

Town of Kennebunk
Planning Board
Meeting Minutes
Monday, March 11th, 2019

Present: Richard B. Smith—Vice Chair; Janice Vance; Edward Trainer—Alt.;

Absent: Chris MacClinchy—Chair; Robert Metcalf; David Smith—Secretary

Also Attending: John Stoll—Town Planner

1. Open Meeting

R. Smith opened the meeting at approximately 7:00 PM. Today is Monday, March 11th, 2019.

2. Agenda Items (I)

R. Smith states that the first item [on the agenda] is a public hearing.

J. Stoll states that these are some changes that have been proposed to the York Street mixed residential and commercial-use district space and bulk standards. He notes that this was done to address inconsistencies now that municipal sewer and water are available within the district. He states that this allows the inconsistency with mixed-use to be addressed, as well providing lot density bonuses. He states that they aren't really "bonuses" but they increase lot density. He notes that from the last time that [the Board] met, he had gone through and made a "few changes." He states that these have been through the Town Attorney, [who was] "completely comfortable with everything." He states that one thing that R. Metcalf asked him to address was how mixed-use density would be calculated. He states that rather than eliminating the section about minimum lot area per dwelling unit on a mixed-use lot (he states that this is on page 2 of the "proposed"), now he went back through and adjusted that for the minimum density as [the Board] created it with the sewer. He states that to make sure that gets addressed "properly," if you look at the performance standards on page 4, letter E, it "call out" exactly how mixed-use will be calculated. He states that this makes it fairly clear. He notes that also the one thing the Town Attorney was a little concerned about was the LID [low impact development], she wanted to make sure they were "tied to something." He notes that it is anything up to 25% [additional lot coverage using LID] for the already 50% [lot coverage] provided. He states that he has provided a copy of that chapter. He states that "basically what this would do is," anytime anyone wants to exceed the 50% lot coverage, any excess of that will have to use LID, he states they can do anything within the Maine DEP [Department of Environmental Protection] manual.

J. Vance states that typically if [there is] an application [J. Stoll] would let [the Board] know what percentage of lot coverage [the applicant] would “end up with.”

J. Stoll states that it can be done as part of the “reports.” He notes that [the Town] can say that [the applicant] has “taken advantage of that” and “these are the LID techniques they’ve used.” He states that he will probably ask [the applicant] when they submit an application to identify this anyway.

J. Stoll states that the last [comment on the changes that had been made] was R. Metcalf had a concern about hotels and setbacks from residential [units]. He notes that on page 5 under motels, hotels and inns, there is a line that says, “a hotel or motel proposed for construction on a lot that abuts a residential zoning district shall provide a 50-foot side or rear setback between the structure and the residential zoning district boundary.” He states that the 50-feet he got from a discussion with C. MacClinchy and he thought it was appropriate.

J. Vance states that “these” look like “everything” [the Board] asked for.

E. Trainer states that [the Board] has been looking at “this” for a “number of iterations.” He states that R. Metcalf’s [point J. Stoll talked over] with the lawyer. He states that he has been trying to track [the changes] and it appears that “they are all in there.” He states that he thinks [the Board] has gone through a thorough process in incorporating all the changes.

R. Smith states that [the Board] also got a letter from a resident of the York Street zone. He notes [the letter is from] Mary Beamis at 67 York Street, [who] is very much in favor of changes for space and bulk standards to allow greater diversity. [The letter notes] that M. Beamis owns a commercial business on York Street and would like to live upstairs, as it would be a great help to her business. She thinks it will help a lot of businesses in Kennebunk. She notes that it is not a cheap place to live and to run a business. R. Smith states that this was a comment to the bulk standards and in this case it was in favor of the changes [the Board] is willing to make.

R. Smith opens the public hearing. [No one comes forward].

R. Smith closes the public hearing.

R. Smith states that [the Board’s job now] is to send this zoning change to the Board of Selectmen with a recommendation either favorable or negative. He states that if [the Board] waits one more meeting when [the other members return], [the Board would] still have the opportunity to send [the document] in that meeting and that would give the [other members an ability to weigh in]. He states that he also feels comfortable sending it out as [the Board] has spent a lot of time on it.

J. Stoll states that the stipulation is that there can be no changes between now and the Board of Selectman meeting. He states that the Selectmen have to have [the document] a week in advance. He states that R. Metcalf and C. MacClinchy have had “plenty of opportunity” to talk about [the document].

J. Vance states that she is comfortable with [the document]. She states that she does want the opportunity for the other Board members to weigh in. She wonders if J. Stoll can send a message out and ask if [the absent Board members] are comfortable [with the document]. She states that she thinks [the Board] wants to go forward.

R. Smith states that [the Board] can't change [the document at this point in time].

J. Stoll states that "if anything comes up," it would just "kill it" until November. He states that if there is something "tonight" to change, he could change it. He notes that if any changes were to come from C. MacClinchy or R. Metcalf, [the Board] would have to pull it from the [Board of] Selectmen.

R. Smith states that the Selectmen have to have a hearing.

J. Vance states that she is comfortable [with the document].

E. Trainer notes that [the other members] aren't present but that they received [the document]. He states that if they had an issue they would have alerted someone. He states that he is comfortable [with the document].

R. Smith wonders if J. Stoll heard from C. MacClinchy or R. Metcalf about concerns. J. Stoll states that he didn't hear anything from R. Metcalf but C. MacClinchy and J. Stoll discussed [the document] and C. MacClinchy was comfortable with it.

R. Smith states that E. Trainer is a voting member in everything [the Board] does [at this meeting].

J. Vance states that she would like to make a motion to accept the proposed amendment to zoning ordinance article 8, section 10E (1), York Street mixed-residential and commercial-use district, space and bulk standards; the summary of [the amendment] is to reduce the minimum net lot area where sewer is located, reduce the minimum lot area per dwelling unit with sewer, eliminate commercial specific space and eliminate bulk requirements for mixed-use, and provide impervious lot coverage bonus option when LID is utilized; and to send this to the Board of Selectmen for consideration to be put on the ballot in June.

R. Smith states that [the Board] needs to give a recommendation.

J. Vance states that [the Planning Board] would recommend in favor.

E. Trainer seconds the motion.

All in favor, none opposed. The motion passes 3/0.

R. Smith states that this [document] will be sent to the Board of Selectmen as it is "tonight."

3. Agenda Items (II)

R. Smith states that the next item [on the agenda] is another public hearing. He states that this is for article 10, section 10D3, multi-family dwelling and multi-family lot perimeter buffers.

J. Stoll states that last time this [amendment] was “pretty much finished up.” He notes that on multi-family developments right now all lots require a 50-foot landscape buffer around the perimeter of the site. He notes that when it comes to infill development lots are so small [that] creating a buffer this large is almost [impossible] or impossible. He states that the Town Attorney felt it was better to put a ‘hard number in there.” He notes that they “put 20-feet in,” so now it will read, “except for the area needed to allow access the site, a 50-foot landscape buffer shall be provided around the perimeter of the site as part of the required landscape plan. Generally, outdoor lighting shall not be allowed in the perimeter buffer. Where an applicant can demonstrate to the Planning Board that a site is not able to provide a 50-foot landscape buffer around its entire perimeter due to its lot size, topography or other limiting natural feature, a lesser buffer shall be provided but in no event shall less than 20-feet of buffer be provided in any area of the site.”

E. Trainer notes that [the Board] has looked “at this before.” He states that he likes the language and it is clear to a “layman” like himself and that is “helpful.”

J. Vance states that it provides flexibility that [the Board] show the applicant in zones with smaller properties with development in our growth areas and using our smaller lots that are there. She notes that this is exactly what [the Planning Board] has been looking for.

R. Smith states that this is straight forward and “exercises common sense.” He opens the public hearing. He wonders if there was anyone from the public that wanted to speak to this proposal. [No one comes forward].

R. Smith closes the public hearing.

R. Smith wonders if the board has any more comments. He wonders if they “feel comfortable” sending [this proposal to the Board of Selectmen].

J. Vance and E. Trainer state “yes,” [they do feel comfortable sending the proposal to the Board of Selectmen]. R. Smith agrees.

J. Vance makes a motion to send to the Board of Selectmen on behalf of the Planning Board for consideration, the proposed amendment to zoning ordinance article 10, section 10.D.3, multi-family dwellings and multi-family lot perimeter buffer; she notes that this provides the Planning Board the option for the reduction of the required 50-foot landscape buffer on multi-family developments were practical but not less than 20-feet; with a favorable recommendation.

E. Trainer seconds the motion.

All in favor, none opposed. The motion passes 3/0.

4. Agenda Items (III)

R. Smith states that the third and final public hearing is the proposed amendment to the subdivision regulation article 6.3, 7.3, and 8.3.

J. Stoll states that [the Board went over this] “last month.” He notes that there have been changes that the Board recommended. He states that he doesn’t think there is “anything in 6.3,” but in 7.2 the first section under “plan requirements” “D,” “all plans would not exceed a scale...”. He states that the Board wanted J. Stoll to add “more” and “space should be provided...”

R. Smith wonders if those are the only changes in 7.3. J. Stoll states that his cover sheet is wrong and that it is 7.2.

J. Stoll states there is another thing that was changed. He notes that [if you go to] 6.3.D plan requirements, this is where “that language” was just added, “all plans should not exceed a scale of more than 100 feet to the inch with the exception of an overall context plan”. He notes that under the title block a “little further down,” now it says, “applicant and owner’s name and address,” rather than just owner. He states if [you go to] natural features, it reads “waterbodies, wetlands, and existing vegetative cover,” but now “significant wildlife habitat” under “A” has been added. He states that on “C,” “other significant natural features including those adjacent to the proposed subdivision, as determined necessary by the Planning Board.”

R. Smith states that “those are all housekeeping” [changes].

J. Stoll states, “yes,” and the ability to require form applications. He notes that nothing changed in 7.2. He states that in 8.2 [the Board] changed the language in “A” to reference properly 7.2 instead of 7.3. He states that are the changes he had incorporated. He notes that this is the Board’s document so if [the Board] wats to adopt them, this wouldn’t be too big of a deal to hold off on, because this one doesn’t have to go to the Board of Selectmen.

R. Smith states that the changes aren’t substantive.

J. Stoll states that the Board can change [the document] because it is a public document.

J. Vance states that J. Stoll “got everything.” E. Trainer notes that he applauds the effort [it took]. He notes that it may not have been substantive and that he is learning that clarification is “always a good thing.” He states that he is happy [with the document.]

R. Smith states that he has no further comments. He opens the public hearing. [No one steps forward].

R. Smith closes the public hearing.

J. Vance makes a motion to accept the proposed amendment to subdivision regulation to article 6.3, 7.2, and 8.2 subdivision submission requirements; the proposed changes clarify and re- Town

organize the submission requirement sections for subdivision applications, preliminary major subdivision applications and final major subdivision applications, it requires the applicant to provide an electronic submission at the time of application, it requires the applicant to provide a GIS file to the Town; J. Vance moves to adopt these changes as presented.

E. Trainer seconds the motion.

All are in favor, none opposed. The motion passes 3/0.

5. Agenda Items (IV)

R. Smith states that the next item [on the agenda] is [that] the Conservation Commission has a proposal for wetland mitigation.

J. Stoll states that he will “give this to” the Conservation Commission, Grace Cain, Jennifer Shack, and Todd Bridgeo.

Jennifer Shack [introduces herself as the co-chair of the Conservation Commission. She states that this is an ordinance that has been “tossed around” since 2007 which [the Conservation Commission] reviewed and marked-up. She notes that they added changes. She states that they “really want” to push this forward and get to a vote by November. She states that this is “very much” affecting [the Planning Board]. She states that the [Conservation Commission] wants to “make sure” that they get [the Planning Board’s] input. She wonders what now happens if someone comes [to the Planning Board concerning wetland fill]. She states that [the applicant] has to say that they have taken every feasible step to not alter or fill in wetlands. She states [the Conservation Commission] wanted to add a second step. She states that [the applicant] would have a choice to either [have a] plan to restore wetlands or purchase wetlands in another close area, or [the applicant] can pay into a fund that [the Conservation Commission] can use to purchase wetlands in the Town.

E. Trainer notes that this was “fascinating” and detailed. He states that as part of the process to preserve and protect wetlands, [this] is something [like a] carbon tax alternative. He states that if [an applicant] can’t “do it,” [they can] “do it” somewhere else or pay a fine.

J. Shack states that it isn’t paying a fine, it is going to a fund.

E. Trainer states that this is concept which is “wonderfully interesting.” He notes that there is a lot of detail questions about practicality and how you can calculate some of this in terms of payment into the fund. He wonders where the 500-square foot minimum comes from.

J. Shack states that [the Conservation Commission] looked at ordinances from Southern Maine. She notes they were using “their minimums.”

E. Trainer states that this would be “practical” [in] comparing other towns and then detailing a proposal about how this would work and how it would be calculated. He states that it would be

interesting [to know] how [the Conservation Commission] “came about” to this approach. He states that [he is curious] how it might work. He notes that looking at it as a “neophyte” it is complicated. He states that it is practical [to] look at other towns. He wonders if [the idea] is feasible or practical to implement. He wonders if the calculations will be “full of ambiguity.”

J. Shack states that the question is how to calculate per acre [what is] to be paid into the fund of what is being filled [in terms of wetlands]. She states that [one way to do this] is to look at the market rate in looking at abutting land and use that to determine what that would cost coming from the SAMP. She states that the Special Area Management Plan [was a] project that was undertaken to save vernal pools. She notes that it was a 3-4 year process to figure out how much the developers would pay into [the fund] or to protect within the protected zone of the vernal pool. She states that it is a good proposal to be involved in for “do-gooders like us.” She notes that this is a question she will be taking to the EDC [Economic Development Committee].

E. Trainer notes that it is a good idea that all “these people” have weighed in. He notes that the average price of land in Town would be a subject of disagreement. He wonders if it [would involve] technical calculations.

J. Shack states that they are [using] out the average price [of land] that was published in 2007.

E. Trainer notes that the market value [is important]. He wonders if there is general agreement that this is a “good way” of doing “these things.”

J. Shack states that [the Conservation Commission] has looked at other towns and some of them they couldn’t “find one” [a wetland mitigation plan]. She notes that in South Portland they were calculating on certain amount per square foot. She notes that [the Conservation Commission] isn’t “doing it that way.” She notes that it doesn’t really allow for inflation or the greater cost of land.

R. Smith wonders how many towns have a mitigation plan in place in the State.

J. Shack states that in Southern Maine, [she remembers] Kittery, South Portland, Cape Elizabeth, [and] Falmouth.

R. Smith wonders how [the mitigation plans] are working [in these towns].

J. Shack states that in South Portland “they are doing great.” She states that they don’t like that it doesn’t “increase with time.”

R. Smith states that “one concern” [that he has] is that it [would be] easy for developers to fill wetlands because they have a “get-out-of-jail-free card” [by] paying money and moving on. He wonders how this is supposed to protect wetlands. He wonders if this process would actually fill more wetlands because now it is easy for them to fill the land and pay some money.

J. Shack notes that [the Conservation Commission] has been watching wetlands get filled without [the Planning Board] being able to stop them. She states that there are still requirements unless

there are no feasible alternatives. She notes that [this proposal would be] a second step and not a first step. She states that she thinks it does protect the wetlands.

N. Branchina introduces himself from the Conservation Commission and “other things.” He wonders [if the Board] has a copy [of the document]. [He directs the Board to go to 3F in the document]. He states that one concern he had while attending the EDC as a representative of the Conservation Commission, if [the Board] looks under “mitigation step 5.” He notes that what was expressed [concerning] if this makes it easier to fill the wetlands, he states that he hopes it would not. He states that it is the 5th step [in the process]. He notes that the hope is that the Planning Board or Managing Board would go through the first 4-steps [before reaching the newly proposed step]. He notes that the first [step] is not taking certain action resulting in the impact; the second is minimizing; the third is rectifying; the fourth is reducing; and the fifth is compensation. He states that this is the last step in working in conjunction with developers. R. Smith states that this clarifies [his concern].

J. Vance states that [the Conservation Commission] mention in the document that the model this was based on is the most recent one [the Town] has. She wonders if there is something newer. J. Shack states that that “this is” more recent and that they did “mark-up” [the document].

J. Vance states that the Town Attorney at the time [of the document’s creation is listed]. She wonders if there are any states laws [or if] the Town Attorney [currently] would say differently than [the Town Attorney from the time of the document’s original creation].

J. Shack states that [the Conservation Commission] would have to review [the document] again because they are changing and adding to it.

J. Vance states that if [the Conservation Commission] bases “it” on assessed value of the land, that is a “hard and fast number.” She notes that there is no interpretations involved in that. She states that she would “love” to know how [this idea] is working [in the] other Towns. She wonders if they are seeing things like R. Smith suggested or if it is helpful in helping them to keep their wetlands. She notes that [the Town] had talked a “couple of years ago” about putting something together. She notes that she did research. She notes that what bothered her was that there were a “lot of generalizations.” She states that what it does come down to is “brass tacks,” physically what happens. She states that she likes [this information to be] specific when a developer has to follow it so there is no misunderstanding and so they aren’t “spinning their wheels” to come up with something that wouldn’t work. She notes that she would like to see something “more specific.”

R. Smith states that if he goes to section “P,” the first sentence is “shoreland and wetlands are indispensable.” He states that if you look at Florida or Louisiana, [they filled all their wetlands] and now they are “paying a stiff price.” He states that Florida is a mess and Louisiana is “just as bad.” He states that his concern is if this “goes far enough” or if it is just the first step.

Grace Cain introduces herself from the Conservation Commission. She notes that [the Conservation Commission] started “with this” because they were hoping that there was “something for everyone.” She notes that there are a “lot of stake holders” in the community that want different things out of the land. She notes that she has similar concerns and one question that she brought up was not having any exemptions in the coastal residential and rural conservation [zones] and to try and preserve some natural habitats. She notes that there is a better chance of having more contiguous natural habitat preserved. She notes that she was thinking forward for future generations of the community. She states that the State of Maine has a wetland ordinance and in the short version of it she uses a in-lieu fee model and the formula they use, which is based on the assessed value, the acreage of wetland altered multiplied by 8-times the average assessed per acre value of similar land in the Town.

R. Smith states that “one thing” that has been talked about on a regional and state level is that mitigation should be handled on a regional basis. He notes that the mitigation dollars may not be given to Kennebunk, maybe [they would be given] to Berwick or someplace. He wonders how this plan addresses that. He states that if [the Town] loses wetland in Kennebunk and there is a plan to mitigate that, then [the Town] ought to reap the benefits of that.

J. Shack states that [the Conservation Commission] strongly feels that any mitigation should happen within Kennebunk. She notes that the land that is saved and preserved [should] stay in Kennebunk. She notes that there is a State program. She notes that [the Conservation Commission] did have wetland fill that was very large. She notes that the wetlands that were saved were in Wells and were not in Kennebunk. She notes that in [the Conservation Commission’s] mark-up [of the document], they have erased that the funding would go to other places than Kennebunk.

R. Smith wonders how DEP would “look at that.” J. Stoll states that he doesn’t know but that he can look into it.

J. Shack states that [the Conservation Commission] hopes that this mitigation ordinance would address wetlands with sea-level rise so marsh migration [could be addressed]. She states that [the Conservation Commission] doesn’t know how they would do this, but that coastal wetlands need to be addressed differently. R. Smith asks for more explanation. J. Shack states that sea-level rise will cover the current wetland and make a new wetland. She notes that marsh mitigation needs to be thought of when [the Town] does mitigation. She wonders if [the Town] wants to protect and bring in where the marsh may be migrating in the future for this ordinance as well.

R. Smith states that he is not sure how this would be done. He notes that whatever kind of ordinance [the Town] puts together will have to be passed by the Town. He states that [the Conservation Commission] needs to be careful to put in [changes] that would be passed. He states that a futuristic look at wetlands may be “harder to get behind.” He states that he agrees it is important but it has to pass a vote.

J. Shack states that it is something they would like to discuss to see if it could be turned into something.

N. Branchina states that the material for the Comprehensive Plan and the Southern Maine Planning Council has projected ocean surge that [the Town] should be concerned about. He notes that they project by 2070 that the storm surge would be up to route 9. He notes that, secondly, “we” are not adjunct, we are part of the Town. He states that his plan fits into “two things.” He notes that the EDC has a plan which was done 5-years ago and [there is] an “under review” SEADAP plan section that talks about conservation and about what is being addressed “here tonight.” He notes that in the Comprehensive Plan is “exactly the same thing again,” [addressing] wetlands, open spaces, natural resources [etc.] that will hopefully be passed and will go to the voters. He notes that this [discussion] is “part and parcel” of what the Town is doing both from planning for the Town and the EDC. He notes that Moody’s Service is now evaluating the Town plans and the bond ratings based on the ability to plan for sea-level rise. He notes that this is part of what the Town is doing, not just conservation out of “left field.”

R. Smith states that these are good points and that he would hope that the Comprehensive Plan addressed wetlands. He notes that when that gets passed [the Conservation Commission] could point to the Comprehensive Plan as a direction to push this mitigation plan forward.

E. Trainer states that the Comprehensive Plan is strongly concerned with the affects of climate change. He states that bringing this up as another step in the process [in terms of] coastal areas and protecting the wetlands is right in the mainstream of where [Town] planning “is going.” He notes that in realizing there is controversy, if the object is to protect the wetland of this Town currently or of the coastal area. He notes that in order to get that done, there needs to be a proposal that proves that this is the best way to “do this.” He notes this has to be [approved by] the voters. He states that the best way [to] consider the experiences of the neighboring towns, or to know [the related] laws. He states that this [information] makes it the “best way” to protect the wetlands. He notes that the question of [practicality] is related to being easily calculated without “someone getting up and arguing.” He wonders if [the Conservation Commission] has any guidelines that minimize the potential for dispute. He notes that [if the Conservation Commission] thinks that [a certain way is] the best way [as] other towns have done it, [then] it minimizes the dispute. He states that this seems to be a great step going towards [protecting the wetlands], particularly in adding in the coastal wetlands. He states that this is “in line” with the Comprehensive Plan, [where the issue was] not controversial and had widespread agreement.

R. Smith [directs the members] to go to section 5, number 2, [where] it says, “mitigation plan prepared by qualified wetland biologist.”

J. Shack states that this [is a] question [from the Conservation Commission] as well. She states that they are looking for guidance. She notes that the ordinance is also [the Planning Board’s] and that [the Conservation Commission] could use guidance.

R. Smith states that his thought would be that the Town hires a biologist and the applicant pays for it. He states that if the applicant hires [the biologist] then his allegiance [would not be] to the Town. He states that the applicant should “foot the bill.”

R. Smith states that to review the process, number 3 [states], “public hearing may be scheduled by Review Board.” He notes that if there is an abutter to a property with wetlands [but the wetlands extend beyond the property boundary], then [this ordinance] would not just affect the abutter but would affect the properties down the wetland. He notes that as the wetland migrates off the property that is being worked on, then notices should be sent to anyone who will be affected by the change in wetland, especially when “you get down” in Lower Village area.

J. Vance states that no two wetlands are the same. She states that [the Planning Board] does site walks and they are all different. She notes that forested wetlands are providing a different function than a coastal wetland. She states that there needs to be flexibility to “deal with that.” She notes that she [thinks about] the migration of wetlands with climate change. She states that in Florida and Louisiana there is “no where” for the water to go. She notes that [the Planning Board] wants to make sure there are places for the water to go, whether that be building wetlands. She states that in individual situations [the Conservation Commission] might want to look at how other coastal states deal “with this.” She notes that New Jersey has to construct wetlands double the size than what was displaced. She notes that they use the same soil. She states that there are processes out there that [the Conservation Commission] may want to look at to see “how they work.”

J. Shack wonders if there are any ideas about how [the Planning Board] would treat a forested wetland different than a coastal [wetland].

J. Vance states that this is where the wetland biologist [would come in]. She notes that [the Planning Board] has been on site walks where they have been shown “critters” in vernal pools. She notes that there are forested wetlands that look like regular ground. She states that it is hard to say. She notes that you get an overall view of what is on a property, [how] the wetlands are moving off to adjacent parcels, and how they flow. She states that [the Conservation Commission] needs to know the wetlands before they know the mitigation. She notes that it would be “different everywhere.”

E. Trainer states that he agrees with this. He notes that [if] a wetland on a property is mitigated, [the ordinance] does not look at what it will do when it migrates. He notes that [the Conservation Commission] has to look at potential migration because that could be a huge [factor]. He notes that this includes the coast.

J. Shack states that any mitigation plan has to be approved. She notes that she doesn't remember if it would be approved by the Planning Board, [but] that there was a part in which the biologist “comes back into play.”

J. Vance states that [the Conservation Commission] needs to know the soil type in order to know if other wetlands can be built. She notes that if [the soil] isn't a type that can "hold water," then the functionality "isn't there."

R. Smith states that as "we continue to lose wetlands," he notes what are called "lower value wetlands" are going to become "higher value" because that will be all that is left. He notes that they are all high value, [but that] there are some that are higher value than others. He states that he thinks [the Town] needs to begin to look at how [the Town] values wetlands. He states that as wetlands continue to shrink, [the low value wetlands] will become higher in value. He notes that he is not sure how to address this. He states that this is a step-by-step process. He notes that an ordinance has to be developed that can be passed but one that can grow over time, so that when the ocean "reaches route 9," [the plan] changes as the environment and development changes. He states that it is obvious that coastal land is "ripe" for development and is desired for development, so [the Town] will always have "that pressure." He notes that [the Town] needs to create an ordinance to protect what [the Town can of] the wetlands. He states that he thinks [this ordinance] is an excellent "early step" and that "hopefully it is not too late."

N. Branchina states that the issue that is facing the community is the economic and ecological aspect of Route One South. He notes that this was the focus of previous Town Planners. He states that they were addressing the issue and they attempted to do an evaluation of property owners. He notes that the Stantec report [would be] looking at properties on Route One South. He states that there are 32-properties. He notes that the owners were contacted for permission to walk the site. He states that he thinks there were three responses and only one of the three was positive. He states that, in terms of continuous wetlands, Route One South is primarily [where the Town] should be working with property owners. He states that the water company has moved "back" to using the Branch Brook area as a primary water source. He notes that [this] impacts "us all." He states that he mentioned earlier about mitigating being the 5th step [in the process]. He notes that the first three or four steps [the Planning Board] is doing site walks [for]. He notes that [this ordinance] is "complementary" to the Planning Board and the Economic Development Committee's SEADAP [plan]. He asks J. Stoll to "get us going" on Route One South as it is "not separate from anything else in the community."

E. Trainer states that he has a general question. He wonders if there is a policy on wetlands that says [there is] some approach to wetlands in the Town. J. Stoll wonders if he means "outside of article 3." E. Trainer states, "yes."

R. Smith states that this is what should be coming from the Comprehensive Plan.

E. Trainer states that he was "thinking about that." He notes that he doesn't think in the Comprehensive Plan [that the Comprehensive Plan Committee] "got into that level" of saying "this is what we are saying we should do about wetlands." He notes that there is a space between the Comprehensive Plan and the ordinances and that would be guided by concrete statements. He

states that if [the Town] had that kind of discussion then it would make the decisions easier. He states that he doesn't know if this could be done. He notes that [the Comprehensive Plan Committee] hadn't gotten to "that level" of policy statement on wetlands. He notes that that would guide and support the fact about protecting wetlands. He states that if that is the premise then lets find the best way to say that. He notes that he would be interested in a policy approved by the Selectmen that would considerably support the work that [the Conservation Commission] is trying to do.

N. Branchina states that in terms of Planning Board responsibility for growth there are several things that are not understood. He states that the material for the Comprehensive Plan was buildable land, undeveloped land—which was land that was of secondary value. He states that one misunderstanding is that buildable land as previously addressed is contingent upon sewer being expanded. He states that the cost of sewer expansion is [is the responsibility] of the developer or the homeowner so the cost is not by the Sewer Department. He states that what is considered buildable may be cost-prohibited. He notes that this definition should be cleared up in terms of buildable property. He states that when we talk about the whole Town, keep in mind that geographic area is East of the "pike" and the industrial zone that needs to be addressed. He notes that people need to understand differences.

E. Trainer wonders what the next step is.

J. Shack states that the next step is to go back and do some "of the things" that [the Planning Board] suggested and talk with the EDC about this because they have been interested. She notes that, seeing if we can't move it forward and that is what [the Conservation Commission] has, [they need to] come up with something that is more structured.

R. Smith states that [the Conservation Commission] will need to get an ordinance to hold a public hearing. He states that one [will be held] by the Planning Board and one [that will be held] by the Selectmen.

J. Shack states that [the Conservation Commission] is "not ready for that yet."

R. Smith states that there are only 3 "of us" [members] here tonight. He states that if [the Conservation Commission] likes the [ideas the Planning Board] has provided, and [the Conservation Commission] goes back and makes some changes or leave it the way it is and then come back [to the Planning Board] again at a later date with it developed a little more, he personally would like to see [the Town] move forward on this.

J. Stoll states that he would like to work with [the Conservation Commission] "on this." He notes that they could integrate this [with] article 10 of Shoreland Mitigation. He notes that there is application procedures that are already set-up. He states that he doesn't want to "go into detail" but he would be happy to work with [the Conservation Commission] and make [the document] "easier to read" and [more] consistent.

3. Approval of Previous Meeting's Minutes

R. Smith begins reviewing the meeting minutes from the previous meeting.

J. Vance makes a motion to accept the Town of Kennebunk Planning Board meeting minutes for Monday, February 25th, 2019, as amended.

E. Trainer seconds the motion.

All in favor, none opposed. The motion passes 3/0.

4. Other Business

5. Adjourn

J. Vance moves to adjourn.

E. Trainer seconds the motion.

All in favor, none opposed. The motion passes 3/0.

The meeting adjourned at approximately 8:33 pm.

Respectfully submitted by Megan Hall.

Signature Page:

<i>Josh Smith</i>	<i>V Chm.</i>	<i>3/25/19</i>
<i>Edward's name</i>		<i>3/25/19</i>
<i>Jamie Anna</i>		<i>3/25/19</i>

Signature Date:

