



John Stoll
Town Planner

Town of Kennebunk Community Development Department

Planning Board

April 13, 2020

Project Summary –Wetlands/Shoreland Impact Application
Findings of Fact, Conditions of Approval, and Conclusions of Law.

Project: Reidson Shoreland Application.
Project # #33-19
Property Owners: Reidson Corporatoin
Address: Atkins Way
Map/Block/Lot: Map 89, Lot 75

Determination of Completeness:

Staff recommends that the application is complete.

Project Description:

The applicant is requesting permission to impact approximately 5891 sf of Priority 3 wetlands in order to construct an access driveway that would serve future residential units.

Project Details:

Zoning: Lower Village Business (LVB) Shoreland Overlay
Existing Use: Residential/Vacant

1. General Comments

- 1.1 The following comments pertain to Shoreland application submitted by Reidson Corporation and dated October 21, 2019.
- 1.2 The Board could held a site walk on February 1, 2020.
- 1.3 The Board held a public hearing on April 13, 2020.
- 1.4 The applicant has already met with the Fire Chief, and they have agreed on proposed driveway design with required turnouts.
- 1.5 Please reference April 2, 2020 memo from the Kennebunk Conservation Commission included with this report.

2. Article 10. A. Section 3.C. Filling, Grading, Lagooning, Dredging

2.1 Bare Ground Exposed Shortest Time Feasible Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Any exposed soils will be covered if unworked for 14 days.

Conclusion: Based upon these facts and those in the record the Planning Board finds that the smallest amount of bare ground will be exposed for the shortest time feasible.

2.2 Temporary ground cover Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Applicant will mulch as a temporary ground cover.

Conclusion: Based upon this fact and those in the record the Planning Board finds that temporary ground cover, such as mulch, will be used and, as soon as possible, permanent cover, such as sod, will be planted.

2.3 Diversions, silting basins, terraces, etc. used Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Silt fences, hay bales, erosion control mix, and a continuous contained berm are proposed by the applicant to trap sedimentation during the duration of this project.

Conclusion: Based upon these facts and those in the record the Planning Board finds that diversions, silting basins, terraces, and other methods to trap sedimentation will be used.

2.4 Lagooning Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Applicants have not proposed any lagooning

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

2.5 Fill stabilized Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The applicant has proposed a number of stabilization methods in accordance with Best Management Practices (BMP) including sod, stone riprap, and erosion control mixes.

Conclusion: Based upon this fact and those in the record the Planning Board finds that fill will be stabilized according to accepted engineering standards.

2.6 Fill will not restrict flow of natural drainage way. Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The applicant has proposed four (4) twenty four (24) inch culverts for this project.

Conclusion: Based upon this fact and those in the record the Planning Board finds that fill will not restrict the flow of a natural drainage way.

2.7 Sides of channel stabilized Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Side slopes shall be lined with erosion control blankets to prevent slumping.

Conclusion: Based upon this fact and those in the record the Planning Board finds that sides of channel or artificial waterway will be stabilized to prevent slumping.

2.8 Sides of channels constructed with slopes 2:1 Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Sideslopes shall not be steeper than 2:1 for this project.

Conclusion: Based upon this fact and those in the record the Planning Board finds that sides of channels or artificial watercourses will be constructed with slopes of 2 feet horizontal to 1 foot vertical or less steep, unless bulkheads or rip rapping are used

2.9 Slopes greater than 25% Met ___; Not Met ___; Not Applicable ___

Fact(s)

- No grading or filling proposed on slopes greater than 25%

Conclusion: Based upon this fact and those in the record the Planning Board finds that on slopes greater than 25%, there shall be no grading or filling within one hundred (100) feet of the normal high water mark except to protect the shoreline and prevent erosion.

2.10 Filling of Wetlands. Met ___; Not Met ___; Not Applicable ___

Fact(s)

- This application is being reviewed by the Planning Board under the provisions of Sections 3E, 3G, and 3P of the zoning ordinance
- The applicant has submitted evidence of their required NRPA Tier 1 permit from Maine DEP and ACOE approval.

Conclusion: Based upon this fact and those in the record the Planning Board finds that this application has been reviewed under the provisions of Article 10, Sections 3.E, 3.G, and 3.P

(Performance Standards) as applicable, and as approved by the US Army Corps of Engineers and by the Maine Department of Environmental Protection, as applicable.

3. Article 10.A.Section 3.G Roads, Driveways and Parking Areas

3.1 In General Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The parcel is segmented by wetlands such that the upland developable areas of the site are not contiguous with other upland areas. There is no alternative location to access these upland areas other than to cross wetlands. The area of impact allows for access to the developable areas of the property.
- The driveway crosses the wetland at a narrow point to further minimize the amount of impact.

Conclusion: Based upon these facts and those in the record the Planning Board finds that no reasonable alternative exists and no greater setback from the shoreland/wetland can be created, and appropriate measures have been proposed.

3.2 Existing Public Roads Met ___; Not Met ___; Not Applicable ___

Fact(s)

- This project does not propose any work related to an existing public road.

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

3.3 Resource Protection Met ___; Not Met ___; Not Applicable ___

Fact(s)

- This project is not in a resource protection district

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

3.4 Driveways at 2:1 slope Met ___; Not Met ___; Not Applicable ___

Fact(s)

- No driveway will be constructed greater than a 2:1 slope

Conclusion: Based upon this fact and those in the record the Planning Board finds that road and driveway banks will be no steeper than a slope of 2 horizontal to 1 vertical.

3.5 Driveway Grades Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Proposed driveway grades do not exceed 10% (6%)

Conclusion: Based upon this fact and those in the record the Planning Board finds that driveway grades shall be no greater than 10% except for short segments of less than 200 feet.

3.6 Road & Driveway Surface Drainage Met ___; Not Met ___; Not Applicable ___

Fact(s)

- Riprap aprons are proposed at the outlets for all proposed culverts.

Conclusion: Based upon this fact and those in the record the Planning Board finds that roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet, plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high water line of a water body.

3.7 Culverts, dips, and turnouts Met ___; Not Met ___; Not Applicable ___

Fact(s)

- The applicant has proposed four (4) twenty four (24) inch culverts with riprap aprons.

Conclusion: Based upon these fact and those in the record the Planning Board finds that culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient column or heat to erode the driveway.

3.8 Ditches, culverts, bridges, dips, turnouts runoff control Met ___; Not Met ___; Not Applicable _

Fact(s)

- Maintenance of runoff controls will be handled by the homeowner

Conclusion: Based upon this fact and those in the record the Planning Board finds that Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways will be maintained on a regular basis

4. **Article 10. A. Section 3P. Shoreland Mitigation Plan** Met ___; Not Met ___; Not Applicable _

4.1 Projects that fill less than an acre of Wetland

Fact(s)

- Reference 3.1 of this report.

- The applicant has submitted evidence of ACOE and Maine DEP review and approval of this project.

Conclusion: Based upon this fact and those in the record the Planning Board finds that no reasonable alternative exists and no greater setback from the shoreland/wetland can be achieved and that the project meets all applicable Federal and State permit requirements.

5. Decisions

- 5.1 The Kennebunk Planning Board could consider **granting** approval to the request by Reidson, LLC to impact approximately 5,891 sf of Priority 3 wetlands in order to construct a residential driveway in order to access future residential lots (project # 33-19)
- 5.2 The Kennebunk Planning Board could consider granting **approval** to the Findings of Fact, Conditions of Approval, and Conclusions of Law for project #33-19.

March 2, 2020

To: Planning Board, Chris Osterreider

From: Kennebunk Conservation Commission

RE: Reidson Development

The Conservation Commission is deeply concerned about the plans to run a road along Lake Brook and the addition of four home sites. We understand this project is only possible because the development in question lies within the Lower Village Business District and therefore has a 25-foot setback from the brook, rather than the 250 feet required elsewhere along the brook and indeed along most of our rivers and streams. This anomaly is due to the town's interest in business growth in Lower Village and the belief that this particular area was not threatened by development. We are especially concerned about Lots 2 and 4, which lie just above the 25-foot mark and well within the 250 feet the town has determined is needed to protect its rivers and streams.

The Commission's concern is enhanced by the following:

- The area is important for tidal wading birds and waterfowl.
- The marshes along the affected part of Lake Brook are home to the rare plant species and natural community of Saltmarsh False-Foxglove and therefore is of great natural importance.
- The Open Space Plan identifies Lake Brook as a High Value Priority Area.
- Maps of marsh migration for Kennebunk indicate that as sea level rises, the marsh will migrate outward from the brook. This development would inhibit the marsh's migration.

For all of these reasons, should there be no legal means to deny a permit, the Conservation Commission urges the Planning Board to ensure the development has the least impact possible. This includes eliminating Lots 2 and 4 from the development as it has the greatest impact on the resource. We also urge the Planning Board to apply the same standards as would be required in a Shoreland Zone Overlay District, most particularly by ensuring that the development:

- Will not result in damage to spawning grounds, fish, wildlife and plant habitats
- Will conserve shoreland vegetation
- Will conserve open space priority areas

Should the development go through, even in modified form, we urge the following:

- That the plans include a requirement that the septic systems be properly maintained, with regular inspections and pump outs.
- That the plans include a prohibition on the use of any pesticides on the properties.
- That the town require a site-specific environmental protection plan, to be reviewed by the Town Engineer, on how they intend to mitigate impacts. This plan should specify a schedule for regular inspections as well as what corrective actions will be taken in the event of a deficiency.

We thank you for your serious consideration of these issues.

From: [Steve Doe](#)
To: [Chuck Reid](#)
Subject: FW: Reidson Corporation
Date: Tuesday, February 25, 2020 6:54:03 AM

Morning Chuck,
Army COE has signed off.

Steve

----- Original message -----

From: "Kristoff, Richard C Jr CIV USARMY CENAD (USA)"
Date: 2/25/20 5:56 AM (GMT-05:00)
To: Steve Doe
Subject: RE: Reidson Corporation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Steve,

As an SV form was submitted we normally do not send a letter back. We just log the project into our database. I have confirmed that this has been done. You are good to go.

Thanks
Rick

-----Original Message-----

From: Greenan, Colin M CIV USARMY CENAE (USA)
Sent: Monday, February 24, 2020 3:31 PM
To: Steve Doe <>
Cc: Kristoff, Richard C Jr CIV USARMY CENAD (USA) ; Clement, Jay L CIV USARMY CENAE (USA)
Subject: RE: Reidson Corporation

NAE-2019-02996

Rick will take care of you!

--

Colin M. Greenan
Maine Project Office
U.S. Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

ph. (978) 318-8676

In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

-----Original Message-----

From: Steve Doe [<mailto:sdoe@sebagotechnics.com>]
Sent: Monday, February 24, 2020 3:21 PM
To: Greenan, Colin M CIV USARMY CENAE (USA) ; Clement, Jay L CIV USARMY CENAE (USA)

Cc: Kristoff, Richard C Jr CIV USARMY CENAD (USA)
Subject: [Non-DoD Source] RE: Reidson Corporation

Colin,

Thanks for the prompt reply. I have not received a permit number yet. Last correspondence was from you on 11/15/2019 and you said that Rick Kristoff would be handling this. I honestly did not follow through with you folks after this went out. I copied Rick in this email.

Steve

-----Original Message-----

From: Greenan, Colin M CIV USARMY CENAE (USA) [<mailto:Colin.M.Greenan@usace.army.mil>]
Sent: Monday, February 24, 2020 3:10 PM
To: Steve Doe ; Clement, Jay L CIV USARMY CENAE (USA)
Subject: RE: Reidson Corporation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve,

Did we give you a permit number for this? NAE-2019-00XXX?

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Colin M. Greenan
Maine Project Office
U.S. Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

ph. (978) 318-8676

In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at [Blockedhttp://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0)

-----Original Message-----

From: Steve Doe [<mailto:sdoe@sebagotechnics.com>]
Sent: Monday, February 24, 2020 2:47 PM
To: Clement, Jay L CIV USARMY CENAE (USA)
Cc: Greenan, Colin M CIV USARMY CENAE (USA)
Subject: [Non-DoD Source] Reidson Corporation

Afternoon Jay & Colin,

I wanted to follow up on the attached Category 1 Permit Application sent out last November. This was for a wetland impact of 5,852 s.f. for a driveway construction in Kennebunk. Since filing this with you the MDEP noted that we were within 250 feet of a coastal wetland and suggested we request that the department reduce this to a Tier 1 category verses a full permit. This has occurred and we are refiling the application with them. In the process we shifted the road slightly in the first 250 feet and reduced the impacts by 60 s.f.

How would you like me to get you revised plans? Do you want just the plans of a complete revised application booklet?

Steve

Stephen G. Doe, RLA, LEED-AP Sr. Landscape Architect

Maine Licensed Landscape Architect

Sebago Technics, Inc. | An Employee-Owned Company

75 John Roberts Rd., Suite 4A, South Portland, ME 04106

Office: 207.200.2100 | Direct: 207.200.2056 | Fax: 207.856.2206

sdoe@sebagotechnics.com <<mailto:sdoe@sebagotechnics.com>> | Blocked[https://linkprotect.cudasvc.com/url?
a=https%3a%2f%2fBlockedwww.sebagotechnics.com&c=E,1,E4mKmn25fUvKIEkesHYiVLyfEUPJJN1-
CJprhvMPzVRJ2wxnsFcrJIYtfr0HQ7bdy4VeFRGfROwSPaAUrA6d_ONVEKyXR0HrxsocTz6pNdoUYC7cWw.,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fBlockedwww.sebagotechnics.com&c=E,1,E4mKmn25fUvKIEkesHYiVLyfEUPJJN1-CJprhvMPzVRJ2wxnsFcrJIYtfr0HQ7bdy4VeFRGfROwSPaAUrA6d_ONVEKyXR0HrxsocTz6pNdoUYC7cWw.,&typo=1)



Town of Kennebunk Community Development Department

Planning Board

April 13, 2020

Project Summary – Sketch Plan

*John Stoll
Town Planner*

To: Planning Board
From: John Stoll, Town Planner
Project #: 10-20
Project: Kingsmeadow Farm
Property Owners: Downing Road Pastures, LLC
Address: Downing Road
Map/Block/Lot: Map 30, Lot 41
Zoning: Rural Conservation (RC)

Determination of Completeness:

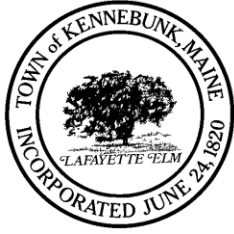
Sketch Plan OK

Project Description:

The applicant is requesting sketch plan review for a proposed 9-10 Lot Cluster Subdivision.

1. General Comments

- 1.1 These comments pertain to a sketch plan submitted by Downing Road Pastures, LLC and dated March 2, 2020.
- 1.2 The Board should schedule a site walk, but staff does not recommend that the Board hold this site walk in the immediate future due to ongoing COVID-19 issues. The Town Planner is willing to visit the site with the applicant on behalf of the Board. There may also be other options for virtual site visits.



Town of Kennebunk Community Development Department

Planning Board

April 13, 2020

Project Summary – Sketch Plan

John Stoll
Town Planner

To: Planning Board
From: John Stoll, Town Planner
Project #: 09-20
Project: Kolosowski-Longview2-Amendment
Property Owners: Patricia Kolosowski
Address: 3 Greenfield Drive
Map/Block/Lot: Map 43, Lot 5
Zoning: Village Residential (VR)

Determination of Completeness:

Sketch Plan OK

Project Description:

The applicant is requesting sketch plan review for a proposed lot split in an approved subdivision: Longview Terrace Section 2.

1. General Comments

- 1.1 These comments pertain to a sketch plan submitted by Patricia Kolosowski and dated March 9, 2020.
- 1.2 The Board should schedule a site walk, but staff does not recommend that the Board hold this site walk in the immediate future due to ongoing COVID-19 issues. The Town Planner is willing to visit the site with the applicant on behalf of the Board. There may also be other options for virtual site visits.