

# Town of Kennebunk, Maine



## KENNEBUNK SITE PLAN REVIEW BOARD Thursday January 17, 2019 MINUTES

**MEMBERS PRESENT:** Gary *Dugas*, Chair; Jeanne *Dunn*; Matt *Fagginger-Auer*; Brenda *Robinson*; and Paul *Jackson*

**FROM THE TOWN:** John *Stoll*, Town Planner  
Wayne *Berry*, Board of Selectmen Liaison

**ALSO PRESENT:** Brian *Cressey*, President, W.C. Cressey & Sons, Inc.  
Esther *Bizier*, P.E. Project Manager & Project Engineer, Main-Land Development Consultants, Inc.

### 1. Open Meeting

The Chair opened the meeting at 7:01 p.m.  
The Board members introduced themselves.

### 2. Approval of Minutes of Previous Meeting

A. Meeting minutes of December 13, 2018.

Referring to each page, Chairman *Dugas* asked the Board to consider the minutes of December 13, 2018.

Board Member *Robinson* submitted the following correction:

- Page 3, Item #3, last paragraph, line 2; "*should be define now*" should read "*should be defined now.*"

Chairman *Dugas* submitted the following correction:

- Page 5, Item #3, 3<sup>rd</sup> last paragraph, line 4; "*a four (4) berm*" should read "*a four (4) foot tall berm.*"

There being no additional amendments or corrections to the minutes of December 13, 2018, Chairman *Dugas* asked for a motion.

**A motion was made to approve the minutes of December 13, 2018, as amended.**

**MOVED:** *Robinson*

**SECONDED:** *Dunn*

**DISCUSSION:** None

**MODS:** As noted

**VOTE:** 5 in favor, 0 opposed; the motion carried.

B. Meeting minutes of December 20, 2018.

Referring to each page, Chairman *Dugas* asked the Board to consider the minutes of December 20, 2018.

Chairman *Dugas* submitted the following correction:

- Page 2, Item #3, 4<sup>th</sup> paragraph, line 1; "wash water is send to the sewer system" should read "wash water is sent to the public sewer system".

There being no additional amendments or corrections to the minutes of December 20, 2018, Chairman *Dugas* asked for a motion.

**A motion was made to accept the minutes of December 20, 2018, as amended.**

**MOVED:** *Robinson*

**SECONDED:** *Dunn*

**DISCUSSION:** None

**MODS:** As noted

**VOTE:** 4 in favor, 0 opposed, 1 abstained (*Fagginger-Auer*); the motion carried.

Chairman *Dugas* proceeded to the next agenda item.

### 3. New Business

A. Major Site Plan Application – W.C. Cressey & Sons, Inc. (Map 27, Lot 28/29) 2 Commerce Drive. Phased building expansion.

Town Planner *Stoll* summarized the Project Description as detailed in his Staff Review Memo of January 17, 2018, for Project # 39-18.

Esther *Bizier*, Project Engineer, Main-Land Development Consultants, introduced herself and distributed copies of a letter sent to the Site Plan Review Board dated January 17, 2019, which contained updated site plan drawings and responses to the Town Engineer's technical review comments. She began a summary of the updated Site Plan Application which contained the following information and highlights:

- Existing and proposed building descriptions and usage;
- Parking lot entrance details;
- Storm water treatment;
- A new waiver request for Article 11, Section 8(3)(h) due to earthworks being within 10 feet of the property line;
- An easement for the storm water pond outlet drain;
- Pre and post development peak rates of runoff analysis points;
- An additional note regarding underground electric; and
- A new fence installation along the property line.

Chairman **Dugas** asked if the storm water pond outlet drain easement had been obtained.

**Bizier** replied that the owner has agreed to the easement, the legal process is in progress, and the applicant should have documentation very soon.

Board Member **Fagginger-Auer** asked for details of the proposed fence.

**Bizier** replied that the fence will be on approximately 200 ft. of the western property line. Brian **Cressey**, W.C. Cressey & Sons, Inc., added that the fence height will be increased from 6 ft. to 8 ft. and that the material will be composite.

Town Planner **Stoll** recommended adding a condition of approval for submittal of easement documentation.

There being no further discussion regarding this issue, Chairman **Dugas** asked the Board to address the temporary waivers previously considered and add a new temporary waiver for Article 11, Section 8(3) (h).

The following temporary waivers were reviewed:

- (a) Article 11, Section 6 (A) (3) (w) "*Copies of applicable State and Federal Approval Permits*"

**Bizier** replied that the only permit required was a stormwater "permit by rule." It was submitted in December 2018. It has a two week review period. No approval notification is typically provided; therefore, due to the absence of any notification since January, it can be assumed that the permit is approved.

Chairman **Dugas** noted that since the stormwater permit is the only one required from State or Federal agencies, the Article does not require a formal waiver.

- (b) Article 11, Section 6 (A) (3) (t) "*Location, front view, and dimensions of existing and proposed signs*"

Chairman **Dugas** noted that since no new signs are proposed, the Article does not require a formal waiver.

- (c) Article 11, Section 6 (B) (3) "*A soils map of the site based on a high intensity soil survey*"

Chairman **Dugas** asked for a motion.

**A motion was made to permanently waive Article 11, Section 6 (B) (3) "A soils map of the site based on a high intensity soil survey" due to no septic system being proposed.**

**MOVED: Dunn**

**SECONDED: Fagginger-Auer**

**DISCUSSION: None**

**MODS: None**

**VOTE: 5 in favor, 0 opposed; the motion carried.**

- (d) Article 11, Section 6 (B) (8) "*An analysis of adjacent street systems capacities and of traffic impacts of the proposed development, prepared by a qualified traffic engineer, if the project will generate five hundred (500) or more new vehicle trips per 24-hour period, or if there is substantial doubt about the capacity of the existing street system*"

Chairman **Dugas** noted that since no new vehicle trips per 24-hour period will be generated, the Article does not require a formal waiver.

- (e) Article 11, Section 8.2 “*Nonresidential project buffers*”

Chairman **Dugas** asked for a motion to accept the proposed 8 ft. tall and 200 ft. long fence as an acceptable buffer.

**A motion was made to accept the proposed 8 ft. tall and 200 ft. long fence as an acceptable buffer between the two properties.**

**MOVED: Dunn**  
**SECONDED: Fagginger-Auer**  
**DISCUSSION: None**  
**MODS: None**  
**VOTE: 5 in favor, 0 opposed; the motion carried.**

- (e) Article 11, Section 8(3) (h) “*to permit the top of a cap or the bottom of a fill to be closer than 10 feet from the property line*”

Chairman **Dugas** asked for a motion.

**A motion was made to waive Article 11, Section 8 (3) (h) “to permit the top of a cap or the bottom of a fill to be closer than 10 feet from the property line.”**

**MOVED: Dunn**  
**SECONDED: Robinson**  
**DISCUSSION: None**  
**MODS: None**  
**VOTE: 5 in favor, 0 opposed; the motion carried.**

Chairman **Dugas** opened the meeting for public comment.

There being no representative from the public to provide comment, Chairman **Dugas** closed the meeting for public comment.

Referring to the Town Planner Staff Review Memo of January 17, 2019 for Project # 39–18, Major Site Plan WC Cressey, Chairman **Dugas** cited **Item: 4. Approval Standards and Criteria Article 11, Section 8.**

#### 4.1 Preservation of Natural Landscape.

Board agrees that this approval standard has been MET.

#### 4.2 Nonresidential project buffers.

Board agrees that this approval standard has been MET.

A motion was approved to accept the proposed 8 ft. tall and 200 ft. long fence as an acceptable buffer between the two properties.

#### 4.3 Filling, Excavation, earth moving and erosion.

Board agrees that this approval standard has been MET.

4.4 Surface Drainage.

Board agrees that this approval standard has been MET.

**Condition of Approval:** The applicant will obtain an easement from BMRC Inc for storm water drainage prior to the start of construction.

4.5 Water Supply and Sewage.

Board agrees that this approval standard has been MET.

4.6 Access Egress & Traffic Circulation.

Board agrees that this approval standard has been MET.

4.7 Vehicular Access and Capacity.

Board agrees that this approval standard has been MET.

4.8 Pedestrian Circulation.

Board agrees that this approval standard has been MET.

4.9 Exterior Lighting.

Board agrees that this approval standard has been MET.

4.10 Electrical and Telephone Utility.

Board agrees that this approval standard has been MET.

Chairman **Dugas** asked for a motion to accept the Findings of Fact.

**A motion was made to accept the Findings of Fact.**

**MOVED:** *Dunn*

**SECONDED:** *Robinson*

**DISCUSSION:** None

**MODS:** None

**VOTE:** 5 in favor, 0 opposed; the motion carried.

Chairman **Dugas** asked for a motion to approve the project as amended.

**A motion was made to approve the project with conditions as stated in Town Planner Staff Review Memo of January 17, 2019 for Project # 39-18, Major Site Plan WC Cressey, Section 5.3 (b), The applicant will submit a Performance Guarantee to the Town Planner covering all required site improvements prior to plan signature in accordance with Article 11, Section 10 of the Zoning Ordinance; 5.3 (c), Include all approved conditions of approval, phased development information, and waiver requests granted on the final site plan; and 5.3 (d), The applicant will obtain an easement from BMRC Inc for storm water drainage prior to the start of construction.**

**MOVED:** *Fagginger-Auer*

**SECONDED:** *Dunn*

**DISCUSSION:** None

**MODS:** None

**VOTE:** 5 in favor, 0 opposed; the motion carried.

Chairman **Dugas** thanked the participants and proceeded to the next agenda item.

**4. Adjournment**

Chairman **Dugas** asked for a motion to adjourn.

**A motion was made to adjourn the meeting at 7:35 p.m.**

**MOVED: Dunn**

**SECONDED: Robinson**

**DISCUSSION: None**

**VOTE: 5 in favor, 0 opposed; the motion carried.**

Signed by:

  
Brenda Robinson

Date signed:

