Town of Kennebunk, Maine

Planning Board

MEETING MINUTES
February 22, 2021
Zoom Teleconference Meeting, Kennebunk

Present: Chris MacClinchy [Chair], Richard Smith [Vice Chair], Robert Metcalf [Member], Janice Vance [Member], Edward Trainer [Alternate], and Brittany Howard [Staff Liaison],

Absent: David Smith [Member], Stephanie Seiders [Alternate]

Also Attending: James Logan [Longview Partners LLC], Wayne Berry, Amy Brueckner, Sandra and George Hunter, Steve Blake, Christopher Barstow, and Bill Walsh [Walsh Engineering Associates Inc.]

1. **Call to Order:** C. MacClinchy called the meeting to order at 7:03pm on February 22, 2021 via Zoom teleconferencing under the Governor's COVID-19 Executive Order and by request of the Town's Select Board. He appointed Edward Trainer to sit in for David Smith with voting privilege and explained that a public hearing would be opened after the Board raised initial questions.

2. **Old Business**

   (1) **Public Hearing: Abbey Road – Map 79 Lot 40 – Special Exceptions – Shoreland Overlay – Wetland Fill**

   B. Howard noted that the Board is only reviewing the wetland crossings at this meeting and offered a brief overview: This is an application to fill in a vacant 71.6-acre property for the construction of two dwellings on a 28-foot right-of-way off Abbey Road. The site walk has already taken place. The Fire Department has already visited the site, as well.

   J. Logan explained that he hoped to discuss the project's two wetland crossings By adding rock sandwiches, he said, the project will have minimal drainage effect. His group has also re-configured the "Y" street layout to facilitate the required fire-truck turnaround.

J. Logan noted that this plan has likewise been amended to show supplemental lines of drainage and flow direction. The formal approvals of the MDEP and Fire Department, he stated, are forthcoming. Logan also professed belief that the abutter concerns raised during the site walk and in subsequent correspondence have been satisfactorily addressed.

R. Smith questioned whether there are maintenance plans for both the rock sandwiches and roadway. J. Logan responded that the subdivision's homeowner association will be obligated to do maintenance and remove debris. The obligation will take effect, he stated, once the second dwelling is erected.

E. Trainer questioned how abutter concerns and the concerns of the Conservation Commission (i.e. prospects for further development in the area and assurance that the rock sandwiches are built to MSMDM standards) are being addressed.

Logan responded that only two houses and two driveways are envisioned – no other development. He assured the Board that abutter concerns have been addressed as Abbey Road should not experience any significant increase in traffic. Rock sandwiches will also meet standard and have erosion controls.

C. MacClinchy questioned whether abutters had concerns other than traffic impact. B. Howard noted that one abutter had voiced concern about signage.

J. Vance questioned the frequency of expected rock sandwich maintenance and J. Logan explained the simple maintenance required.

In the course of subsequent discussions, Board members severally identified several "next steps" for the applicant going forward:

(1) Provide evidence of MDEP approval. [E. Trainer].
(2) Provide evidence of a homeowners' agreement to undertake rock sandwich maintenance every two years or earlier if needed. [J. Vance, R. Smith]
(3) Establish a "private road maintenance agreement" which also obligates homeowners to do road maintenance. [C. MacClinchy, R. Smith]; and,
(4) Provide evidence of Fire Department approval. [C. MacClinchy].

There being no other Board questions, C. MacClinchy opened the public hearing. A. Bruecker, President of the Abbey Lane Homeowners Association, asked that the 28-foot spur of Abbey Road in question be renamed as a means of reducing traffic on Abbey Road, proper. She also stressed the importance of rock-sandwich, road, and culvert maintenance and raised the prospect of possible flooding due to drainage from the project.

J. Logan suggested that sandwich maintenance every two years should be adequate, and was adamant that abutters should not experience any flooding since they are "up-hill" and since no significant runoff in their direction is likely.

W. Berry remarked that culvert repair is needed and is a matter before Town authorities to address.

G. Hunter, another abutter, asked who is responsible for maintenance of the road in front of existing homes. C. MacClinchy observed that the Planning Board is not responsible for road or culvert maintenance; these are matters for the Code Office or other officials to address.

There being no other further questions or comments, C. MacClinchy closed the public hearing and moved to a Finding of Facts.

Insert

Motion: R. Metcalf moved to approve the Abbey Road, Map 79 Lot 40 application with the following conditions or stipulations:

(1) Maintenance of the "rock sandwiches" should be undertaken every two years or more frequently if needed.
(2) MDEP permit should be in hand before a building permit is issued.
(3) Final sign-off of the Fire Chief.
(4) The applicant add the following note to the plan: road association documents to be established to assure maintenance of "rock sandwich" drainage system. Language to include removal of leaves, debris, etc. The Board may want to require the recording or review of this document prior to installation of the wetland crossing or issuance of a building permit. And,
(5) The following notes need to be added to the plan per the Fire Department:
    - Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft. 6 in. (4.1 m). NFPA 1 - 18.2.3.5.1.2
    - Dead-end fire department access roads in excess of 150 ft. (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around. NFPA 1 - 18.2.3.5.4

Second: R. Smith

Vote: Motion carried with five votes in favor, none opposed.

(2) **Preliminary Open Space Subdivision Plan: Highland Rose — Map 23 Lot 1 — 433 Alfred Road**

B. Howard reminded the Board that this is a preliminary review of a project for an open space subdivision with 9 residential lots on 71.66 acres. The site walk

has already taken place. The Board, she stated, now needs to sets a public hearing date at which meeting this project's particulars can be addressed in detail.

S. Blake offered a new property diagram and described several other changes. In lieu of a cistern, he noted, dwellings will have individual sprinkler systems. There will also be storm water buffers and a wet pond to capture the subdivision's drainage. An MDEP permit, he stated, is in the works.

J. Vance questioned whether Lot #10 would be further subdivided, and S. Blake responded in the negative. Vance also asked that septic and well locations be depicted so Board members could see their proximity to each other, and Blake agreed.

E. Trainer noted that the MDEP review should take place before a public hearing to better address possible abutter questions.

R. Smith queried how road drainage would be handled. S. Blake responded that ditches on both sides of the road would convey drainage run-off to the culvert and then a deeper ditch and wet pond. C. Osterreider, Blake stated, had already reviewed these plans.

R. Metcalf questioned the expected depth of the wet pond [5-6 feet], and whether street lighting will be installed. [none is planned, according to Blake]. Blake allowed that trees or landscaping might be used to keep minors away from the wet pond.

R. Smith queried whether there were plans for trees on the properties [yes, two per lot according to Blake], underground power [yes], and individual sprinklers [yes].

C. MacClinchy then questioned the project's "open space' density bonus, and Blake explained that the project qualifies for a density bonus because it will be protecting a priority area. MacClinchy also asked how the sprinklers are expected to work if power fails. C. Barstow responded that each home will have its own back-up generator as well as solar and other energy efficiency certifications.

C. MacClinchy asked if sidewalks were required and, when learning that they are not, called on B. Howard to investigate the protocol for the project making a contribution for eventual sidewalks or a bicycle path.

Overall, Board members severally identified these "next steps" or matters for address:

(1) Show septic and well locations. [J. Vance]
(2) Evidence of DEP review. [E. Trainer]

(3) Include the Plan Index on the recorded page of the plan with all dates [R. Metcalf, C. MacClinchy].

Motion: R. Metcalf moved for the Planning Board to deem the Highland Rose subdivision plan "as complete":

Second: R. Smith

Vote: Motion carried with five votes in favor, none opposed.

C. MacClinchy called on B. Howard to organize a public hearing as part of the Board's March 22 meeting (if possible), giving the applicant time to revise the project's plans and incorporate staff and Board comments.

(3) **Preliminary Subdivision Plan: Calesa Estates – Map 21 Lot 11 & Map 26 Lot 16 – Warrens Way**

B. Howard offered an overview This is a project for the development of 25 residential subdivision lots on Warrens Way. The site walk has already taken place. Applicant seeks four waivers.

B. Walsh expanded: The project will have a "T"-shaped street configuration on 25 acres accommodating 25 houses with a minimum 2,000 square feet each. Hydro-geological, nitrate, and traffic studies are complete. The project will also have sidewalks, a gravel walkway to nearby Middle School, public water, underground electricity, and street lighting. Two gravel wetlands will capture and treat run-off.

Walsh reminded the Board of the four waivers being sought: (1) waiver of the 4-ft. esplanade between the sidewalks and roadway; (2) waiver to install concrete rather than granite street curbs; (3) waiver of the requirement for trees in the cul-de-sacs; and (4) waiver for the use of side slopes steeper than 3H:1V.

R. Metcalf, R. Smith, E. Trainer, and C. MacClinchy voiced concern that the traffic study undertaken does not project the likely impact on Alfred Road in much detail. Alfred Road, R. Smith noted, is already congested. B. Walsh observed that Bill Bray, the engineer who had prepared the traffic study, had assembled accident statistics and had made "peak hour" projections However, Board members felt that more information would be useful as well as applicant's consultation with C. Osterreider as to possible ways of mitigating the project's traffic impact.

E. Trainer and J. Vance thanked Applicant for the comprehensive proposal.

J. Vance queried whether there is a vernal pool in the wetlands, and B. Walsh responded in the negative. Vance also questioned the drainage impact of Lot

#20. Walsh explained that a gravel wetland at the rear of that lot will convey drainage toward the wet pond. The drainage ditches, he explained, would actually be small land depressions covered by grass or plants.

J. Vance additionally inquired about the location of stop signs in the subdivision. B. Walsh pointed to the locations on an aerial map to Vance's satisfaction.

All in, Board members voiced the need for additional information to be included in the plan:

(1) Submission of a landscape plan identifying tree locations. [R. Metcalf]
(2) Consultation with Town's C. Osterreider on concrete versus granite curbs. [R. MetCalf]
(3) Include the Plan Index on the recorded page of the plan with all dates [R. Metcalf, C. MacClinchy].
(4) Submission of a traffic study which better projects the likely traffic impact of the project on Alfred Road and the Alfred Road intersection. [E. Trainer, R. Smith, C. MacClinchy]
(5) Discussion with C. Osterreider to determine whether the expected traffic impact could be mitigated. [R. Smith, C. MacClinchy]
(6) Submission of the "esplanade" opinion in writing. {E. Trainer, R. Smith]

Motion: R. Metcalf moved that the plan for this Calesta subdivision be deemed "complete" as submitted.

Second: R. Smith

Vote: Motion carried with five votes in favor, none opposed.

Following the vote, the presiding officer directed B. Howard to schedule a public hearing date for this project.

3. Other Business.

Affordable Housing

C. MacClinchy next led a discussion of affordable housing, and Board members collectively voiced interest in learning the number and location of lots available for potential development or redevelopment for such housing. B. Howard agreed to add the topic to the agenda of a forthcoming meeting in later March or April.

West Kennebunk

The presiding officer also noted that there are a number of different projects before the Board which propose to add many units of additional housing in West Kennebunk. Was it the Board's intent, he asked, to elicit public comment on the specific merits of these projects individually or, more amply, to facilitate public discussion of the larger issues of traffic, affordable housing, septic, and community impact overall. The Board directed B. Howard to ask Messrs. Walsh and Blake whether they would agree to join a single, joint public hearing so there could be wider scope of public discussion.

3. Approval of Meeting Minutes

(1) **Minutes of February 8, 2021**

C. MacClinchy next led the Board in a page-by-page review of February 8th minutes. Board Members were generally pleased with the text, but noted the need for one correction. It was duly made by the recording clerk.

Motion: R. Smith moved to approve the Minutes of February 8th as submitted with the one correction;
Second: R. Metcalf
Vote: Motion carried with 5 votes in favor, none opposed.

4. Adjournment: There being no further business, the Chairman adjourned the meeting at 10:01pm.

Motion: J. Vance moved to adjourn.
Second: E. Trainer
Vote: Motion carried with 5 votes in favor, none against.

Respectfully submitted,
J. Schlagheck

Approved: _____

Signed: _____

Planning Board Signature: _____