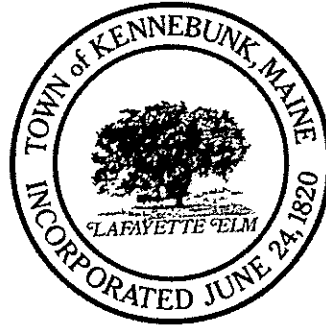


# Town of Kennebunk, Maine



## Planning Board

### MEETING MINUTES

August 8, 2022

In Person Meeting, Town Hall, 3<sup>rd</sup> Floor, 1 Summer Street, Kennebunk

This meeting was held in person and televised on Cable TV Channel 5.  
It is available for public viewing at any time at [TownHallStreams.com](http://TownHallStreams.com).

**Present:** Richard Smith [Vice Chair], David Smith [Secretary], Robert Metcalf [Member], Janice Vance [Member], Edward Trainer [Alternate]; and Daniel Kiley [Alternate];

**Absent:** Chris MacClinchy [Chair];

**Also Attending:** Brittany Howard [Town Planner], Glenn Farrell [YFI Custom Homes], and Geoffrey R. Aleva [Civil Consultants].

- 1. Call to Order:** Vice Chair and presiding officer R. Smith called the meeting to order at 7:00pm on August 8, 2022. The meeting was held in person and there were initially four voting members present. R. Smith, D. Smith, R. Metcalf, and J. Vance. R. Smith explained the procedural sequence of the meeting: (1) brief overviews of each application by the Town Planner; (2) comments by the applicants, themselves; (3) Board questions; (4) a public hearing at which the public could voice comments and questions; (5) applicants' responses to Board and public remarks; and (6) the Board's concluding comments and ruling (if any).

## 2. Agenda Items

- a. Public Hearing — Special Exception — Gooch Avenue — Map 93 Lot 67, 70, 74, 75, 76, and 78**

B. Howard re-introduced this application to fill 1,934 sq. feet of Priority I wetland on Gooch Avenue. The house to be built on the property would require 1,490 sq. ft. of fill, and Gooch Avenue road improvements would require an additional 444 sq. ft.

This application, Howard reminded members, had come before the Planning Board on July 11, 2022 and members had conducted a site walk on July 20, 2022.

Howard also noted that Town Engineer Chris Osterrieder had reviewed the plan, and recommended a condition of approval in his memo of July 6, 2022. In that memo, Osterrieder noted that applicant proposes to use pervious surface ("GrassPave2") with the supporting aggregate base on the assumption that the underlying existing soils have adequate bearing capacity to support heavy construction and Fire Department trucks. Osterrieder recommended that applicant proof roll the existing subgrade area during construction and provide evidence to him [the Town Engineer] and to the Fire Department of bearing adequacy before placing any aggregate base.

B. Howard reported that the Conservation Commission had reviewed and opined on the plan, as well. The Conservation Commission called for the thorough disposal of the phragmites to prevent their spread at a dumpsite or other location. According to the Conservation Commission, the applicants or their subcontractors should carry out a thorough, "proper disposal" of the intrusive plants and also set and honor a preventative maintenance plan longer-term.

G. Farrell, representing the applicants, next addressed the Board. He stated that his group had made "all the plan adjustments and changes" which Board members had recommended at their prior meeting and site walk. "No parking" signs, he said, would also be placed near the entryway as the Board had recommended.

D. Kiley asked if the plan had changed and the internal road relocated, and G. Farrell responded in the negative.

D. Smith suggested that applicants contact the Fire Department for recommendations of stronger language that could be used on the no parking signs. D. Smith also inquired about the location of the Fire Department's turnaround on the property, and G. Farrell pointed it out on a diagram.

R. Metcalf concurred with the Town Engineer's recommendation – namely, that the road be proof rolled, then inspected as a condition of approval. Metcalf added that the maintenance obligation regarding the phragmites should also be long term and "carried across any deed". G. Farrell agreed to include such provisos.

J. Vance asked if the removal of phragmites would be extensive, and G. Farrell responded in the affirmative, pointing out the large removal area on his diagram. E. Trainer said that his concerns had primarily had been addressed, but cited the concerns of an abutter, Mr. Colin Sargent.

There being no other Board questions or remarks, R. Smith then formally opened a public hearing and solicited public comments and questions.

Andy Armitage, a public commentator, inquired about the size increase of the new home via-a-vis the existing garage. Mr. Armitage also handed out photos showing beds of Japanese willow trees in one location and of the extensive surface water accumulation on his property after a heavy rain. He expressed concern that removing the willow trees would increase the risk of surface flooding. The proposed location of the house, Mr. Armitage added, would likewise aggravate the area's severe drainage problems.

Diane Thomasino, another abutter, expressed concerns about the wetland disruption as well. "The replacement wetland," she said, "will come onto our property". She expressed concern, too, that plantings which currently help contain and absorb water will be removed. Will those changes, she asked, cause water problems on her property?

Colin Sargent, another public commentator, stated that he had grown up enjoying the wetlands now in place. He voiced deep concern about the project because "it is going to disturb those wetlands and cause significant drainage problems on adjacent land". Past owners of the property, he said, had purposefully left the wetlands intact.

Mr. Sargent went on to cite a number of specific objections: (1) the project, he said, will disturb Priority 1 wetlands, a significant environmental issue; (2) massively removing phragmites will change the land and area drainage irreparably; (3) the project will bring large numbers of construction and delivery trucks onto Gooch Avenue to the detriment of residents; (4) applicant's claim to have right of way along his [Mr. Sargent's] property was "questionable" regardless of the legal opinions; and (5) disrupting the wetlands is sure to cause water or flooding problems for neighbors.

B. Howard then read a letter from Trish and Tim Tully, also abutters, who could not attend the meeting, but asked that their correspondence be read into the record. In their letter, the Tullys reported that residents in the area had experienced "two or three major flooding incidents" in recent years. "Any wetland changes," they wrote, "will result in water accumulation on other properties." The Tully's also cited drainage problems because of a poorly functioning culvert on their property.

There being no other public comments or questions, G. Farrell then responded to these remarks as follows:

**New Structure:** The new structure, Farrell acknowledged, will be "significantly bigger" than the existing one, but plans for the structure have yet to be finalized. Consequently, Farrell could not specify the exact square footage of the new structure.

**Water Displacement:** "We're not allowed to displace water, and we don't intend to," Farrell said. The removal of the phragmites, G. Farrell stated, will actually help to improve water drainage.

**House Location:** Farrell explained that the house was moved back in the applicant's plan to limit the amount of construction in the shoreland zone.

**Right of Way:** Farrell next remarked that Mr. Sargent, who objects to the right of way on his land, had actually offered to sell that strip of property to the applicants for \$350,000. Mr. Sargent, G. Farrell said, clearly had no objection to the plan then. However, legal opinions have subsequently confirmed that the applicants' deed already gives them a 30-foot right-of-way along Mr. Sargent's property. The legality of the applicant's right of way, Mr. Farrell said, had been affirmed by several law firms.

**Tully Comments:** G. Farrell also stated that he had inspected the culvert on Mr. and Ms. Tully's property and found that it does not have sufficient pitch to be effective. However, the applicants will be installing a grass ring, creating replacement wetland, destroying a large swath of phragmites, and putting in pervious cover. Those changes, Farrell concluded, will improve rather than worsen drainage.

Dianne Thomasino questioned whether trees and landscaping on one "shared berm" would come down. G. Farrell responded that "we won't chop down any trees on that piece of land without consulting you."

There being no other public comments, R. Smith formally closed the public hearing. R. Metcalf asked G. Farrell to confirm how the property would be graded. Geoffrey Aleva, an engineer also working for the applicants, responded that "grades will be kept the same". Aleva explained how water would flow from different locations on the property and move in the direction of the existing and replacement wetlands. In response to other questions by R. Metcalf, Aleva added that grass pavers, the natural grades, "and a man-made ditch line" will all help to facilitate better water drainage.

R. Metcalf then asked public commentator A. Armitage where the water depicted in his [Mr. Armitage's] photo was a rain event or storm surge from the ocean, and the commentator responded that water accumulation was from a rain event. J. Vance commented on the same photo. She agreed that removing the phragmites should permit more absorption and "significantly improve drainage".

E. Trainer questioned how the applicants and their subcontractors would, after all, avoid exacerbating the area's drainage problems. G. Farrell replied that: (1) grades are not being changed; (2) the installation of a grass ring will permit more water absorption; (3) the lot cover will be less, also facilitating drainage; and (4) the wetlands are being replaced. "We are not going to make the situation worse," Farrell said, "we're going to make it better."

R. Metcalf then commented on the right of way issue. The Planning Board, Metcalf said, does not make legal judgements regarding surveys or deeds. Such matters are outside the purview of the Planning Board. Right-of-way issues such as the one cited by Mr. Sargent, Metcalf said, must be resolved in a court of law. However, Metcalf also stated that the different "mitigation tactics" cited by Farrell and Aleva were, in his [Metcalf's] view, likely to help improve drainage and avoid water problems for neighbors.

D. Smith concurred, observing that the Town's Attorney had determined that the applicants' right of way on Mr. Sargent's property "had firm legal standing". The applicant's

representatives, D. Smith continued, had satisfactorily addressed the Board's and public's questions.

R. Smith voiced a similar view. "The situation down there [Gooch Avenue] is not good for drainage," R. Smith stated, "but this project is unlikely to make things worse and may, after all, make things better." R. Smith then elevated E. Trainer to voting status for the purpose of this meeting. The Board proceeded to Findings of Fact.

**Town Of Kennebunk  
Planning Board  
Special Exception  
FINDINGS OF FACT**

1. Property Owner: Gooch Avenue Ventures LLC, Beach Avenue Ventures LLC, Surf Lane Ventures LLC, and Christopher & Debra Ford

2. Site Location: Gooch Ave, 133 Beach Ave, and 137 Beach Ave in the Coastal Residential, Resource protection and Shoreland Overlay Districts

3. Assessor's Map: 93 Lots: 70, 75, 76, and 78

4. Description of proposed use: Special Exception and Permit to Fill and Grade in the Shoreland Zone – installation of Gooch Ave and a Single Family Home with wetland fills.

5. The Kennebunk Planning Board has reviewed the above noted proposal utilizing the following set of approval criteria from Article 7, Special Exceptions, of the Kennebunk Zoning Ordinance and determined:

(1) 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;

Met: X Not Met: \_\_ Not Applicable: \_\_  
with the following conditions or comments:

(2) 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;

Met: X Not Met: \_\_ Not Applicable: \_\_  
with the following conditions or comments: The Town Engineer has reviewed and approved the erosion control measures as shown on the plans.

(3) The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(4) 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;

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(5) 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;

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(6) The proposed use has no unusual characteristics atypical of the generic use which proposed use will depreciate the economic value of surrounding properties; and

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(7) If located in the Shoreland Area Overlay District, the proposed use:

(a) will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(b) will conserve Shoreland vegetation;

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(c) will conserve visual points of access to waters as viewed from public facilities;

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(d) will conserve actual points of access to waters;

Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(e) will conserve the town's Open Space Plan priority areas;

Met: X Not Met:    Not Applicable:  
with the following conditions or comments:

(f) will avoid problems associated with flood plain development and use;  
Met: X Not Met:    Not Applicable:     
with the following conditions or comments:

(g) will protect archaeological and historic resources as designated in the comprehensive plan and State Historic Pres. Office; and  
Met: X Not Met:    Not Applicable:  
with the following conditions or comments:

(h) will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.  
Met: X Not Met:    Not Applicable:  
with the following conditions or comments:

(8) If located in the Resource Protection District, the following additional standards are met for any residential use proposed:

Met:    Not Met:    Not Applicable: X  
with the following conditions or comments: The front of the property is in Resource Protection District, however the area where the work is going to be done is not within the Resource Protection District.

(9) If located in the Branch Brook Aquifer Protection District the proposed use: (a) the proposed use meets the specific requirements set forth in this Ordinance and will be in compliance with all applicable state and federal laws; (b) the proposed use will meet all applicable performance standards; (c) the proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone A.; (d) the proposed use does not involve uses or activities which could cause a violation of the performance standard for pollution levels; (e) any control measures proposed to prevent adverse impacts on water quality are adequate and reliable, considering the threat to water quality which would result if control measures failed; (f) the use will not involve disposal of solid waste, hazardous materials or leachable materials (other than specifically allowed by Ordinance); and (g) oil, fuel, and other petroleum products stored on-site will be properly contained so as to prevent contamination of the groundwater from leaks or spills.

Met:    Not Met:    Not Applicable: X  
with the following conditions or comments: The property is not located in the Branch Brook Aquifer Protection District.

(10) For Special Exception requests regarding Telecommunications Facilities the Board has considered the following additional issues in making its decision:

Met:  Not Met:  Not Applicable:   
with the following conditions or comments: This project is not for a Telecommunications Facility.

6. The Kennebunk Planning Board has reviewed the above noted proposal utilizing the following set of approval criteria from Article 10, Section 3-G Roads, Driveways and Parking Areas of the Kennebunk Zoning Ordinance and determined:

(1) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.

Met:  Not Met:  Not Applicable:  
with the following conditions or comments:

(2) New roads and driveways are prohibited in a Resource Protection District, except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

Met:  Not Met:  Not Applicable:  
with the following conditions or comments:

(3) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical:

Met:  Not Met:  Not Applicable:  
with the following conditions or comments:

(4) Road and driveway grades shall be no greater than ten (10) percent, except for short segments of less than two hundred (200) feet.

Met:  Not Met:  Not Applicable:  
with the following conditions or comments:

(5) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip:

Met:  Not Met:  Not Applicable:  
with the following conditions or comments:

(6) Ditch relief (cross drainage) 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 road, driveway or ditch.

Met:  Not Met:  Not Applicable:  
with the following conditions or comments:



(7) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis To assure effective functioning.

Met:  X  Not Met:   Not Applicable:  
with the following conditions or comments:

Based upon the above noted findings, the Kennebunk Planning Board votes the following:

Approves:

Approves with conditions (listed below):  X  (5-0)

Denies:

**Conditions:**

- Conformance with C. Osterrieder’s memo [of July 6, 2022] and Fire Chief Review [August 3, 2022] regarding proof rolling, inspection, and the construction of the emergency egress road, road width, and snow removal
- Respond to the comments in the Conservation Commission’s memo dated August 2, 2022; which includes no pesticides
- A maintenance plan for the wetland and ongoing maintenance plan for all impacted areas of phragmites be provided to the Town Planner, a note added to the plan, and reference in the deed;
- All construction and service trucks are to exclusively use Beach Avenue instead of Gooch Avenue, excluding those trucks associated with the proposed Gooch Avenue improvements;
- The Fire Department is to opine on the “no parking” signs and recommend sign language; and,
- The applicant is to work with the abutter [Diane Thomasino] regarding the existing plantings within the right-of-way.

APPROVED BY: \_\_\_\_\_

DATE:

\_\_\_\_\_

\_\_\_\_\_

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\*\*Please note that after planning board approval, the applicant must receive a change of use permit and/or building permit from the building inspector before beginning work at the site. A

permit granted by the planning board under the provisions of this article (7) shall expire if the work or change involved is not commenced within six (6) months of the date on which the permit is granted, and if the exterior work or change is not substantially completed within one (1) year of the date granted.\*\*

**Motion: Move that the Planning Board of the Town of Kennebunk accept the Plan and Findings of Fact as conditioned.**

Moved: D. Smith

Second: J. Vance

This was seconded for discussion. Members instead proceeded to enumerate the conditions of approval which had been proposed. Those conditions, members agreed, were:

1. Conformance with C. Osterrieder's memo [of July 6, 2022] and Fire Chief Review [August 3, 2022] regarding proof rolling, inspection, and the construction of the emergency egress road, road width, and snow removal
2. Respond to the comments in the Conservation Commission's memo dated August 2, 2022; which includes no pesticides
3. A maintenance plan for the wetland and ongoing maintenance plan for all impacted areas of phragmites be provided to the Town Planner, a note added to the plan, and reference in the deed;
4. All house construction and service trucks are to exclusively use Beach Avenue instead of Gooch Avenue, excluding those trucks associated with the proposed Gooch Avenue improvements;
5. The Fire Department is to opine on the "no parking" signs and recommend sign language; and,
6. The applicant is to work with the abutter [Diane Thomasino] regarding the existing plantings within the right-of-way.

**Motion: Move that the Planning Board of the Town of Kennebunk agree to and impose the above conditions of approval.**

Moved: R. Metcalf

Second: E. Trainer

**Vote: Roll call vote, 5 in favor, none opposed; the motion passed.**

Members then incorporated these conditions in the following motion.

**Motion: Move that the Planning Board of the Town of Kennebunk accept the Plan and Findings of Fact for the Gooch Avenue project of Gooch Avenue Ventures LLC, Beach Avenue Ventures LLC, Surf**

Avenue Ventures LLC, and Christopher and Debra Ford for a Special Exception regarding Map 93 Lots 67, 70, 74, 75, 76, and 78 and approve this application with the following conditions: (1) Conformance with C. Osterrieder's memo [of July 6, 2022] and Fire Chief Review [August 3, 2022] regarding proof rolling, inspection, and the construction of the emergency egress road, road width, and snow removal; (2) Respond to the comments in the Conservation Commission's memo dated August 2, 2022; which includes no pesticides; (3) A maintenance plan for the wetland and ongoing maintenance plan for all impacted areas of phragmites be provided to the Town Planner, a note added to the plan, and reference in the deed; (4) All house construction and service trucks are to exclusively use Beach Avenue instead of Gooch Avenue, excluding those trucks associated with the proposed Gooch Avenue improvements; (5) The Fire Department is to opine on the "no parking" signs and recommend sign language; and (6) The applicant is to work with the abutter [Diane Thomasino] regarding the existing plantings within the right-of-way.

Moved: D. Smith

Second: J. Vance

Vote: **Roll call vote, 5 in favor, none opposed; the motion passed.**

At 8:50pm following the vote, the presiding officer called a five minute recess. The meeting was reconvened at 8:55pm.

**b. Public Hearing – Zoning Article 2 Definitions**

B. Howard next reported that the when the Board reviewed the Wetland Mitigation Ordinance (WMO), the Conservation Commission also proposed changes to the current wetland definitions in Article 2. These changes were not incorporated into the June 14<sup>th</sup> vote, only the WMO was presented to the voters. Howard had therefore provided the definitions used by the Army Corps of Engineers as well as Maine's Department of Environmental Protection (Natural Resource Protection Act) for the Planning Board's consideration. This language, Howard explained, had been slightly modified to take into account the kinds of wetlands found in Kennebunk.

R. Smith asked if these changes were primarily "housekeeping" in nature or entailed significant changes. B. Howard responded that few substantive changes had been made.

R. Metcalf identified one typo that was duly corrected. Other members stated that they liked the language changes now proposed.

R. Smith formally opened a public hearing and solicited public comments and questions. B. Howard read an email from Wayne Berry asking if the new language conformed with that adopted by the Select Board and Town years ago. R. Metcalf responded that the

changes now before the Board were meant to put the Town's language in conformance with the DEP and Army Corps of Engineers.

There being no other public comments, R. Smith formally closed the public meeting

Motion: **Move that the Planning Board of the Town of Kennebunk send to the Select Board with a positive recommendation the proposed revised Zoning language as amendments to Article 2.**

Moved: D. Smith

Second: R. Metcalf

Vote: **Roll call vote, 5 in favor, none opposed; the motion passed.**

**c. Public Hearing — Zoning Article 7 Special Exceptions**

In prior meetings, Board members had also identified a shortcoming in the provision of Article 7 Section 2.F (Special Exception Application Procedures) which states that:

“...a permit granted by the Planning Board under the provisions of this article shall expire if the work or change involved is not commenced within six (6) months of the date on which the permit is granted, and if the exterior work or change is not substantially completed within one (1) year of the date on which such permit is granted.”

The Planning Board, B. Howard reminded members, had reviewed this provision when it discussed the Wetland Mitigation Ordinance. Board members agreed that the six (6) month construction window was limiting. The Board thought that applicants should have additional time to complete projects and also be able to request an extension if needed.

At today's meeting B. Howard explained that, as not all applications under review for Special Exceptions are related to wetland projects, changes to the above provision had to be drafted to reflect different kinds of projects. The Board had initially looked at this revised language at its meeting of July 11, 2022 and the Town's Attorney subsequently reviewed the language and recommended minor changes.

E. Trainer asked questions about the appeals process, and B. Howard clarified the mechanics. However, Trainer observed that there could be a potential issue with extensions if a zoning change took place. R. Metcalf countered that a zoning change should not, in principle, pose an issue as applicants could amend their applications.

R. Smith formally opened a public hearing and solicited public comments and questions. B. Howard read an email from Wayne Berry asking about the statement regarding zoning changes and the public hearing process. Bill Ward asked if a zoning change would alter the approval process and force a property owner to stop work in process. Board members agreed if the project had already commenced that zoning change would not require them to stop, this would only apply to project that have not started and are looking for an extension of their approval.

There being no other public comments, R. Smith formally closed the public hearing. Members proceeded to the following motion.

Motion: **Move that the Planning Board of the Town of Kennebunk forward to the Select Board with a positive recommendation the language regarding Zoning Article 7 Special Exceptions.**

Moved: D. Smith

Second: J. Vance

Vote: **Roll call vote, 5 in favor, none opposed; the motion passed.**

**d. Preliminary – Plan Revision – 4 Peyton Way and 284 Alfred Road – Map 17 Lots 72 & 21**

This application, B. Howard next reported, is for a lot line revision to an already approved plan.

The Planning Board, Howard said, had approved this subdivision on February 18, 2021. The applicant now sought to change the lot line between Lot #2 and the property owned by MRC Partnership. There would be no change in the number of lots or dwellings. The land would stay in its natural state, free of any building.

Applicant Paul Hollis addressed the Board, showing members a diagram of the land in question. He explained that the owner of the adjacent property wanted a strip of land as a “buffer”. He said it will not be built upon.

D. Kiley asked how the word “buffer” would be defined in purchase-and-sale agreements, and the applicant explained his use of the term. D. Smith observed that - even if left in its natural state without buildings - the land could be combined one day with other property for some residential or other use. Applicant replied that he had not contemplated such a combination.

J. Vance stated she had “no real concerns” with the proposal, and E. Trainer concurred. However, R. Smith said the deed should stipulate that the land is not to be built upon, and other members concurred. Members then discussed the need for a site walk, but agreed that one was not required.

Motion: **Move that the Planning Board of the Town of Kennebunk deem the plan [for 4 Peyton Way and 284 Alfred Road] to be complete for preliminary review with the condition that the language stipulating no building should be incorporated in the plan and deed.**

Moved: D. Smith

Second: R. Metcalf

Vote: **Roll call vote, 5 in favor, none opposed; the motion passed.**

Members and the applicant then agreed to a public hearing on the application on September 12, 2022.

**e. Preliminary — Special Exception — 30 and 40 Cat Mousam Road — Map 54 Lot 31 and Map 55 Lot 38**

B. Howard next introduced the application of Kyle and Casey Jorgenson to demolish and reconstruct structures at 30 and 40 Cat Mousam Road, relocating the buildings out of the flood zone.

The current structure at 30 Cat Mousam, Howard said, is 1,089 sq. and located 52 feet from the river. The new structure would be 1,040 sq. ft., but also 52 feet from the river. At 40 Cat Mousam, the existing structure is 512 sq. ft. and 64 feet from the river. It is also located in the flood zone. The proposed new structure at 40 Cat Mousam would be 308 sq. ft., 79 feet from the river, and outside the flood zone. However, both the existing and proposed structures are within the 100 ft. setback from the river otherwise required.

The Conservation Commission, Howard added, had reviewed the plan and had no issue with it.

Applicant Kyle Jorgensen addressed the Board, stating that he hoped to “generally improve” 30 and 40 Cat Mousam. He specifically intends to put up new structures in better locations to avoid the flood zone.

R. Metcalf recalled that there had been issues with the two properties in the past. “We should have access and improvement details,” Metcalf said. Metcalf also observed that the Fire Department would want access and a turnaround. E. Trainer agreed that the Fire Department needed to be consulted.

J. Vance commended the applicant for proposing smaller houses and being attentive to the flood zone. R. Smith inquired about the collapsed shed on the property, and the applicant responded that “replacing it is an option”.

Board members agreed to a site walk on Wednesday, August 10, 2022 at 6:00pm. The applicant confirmed that the rear of the property had already been staked.

Board members then agreed that Fire Department feedback was needed before a public hearing. Members consequently agreed to hold a public hearing on Monday, September 26, 2022 to afford time for the Fire Department to opine.

**3. Approval of Meeting Minutes**

Members were next slated to review the minutes of their July 25, 2022 meeting, but postponed the review as only two voting members in attendance had also attended the July 25<sup>th</sup> meeting. Members instead agreed to review these minutes at the Planning Board’s next August 22<sup>nd</sup> meeting.

**4. Other Business**

**Climate Action Plan Task Force:** The Board then took up the matter of the Task Force which the Select Board had created on July 12, 2022 to help develop a community Climate Action Plan.

B. Howard had explained the purpose and responsibilities of this Task Force at the Planning Board's last meeting. The Climate Action Plan Task Force is to consist of eight members, one of whom is to be a Planning Board representative. At its prior meeting, C. MacClinchy and J. Vance had both volunteered for the post. Board members consequently acted on those candidacies.

Motion: **Move to select Christopher MacClinchy to serve as Planning Board representative on Kennebunk's Climate Action Plan Task Force.**

Moved: R. Metcalf

Second: J. Vance

Vote: **Voice vote, 5 votes in favor, none opposed; the motion carried.**

**5. Adjournment:** There being no further business, the Chair adjourned the meeting at 9:55pm.

Motion: **Move that the Planning Board of the Town of Kennebunk adjourn this meeting.**

Moved: J. Vance

Second: D. Smith

Vote: **Show-of-hands vote, 5votes in favor, none opposed; the motion carried.**

Respectfully submitted by  
J. Schlagheck, Clerk

Adopted by the Planning Board in its Meeting of August 22, 2022

Signed by:

  
PLANNING BOARD

9/7/22

