock piles will be hand driven into the ground utilizing a 10 pound sledge hammer and a driving cap over the top of the pipe. If hand driving is not possible, then the contractor may use an auger type of footing. In very soft muddy soils the contractor may use a pipe foot to expand the area.
- Off-season storage will be on the North end lawn area where canoes and kayaks are currently stored.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous aesthetically unpleasant, or unhealthy condition may result.

2.3 Unhealthful conditions Met ___; Not Met ___; Not Applicable ___

Fact(s)

- A private recreational dock is not expected to generate smoke, dust, or other airborne contaminants.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.

2.4 Nuisances to neighboring properties Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The proposed seasonal dock is for private recreational use.

Condition of Approval: No lighting shall be installed on the proposed dock

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.

2.5 Peculiar physical characteristics Met ___; Not Met ___; Not Applicable ___

Fact(s)

- There are no known peculiar physical characteristics that will create or aggravate adverse environmental impacts on the applicant's or surrounding properties.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties.

2.6 Depreciation of economic value Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The proposed use is for a private dock. There are other private docks currently located within the area.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use has no unusual characteristics atypical of the generic use which proposed use will depreciate the economic value of surrounding properties; and

2.7 Shoreland Overlay District Met __; Not Met __; Not Applicable __

Fact(s)

- MDEP and Army Corps of Engineers have reviewed this project and have not identified any concerns regarding fisheries, aquatic life, bird, and other wildlife habitat.
- There are no public facilities within the project location
- There is no public access within the project site.
- The project location has not been identified on the Town of Kennebunk Open Space Map.
- There are no known archaeological or historic sites at the project site.

Conclusion: Based upon these facts and those in the record the Planning Board finds that the proposed use will not result in damage to spawning grounds; will conserve shoreland vegetation and visual points of access to waters as viewed from public facilities along with access to waters. The proposed use will conserve the Town's Open Space Plan priority areas; will avoid problems associated with flood plain development; will protect archaeological and historic resources; and will not have an adverse impact on wildlife habitat.

2.8 Resource Protection District Met __; Not Met __; Not Applicable __

Fact(s)

- This is a private recreational dock and not a residential use.
- Functionally dependent water structures are exempt from the requirements of Article 7.A(8)(f).

Conclusion: Based upon these facts and those in the record the Planning Board finds that there is no other location on the property where the structure can be built; the lot on which the structure is proposed was established and recorded prior to June 15, 1994; there is only one dwelling on this lot. Additionally, all proposed buildings, sewage disposal systems and other improvements are located on natural ground slopes less than twenty percent; and located outside the floodway of the 100-year floodplain. The total ground floor area of the structure has been limited to a maximum of 1,500 square feet; and all structures are set back from the normal high-water line to the greatest practical extent.

3. **Article 10. A. Section 3E. Piers, Docks, Wharves etc.** Met __; Not Met __; Not Applicable

3.1 New structure extending over or below normal high water line of a water body or wetland.

Fact(s)

- This proposal has been reviewed by the MDEP, ACOE and permits have been provided

Conclusion: Based upon this/these facts and those in the record the Planning Board finds that this use will obtain all applicable permits from MDEP as well as all other applicable Federal and state approval as required.

3.2 Additional Standards Met ; Not Met __; Not Applicable __

Fact(s)

- No endangered or threatened species habitat is identified within this project area.
- The proposed area of the float is less than 200 square feet (8'x8').
- This property has a minimum of 60 feet of frontage (Appears to exceed 800')
- The float system is located more than 25 feet from the property line in either direction.
- Reference 2.2 of this report
- No lighting has been proposed for inclusion at this location.

Condition of Approval:

- (a) The floats and ramp will be removed by October 15th and installed no earlier than April 15th.
- (b) No paints, stains, and waterproofing shall be applied

Conclusion: Based upon this/these facts and those in the record the Planning Board finds that this application makes sufficient efforts to protect the habitat of species considered endangered or threatened by Maine IF&W and/or US Fish and Wildlife service, and is not located within a flood hazard zone.

4. Decisions.

- 4.1 Consider voting the application complete
- 4.2 Consider approving the Findings of Fact, Conditions of Approval, and Conclusions of Law for Project # 04-19
- 4.3 Consider approving the Special Exception application, Project #04-19, requested by the Portview Condominium Association to install a private recreational dock at 148 Port Road subject to the following condition(s) of approval:
 - (a) No lighting shall be installed on the proposed dock.
 - (b) The dock system shall be removed by October 15th and installed no earlier than April 15th.
 - (c) No paints, stains, and waterproofing shall be applied.

B. Subdivision Amendment Application – Lake Brook Farms Subdivision submitted by Woody Creek Development, LLC and located at 37 Port Road.

2. General Comments

- 2.1 The following comments pertain to a single sheet plan revision application of Woody Creek Development, LLC and dated January 16, 2019.
- 2.2 The Planning Board held a public hearing on March 25, 2019.

2. Kennebunk Planning Board Subdivision Review Standards MRSA §4404 Review Criteria

- 2.1 **Pollution.** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- No activities have been proposed that would cause undue water or air pollution as a component of this residential subdivision amendment proposal.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not result in undue water or air pollution.

- 2.2 **Sufficient Water** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Lake Brook Farms will continue to utilize KKW public water.
- Land split from lot will be added to abutting properties and no development is proposed at this time.

Conclusion: Based upon these facts and those in the record the Planning Board finds that there is sufficient water available for the foreseeable needs of the subdivision.

2.3 **Municipal Water Supply.** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Reference 2.2 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed subdivision will not cause an unreasonable burden on an existing water supply.

2.4 **Erosion** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- The Subdivision amendment proposes to sell and donate the land in question to abutting property owners. No development is proposed as a result of this application.

Condition of Approval: No future division of land may occur without prior Planning Board approval.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not cause unreasonable soil erosion or reduce the capacity of the land to hold water.

2.5 **Traffic** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- No additional vehicular traffic is expected from this proposed lot line adjustment

Conclusion: Based upon these facts and those in the record the Planning Board finds that the proposed development will not cause unreasonable highway or public road congestion.

2.6 **Sewage Disposal** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Lake Brook Farms currently utilizes private septic systems.
- Reference Section 2.4 of this report

Conclusion: Based upon these facts and those in the record the Planning Board finds that the development provides for adequate sewage disposal.

2.7 **Municipal Solid Waste Disposal** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- Will utilize public trash hauler or private disposal service.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not cause an unreasonable burden on the ability of the Town to dispose of solid waste.

2.8 **Aesthetic, Cultural, and Natural Values** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- No significant aesthetic, cultural sites identified within the project area
- Reference 2.4 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not have an undue adverse effect on the scenic or natural beauty of the area.

2.9 **Conformity with Local Ordinances and Plans.** Met __; Not Met __; Not Applicable __

Fact(s)

- Application has been reviewed by Code Enforcement, Town Planner, and Town Engineer for conformity with local ordinances and plans.
- Lot area calculations have been included on the plan.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development is in conformance with duly adopted regulations of the Town of Kennebunk.

2.10 **Financial and Technical Capacity** Met __; Not Met __; Not Applicable __

Fact(s):

- Applicant has secured the services of development professionals that have completed a number of projects within Kennebunk and the surrounding communities successfully.
- Reference 2.4 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the developer has adequate capacity to meet the standards of these regulations.

2.11 **Surface waters; outstanding river segments** Met __; Not Met __; Not Applicable __

Fact(s):

- Reference 2.4 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed subdivision will not have an adverse effect on the quality of any body of water.

2.12 **Ground Water** Met __; Not Met __; Not Applicable __

Fact(s):

- Reference 2.2 and 2.4 of this report.

Conclusion: Based upon these facts and those in the record the Planning Board finds that the proposed subdivision will not adversely affect the quality or quantity of ground water

2.13 **Flood Areas** Met __; Not Met __; Not Applicable __

Proposed Fact(s):

- The proposed development is not located within a 100-year flood area.

Conclusion: Based upon this fact and those in the record the Planning Board finds that this standard has been met.

2.14 **Freshwater Wetlands** Met __; Not Met __; Not Applicable __

Fact(s):

- Freshwater wetlands have been identified on the Subdivision plan.

Conclusion: Based upon this fact and those in the record the Planning Board finds that freshwater wetlands have been identified on the plan.

2.15 **River, Stream or Brook** Met __; Not Met __; Not Applicable __

Fact(s):

- Lake Brook has been identified on the plan.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the developer has identified on the subdivision plan any river, stream, or brook within or abutting the proposed subdivision.

2.16 **Storm Water** Met __; Not Met __; Not Applicable __

Fact(s)

- Reference 2.4 of this report.

Conclusion: Based upon these facts and those in the record the Planning Board finds that the subdivision provides for adequate storm water management.

2.17 **Spaghetti-lots prohibited** Met __; Not Met __; Not Applicable __

Fact(s)

- The portion of the lot that directly abuts Lake Brook will be added to the existing land of the Kennebunk Land Trust.
- The lot to depth ratio of those lots does not exceed a 5 to 1 ratio.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the lots within this subdivision do not have a lot depth to shore frontage ratio greater than 5 to 1.

2.18 **Lake Phosphorus Concentration.** Met __; Not Met __; Not Applicable __

Fact(s)

- No Lakes are located on or near this subdivision.

Conclusion: Based upon this fact and those in the record the Planning Board finds that this standard is not applicable.

2.19 **Impact on Adjoining Municipality** Met __; Not Met __; Not Applicable __

Fact(s):

- This subdivision plan does not cross or abut any municipal boundaries.

Conclusion: Based upon this fact and those in the record the Planning Board finds that this standard is not applicable.

2.20 **Lands Subject to Liquidation Harvesting** Met __; Not Met __; Not Applicable __

Fact(s):

- No liquidation harvesting has been proposed as a component of this application.

Conclusion: Based upon this fact and those in the record the Planning Board finds that timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

3. Decisions

3.1 The Board may consider determining the application complete at this evening's meeting.

3.2 The Board may consider approval of the Findings of Fact, Conditions of Approval, and Conclusions of Law for project #05-19

3.3 The Board may consider granting final approval to Project # 05-19; the application of Woody Creek Development, LLC to amend the approved 5 Lot Major Subdivision of Lake Brook Farms in order to adjust lot lines and convey land within the subdivision to abutting property owners subject to the following condition(s) of approval:

- (a) No future division of land may occur without prior Planning Board approval.
- (b) All plans and documents used to approve this subdivision are made a part and are a condition of plan approval.

II. Other/Information Items

III. Approval of Minutes

- A. March 11, 2019 Meeting Minutes

IV. Adjournment



John Stoll
Town Planner

Town of Kennebunk Community Development Department

Planning Board

March 25, 2019

Project Summary – Special Exception Application
Findings of Fact, Conditions of Approval, and Conclusions of Law

Project: Portview Condo Dock
Project # #04-19
Property Owners: Portview Condominium Association.
Address: 148 Port Road

Determination of Completeness:

The application appears to be complete.

Project Description:

The applicant is requesting permission to locate a private recreational dock at 148 Port Road

Project Details:

Zoning: Coastal Residential (CR); Resource Protection District (RP)
Existing Use: Single Family Residential

1. General Comments

- 1.1 The following comments pertain to shoreland/special exception plan set for Portview Condominium Association.
- 1.2 The application has been reviewed and approved by Maine DEP and the Army Corps of Engineers.
- 1.3 The Planning Board held a site walk on March 2, 2019.
- 1.4 The Planning Board held a public hearing on March 25, 2019.

2. Article 7.1.A. Special Exception Approval Standards

- 2.1 Hazards to vehicular or pedestrian traffic Met __; Not Met __; Not Applicable __

Fact(s)

- The proposed dock is intended for private use and is not expected to increase the volume of traffic at this location.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility afforded to pedestrians and the operators of motor vehicles.

2.2 Water pollution Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The applicants have proposed a seasonal dock system comprised of a 4' x 12' stationary dock, 4' x 16' hinged ramp, and 8' x 8' float.
- The proposed float will be anchored in the water using two helical anchors screwed into the mud flat – chain-crossing method: 30 feet out and crossing underneath the float.
- The approach ramp will be elevated 4' above the marsh grass. Perforated grill decking with 47% open surface will be utilized to allow light, water and air to pass through the structure.
- Skids will be provided to protect the mud flat at low tide.
- Stationary dock piles will be hand driven into the ground utilizing a 10 pound sledge hammer and a driving cap over the top of the pipe. If hand driving is not possible, then the contractor may use an auger type of footing. In very soft muddy soils the contractor may use a pipe foot to expand the area.
- Off-season storage will be on the North end lawn area where canoes and kayaks are currently stored.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous aesthetically unpleasant, or unhealthy condition may result.

2.3 Unhealthful conditions Met ___; Not Met ___; Not Applicable ___

Fact(s)

- A private recreational dock is not expected to generate smoke, dust, or other airborne contaminants.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.

2.4 Nuisances to neighboring properties Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The proposed seasonal dock is for private recreational use.

Condition of Approval: No lighting shall be installed on the proposed dock

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.

2.5 Peculiar physical characteristics Met ___; Not Met ___; Not Applicable ___

Fact(s)

- There are no known peculiar physical characteristics that will create or aggravate adverse environmental impacts on the applicant's or surrounding properties.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties.

2.6 Depreciation of economic value Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The proposed use is for a private dock. There are other private docks currently located within the area.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed use has no unusual characteristics atypical of the generic use which proposed use will depreciate the economic value of surrounding properties; and

2.7 Shoreland Overlay District Met ___; Not Met ___; Not Applicable ___

Fact(s)

- MDEP and Army Corps of Engineers have reviewed this project and have not identified any concerns regarding fisheries, aquatic life, bird, and other wildlife habitat.
- There are no public facilities within the project location
- There is no public access within the project site.
- The project location has not been identified on the Town of Kennebunk Open Space Map.
- There are no known archaeological or historic sites at the project site.

Conclusion: Based upon these facts and those in the record the Planning Board finds that the proposed use will not result in damage to spawning grounds; will conserve shoreland vegetation and visual points of access to waters as viewed from public facilities along with access to waters. The proposed use will conserve the Town's Open Space Plan priority areas; will avoid problems

associated with flood plain development; will protect archaeological and historic resources; and will not have an adverse impact on wildlife habitat.

2.8 Resource Protection District Met ___; Not Met ___; Not Applicable ___

Fact(s)

- This is a private recreational dock and not a residential use.
- Functionally dependent water structures are exempt from the requirements of Article 7.A(8)(f).

Conclusion: Based upon these facts and those in the record the Planning Board finds that there is no other location on the property where the structure can be built; the lot on which the structure is proposed was established and recorded prior to June 15, 1994; there is only one dwelling on this lot. Additionally, all proposed buildings, sewage disposal systems and other improvements are located on natural ground slopes less than twenty percent; and located outside the floodway of the 100-year floodplain. The total ground floor area of the structure has been limited to a maximum of 1,500 square feet; and all structures are set back from the normal high-water line to the greatest practical extent.

3. **Article 10. A. Section 3E. Piers, Docks, Wharves etc.** Met ___; Not Met ___; Not Applicable

3.1 New structure extending over or below normal high water line of a water body or wetland.

Fact(s)

- This proposal has been reviewed by the MDEP, ACOE and permits have been provided

Conclusion: Based upon this/these facts and those in the record the Planning Board finds that this use will obtain all applicable permits from MDEP as well as all other applicable Federal and state approval as required.

3.2 Additional Standards Met ✓; Not Met ___; Not Applicable ___

Fact(s)

- No endangered or threatened species habitat is identified within this project area.
- The proposed area of the float is less than 200 square feet (8'x8').
- This property has a minimum of 60 feet of frontage (Appears to exceed 800')
- The float system is located more than 25 feet from the property line in either direction.
- Reference 2.2 of this report
- No lighting has been proposed for inclusion at this location.

Condition of Approval:

- (a) The floats and ramp will be removed by October 15th and installed no earlier than April 15th.
- (b) No paints, stains, and waterproofing shall be applied

Conclusion: Based upon this/these facts and those in the record the Planning Board finds that this application makes sufficient efforts to protect the habitat of species considered endangered or threatened by Maine IF&W and/or US Fish and Wildlife service, and is not located within a flood hazard zone.

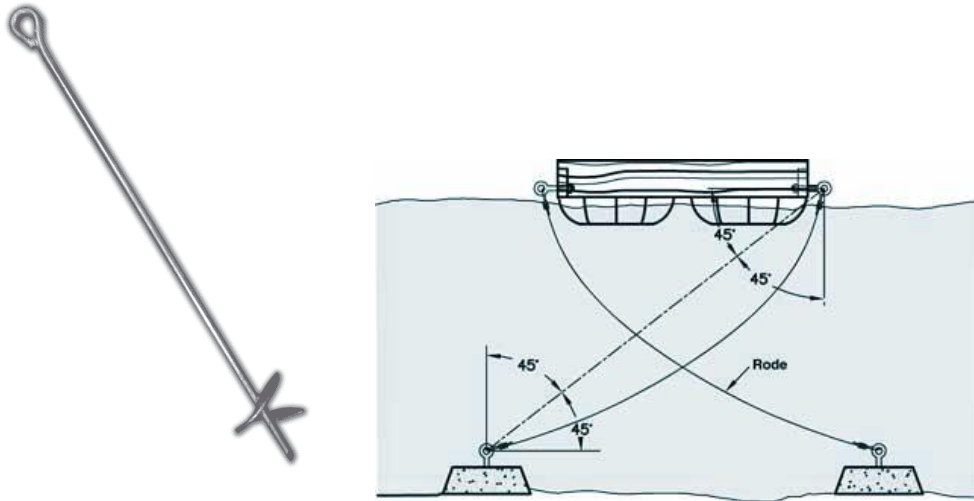
4. Decisions.

- 4.1 Consider voting the application complete
- 4.2 Consider approving the Findings of Fact, Conditions of Approval, and Conclusions of Law for Project # 04-19
- 4.3 Consider approving the Special Exception application, Project #04-19, requested by the Portview Condominium Association to install a private recreational dock at 148 Port Road subject to the following condition(s) of approval:
 - (a) No lighting shall be installed on the proposed dock.
 - (b) The dock system shall be removed by October 15th and installed no earlier than April 15th.
 - (c) No paints, stains, and waterproofing shall be applied.

Prepared by: JCS

1. How exactly will the proposed float be anchored in the water? How many anchors will be used and precisely what kind/weight of anchors?

The anchoring for the floating dock will follow the plan - exactly. The Army Corp reviewed and approved the mooring tackle layout as shown on the plan. There will be two helical anchors screwed into the mud flat - 30 feet out and crossing underneath the float.



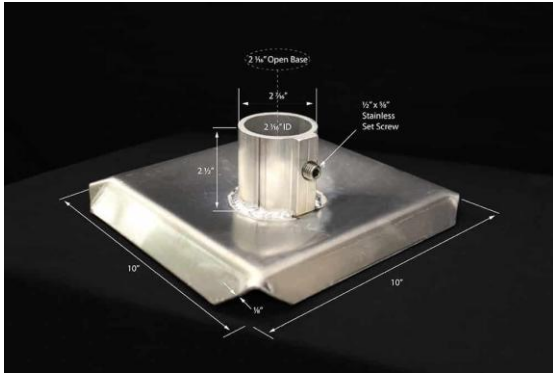
This chain-crossing method of anchoring floating structures is standard operating procedure for floating structures in fluctuating water bodies.

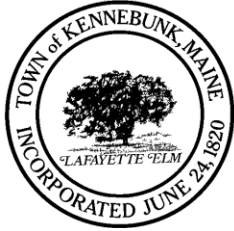
2. How will the stationary dock's piles be hand driven — pounded into the ground or by the preferred method screwing in helical piles?

The standard method is to use a 10 pound sledge hammer and a driving cap over the top of the pipe. It's a small diameter pipe....but sometimes the soil makes hand driving a pipe into the ground impossible. In a hard packed soil, the contractor might need to use an auger type of a footing.



In very soft muddy soils, the contractor might need to use a pipe foot to expand the area.





John Stoll
Town Planner

Town of Kennebunk

Community Development Department

Planning Board

March 25, 2019

Project Summary – Amendment to Approved Subdivision
Findings of Fact, Conditions of Approval, and Conclusions of Law

Project: Lake Brook Farms, Subdivision Amendment
Project # 05-19
Applicant: Woody Creek Development, LLC
Address: 37 Port Road
Map/Block/Lot: Map 80, Lot 85

Determination of Completeness:

Staff recommends that the application is complete. The Planning Board has determined that this subdivision amendment will be reviewed utilizing the procedures for a Minor Subdivision Final application.

Project Description:

This application proposes to break off 7.90 acres of “Lot 3” in the approved Lake Brook Farms subdivision. 7.26 acres removed from Lot 3 would then be sold to an abutting property owner; and .64 acres would be donated to the Kennebunk Land Trust Land. This major subdivision was previously approved by the Board in January of 2018.

Project Details:

Existing Lot Area: 12.5 acres
Proposed Lot Area: 4.60 acres and 7.90 acres
Proposed Net Lot Area: 105,314 sf, and 63,901 sf
Permitted Lot Area: 40,000 sf

Zoning: Suburban Residential (SR) & Shoreland Overlay
Existing Use: Single Family Residential & Vacant

1. General Comments

- 1.1 The following comments pertain to a single sheet plan revision application of Woody Creek Development, LLC and dated January 16, 2019.
- 1.2 The Planning Board held a public hearing on March 25, 2019.

2. Kennebunk Planning Board Subdivision Review Standards MRSA §4404 Review Criteria

2.1 **Pollution.** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- No activities have been proposed that would cause undue water or air pollution as a component of this residential subdivision amendment proposal.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not result in undue water or air pollution.

2.2 **Sufficient Water** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Lake Brook Farms will continue to utilize KKW public water.
- Land split from lot will be added to abutting properties and no development is proposed at this time.

Conclusion: Based upon these facts and those in the record the Planning Board finds that there is sufficient water available for the foreseeable needs of the subdivision.

2.3 **Municipal Water Supply.** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Reference 2.2 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed subdivision will not cause an unreasonable burden on an existing water supply.

2.4 **Erosion** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- The Subdivision amendment proposes to sell and donate the land in question to abutting property owners. No development is proposed as a result of this application.

Condition of Approval: No future division of land may occur without prior Planning Board approval.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not cause unreasonable soil erosion or reduce the capacity of the land to hold water.

2.5 **Traffic** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- No additional vehicular traffic is expected from this proposed lot line adjustment

Conclusion: Based upon these facts and those in the record the Planning Board finds that the proposed development will not cause unreasonable highway or public road congestion.

2.6 **Sewage Disposal** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Lake Brook Farms currently utilizes private septic systems.
- Reference Section 2.4 of this report

Conclusion: Based upon these facts and those in the record the Planning Board finds that the development provides for adequate sewage disposal.

2.7 **Municipal Solid Waste Disposal** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- Will utilize public trash hauler or private disposal service.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not cause an unreasonable burden on the ability of the Town to dispose of solid waste.

2.8 **Aesthetic, Cultural, and Natural Values** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- No significant aesthetic, cultural sites identified within the project area
- Reference 2.4 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development will not have an undue adverse effect on the scenic or natural beauty of the area.

2.9 **Conformity with Local Ordinances and Plans.** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Application has been reviewed by Code Enforcement, Town Planner, and Town Engineer for conformity with local ordinances and plans.
- Lot area calculations have been included on the plan.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed development is in conformance with duly adopted regulations of the Town of Kennebunk.

2.10 **Financial and Technical Capacity** Met __; Not Met __; Not Applicable __

Fact(s):

- Applicant has secured the services of development professionals that have completed a number of projects within Kennebunk and the surrounding communities successfully.
- Reference 2.4 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the developer has adequate capacity to meet the standards of these regulations.

2.11 **Surface waters; outstanding river segments** Met __; Not Met __; Not Applicable __

Fact(s):

- Reference 2.4 of this report.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the proposed subdivision will not have an adverse effect on the quality of any body of water.

2.12 **Ground Water** Met __; Not Met __; Not Applicable __

Fact(s):

- Reference 2.2 and 2.4 of this report.

Conclusion: Based upon these facts and those in the record the Planning Board finds that the proposed subdivision will not adversely affect the quality or quantity of ground water

2.13 **Flood Areas** Met __; Not Met __; Not Applicable __

Proposed Fact(s):

- The proposed development is not located within a 100-year flood area.

Conclusion: Based upon this fact and those in the record the Planning Board finds that this standard has been met.

2.14 **Freshwater Wetlands** Met __; Not Met __; Not Applicable __

Fact(s):

- Freshwater wetlands have been identified on the Subdivision plan.

Conclusion: Based upon this fact and those in the record the Planning Board finds that freshwater wetlands have been identified on the plan.

2.15 **River, Stream or Brook** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- Lake Brook has been identified on the plan.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the developer has identified on the subdivision plan any river, stream, or brook within or abutting the proposed subdivision.

2.16 **Storm Water** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Reference 2.4 of this report.

Conclusion: Based upon these facts and those in the record the Planning Board finds that the subdivision provides for adequate storm water management.

2.17 **Spaghetti-lots prohibited** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The portion of the lot that directly abuts Lake Brook will be added to the existing land of the Kennebunk Land Trust.
- The lot to depth ratio of those lots does not exceed a 5 to 1 ratio.

Conclusion: Based upon this fact and those in the record the Planning Board finds that the lots within this subdivision do not have a lot depth to shore frontage ratio greater than 5 to 1.

2.18 **Lake Phosphorus Concentration.** Met ___; Not Met ___; Not Applicable ___

Fact(s)

- No Lakes are located on or near this subdivision.

Conclusion: Based upon this fact and those in the record the Planning Board finds that this standard is not applicable.

2.19 **Impact on Adjoining Municipality** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- This subdivision plan does not cross or abut any municipal boundaries.

Conclusion: Based upon this fact and those in the record the Planning Board finds that this standard is not applicable.

2.20 **Lands Subject to Liquidation Harvesting** Met ___; Not Met ___; Not Applicable ___

Fact(s):

- No liquidation harvesting has been proposed as a component of this application.

Conclusion: Based upon this fact and those in the record the Planning Board finds that timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

3. Decisions

3.1 The Board may consider determining the application complete at this evening's meeting.

3.2 The Board may consider approval of the Findings of Fact, Conditions of Approval, and Conclusions of Law for project #05-19

3.3 The Board may consider granting final approval to Project # 05-19; the application of Woody Creek Development, LLC to amend the approved 5 Lot Major Subdivision of Lake Brook Farms in order to adjust lot lines and convey land within the subdivision to abutting property owners subject to the following condition(s) of approval:

- (a) No future division of land may occur without prior Planning Board approval.
- (b) All plans and documents used to approve this subdivision are made a part and are a condition of plan approval.

Prepared by: JCS