

**TOWN OF KENNEBUNK
CONSERVATION AND OPEN SPACE PLANNING COMMISSION
REGULAR MEETING 3/15/21
MINUTES**

CALL TO ORDER

On March 15, 2021 at 6:00 p.m., the meeting was called to order.

PRESENT: Todd Bridgeo, Grace Cain, Jennifer Shack

MINUTES

The minutes for March 8 were approved.

WETLANDS MITIGATION ORDINANCE

There is no update. Shack will check in with Brittany Howard to get an update from her about whether she has met with Chris Osterreider.

SITE PLANS AND DEVELOPMENTS

Three projects were reviewed:

- 6 Bayberry – The current home will be torn down and a new one replaced. The old home was half in the Resource Protection District. The new one is proposed to be fully in the Resource Protection District. The Commission agreed to send a memo to the Planning Board requesting that the new home be moved away from the RPD.

- 2-4 Doane's Wharf – A request for a contract zone is before the Planning Board. The zone would allow for 50 parking spaces and a future parking garage with condominiums above. The zone would reduce the setback from the Kennebunk River from 100 feet to 50 feet in order to accommodate the requested uses.

The Commission agreed to send a memo to the Planning Board recommending that the contract zone be denied. The purpose of contract zones is to benefit the town. This proposal does not. The town is attempting to address the pollution issues in the Kennebunk River. This requires large setbacks. Further, with sea level rise, open space is needed to absorb storm surges. Finally, the property will be inundated with only 1.6 feet of sea level rise.

- Gregory's Place (110 Fletcher) – A revised plan has been submitted for completeness. The stormwater management plan does not clearly state whether it includes homes and not just roads. The Commission will send a memo requesting clarification.

OTHER COMMITTEES/PROJECTS

There were no updates.

ATTACHMENT

March 2, 2020

To: Planning Board, Chris Osterreider

From: Kennebunk Conservation Commission

RE: Reidson Development

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

The Commission's concern is enhanced by the following:

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

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

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

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

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

We thank you for your serious consideration of these issues.