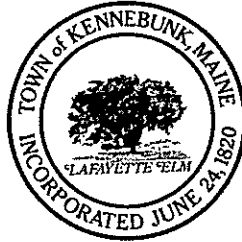


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

April 12, 2021

Zoom Teleconference Meeting, Kennebunk

Present: Chris MacClinchy [Chair], Richard Smith [Vice Chair], Robert Metcalf [Member], David Smith [Member], Janice Vance [Member], Edward Trainer [Alternate], Brittany Howard [Staff Liaison], William Ward Jr. [Select Board Liaison]

Absent: None

Also Attending: Jim Bouzianis, Mark Bouzianis, Steve Doe, James Logan, William Walsh, and David Latham

1. Call to Order: Chairman and presiding officer C. MacClinchy called the meeting to order at 7:01pm on April 12, 2021 via Zoom teleconferencing under the Governor's COVID-19 Executive Order and by request of the Town's Select Board. Five voting members were present.

2. Agenda Items

(1) **Completeness of Minor Subdivision – 9 Sadie – Map 26 Lot 34 – Single Family**

B. Howard briefly summarized this project: applicants propose creating one residential lot from an existing 3.33+ acre property. The lot was part of a lot split that took place in 2018. Applicant is therefore before the Board to create a new lot within the 5-year period. There are wetlands on the property. The site will be served by private well and septic. The Board conducted its site walk on February 2, 2021, and requested well exclusion areas, wetland priority ratings, the wetland setback, and wetland flow areas to be added to the plan. Applicants seek a waiver from the requirement of a hydrogeological assessment.

B. Howard also noted comments received from the Fire Department: (a) one turnaround is in existence and is adequate in size and design; however (b) the driveway (over 250 feet away from the existing turnaround) should also have a turnaround, which could likely be achieved by widening the drive opposite it.

Howard further noted the Tax Assessor's feedback that a street number and map and lot numbers are required. Howard stated that she had received 6 letters of support for the project from abutters. The Board, Howard concluded, should now schedule a public hearing date.

B. Howard then called on project representative J. Logan to speak. Logan stated that the project's original plan had been modified to include priority ratings, setback, and wetland flow as the Board had requested. He asked the Board to expedite a public hearing for the property owners' sake.

Logan likewise questioned whether his request for hydrogeological assessment waiver had actually been granted at the last meeting. B. Howard responded that the Board had expressed "favorable disposition" to the request, but had not formally voted on it.

C. MacClinchy, D. Smith, E. Trainer, and J. Vance severally questioned this project's well location. J. Logan responded that a well would likely be located on the west side of the driveway. However, the actual location would be determined by a well specialist, Logan said, and, in any event, the well would be "more than 350 feet" from the septic system of the existing houses of abutters – "well beyond" acceptable distance from a waste system.

R. Smith commented on the need to satisfy the Fire Chief. Logan concurred, suggesting that the Fire Chief could visit the site and approve the second turnaround after its construction was completed. D. Smith questioned the net lot areas of Lots #2 and #3 as well as the notations of Lot #4 on the plan. J. Logan responded the lot dimension and layout have changed since the sketch level review but that the lots still meet the lot requirements.

R. Metcalf strongly recommended that the additional turnaround be designed and approved by the Fire Department *before* construction takes place. A "pre-fact" or pre-construction turnaround plan, he stated, should be a condition for approval. A simple "8-1/2x11" plan approved by the Fire Department, he said, could be an addendum to the current plan, avoiding major redrafting. All other Board members concurred.

Moved: R. Metcalf moved that it is a complete application for a minor subdivision contingent upon providing the additional information for the emergency vehicle turn around.

Second: D. Smith

Vote: Motion carried with 5 votes in favor, none opposed.

B. Howard stated that a public hearing could only be held on May 10th to allow time for a public notice to be published.

D. Smith reiterated that the Fire Chief had to approve the turnaround plan and questioned whether the hydrogeological waiver would be voted on at the public hearing. C. MacClinchy responded in the affirmative.

(2) Sketch – Cedarwoods – Map 62 Lot 55 – Multi Family

B. Howard noted that as this is not a public hearing, public questions about this project would not be entertained. Howard informed the Board that applicant is proposing 24 units, comprised of three structures (one with seven units, one with eight units, and a third with nine units), on an existing 61,201,800 sq. ft. lot off Sycamore Lane. The Board, she noted, had previously approved a 24-unit, apartment-style building on this same property in 2016. The applicant is now before the Board proposing a different town-house design.

Howard urged the Board to review proposed parking since as applicant is proposing one garage space and one space in front of the garage door.

Project representatives D. Latham and S. Doe showed their revised “townhouse” plan, and superimposed it over the original approved plan so Board members could see the differences. Latham also showed the proposed locations for a dumpster and stormwater treatment and overflow pond.

R. Smith questioned the differences of lot coverage between the two plans, and S. Doe showed that the required versus proposed numbers are shown on the new plan and are within code. R. Smith also questioned the encroachment on wetlands. There will be “minor disturbance”, Doe responded, but otherwise the same or less as previously approved.

R. Smith took up the topic of parking and, specifically, the obstruction of having a driveway parking space in front of a garage parking space. J. Vance and E. Trainer concurred. However, R. Metcalf reminded the Board that it has repeatedly approved such parking plans in the past. This is not an issue, he stated. C. MacClinchy concurred.

E. Trainer called the Board’s attention to spaces in the plan delineated for “snow storage”, noting that those locations could interfere with parking. S. Doe explained how snow removal would work and demonstrated that little impact on parking was likely. D. Smith stated that the proposed snow storage may be inadequate and should be reconsidered.

J. Vance questioned whether any housing will be “affordable”, and S. Doe responded that none is planned. Vance also posed questions about lighting [few light poles are envisioned per Doe], the location of a fire hydrant [Doe indicated several possible locations], and the drainage of storm water [into the pond, according to Doe].

D. Smith inquired whether the entrance will be a private way or, eventually, a Town road. Doe responded that it will likely remain private. D. Smith also inquired whether a sprinkler system was envisioned and urged applicant to discuss this option with the Fire Chief.

C. MacClinchy noted that the grading behind the units might make Fire Department ladder access difficult. He urged that matter be discussed with the Fire Chief as well.

C. MacClinchy, R. Metcalf, and D. Smith also voiced concern about the “uninviting” aesthetic of the project as all units are located on a motel-like plane, will have little greenery at front or back, and be surrounded by a great amount of asphalt. D. Smith recommended considering staggering some units for a different visual effect as well as possibly improving the wetland impact. R. Metcalf urged the applicants to consider “softening” the project with grass or other greenery.

Board members determined that a repeat site visit was not needed. S. Doe concluded the discussion, affirming that he will discuss the Board’s observations and recommendations with the owners and revert to B. Howard with next steps.

(3) Completeness/Preliminary Major Subdivision – 79 York Street – Map 59 Lot 12 – Multi Family

B. Howard reminded the Board that this application is for 9 units (4 duplexes and 1 single family dwelling) on 0.95 acres (41,269 sq. ft.). Applicants seek to utilize the affordable housing density bonus, thereby decreasing the lot size to -3,750 sq. ft. (versus the MRCU Zone requirement of 5,000 sq. ft.). This is the basis for increasing the unit count from 7 units to 9 (of which 3 units would be affordable).

The Fire Department, Howard noted, made these comments: (a) the driveway length without the turnaround is acceptable; (b) the Water District is expected to make contact with the Fire Department about the final location of the hydrant; (c) Units 1, 2, 4, 8, and 9 need a walkway design leading to the public way for exit discharge; and (d) there are concerns about the grade around the units, particularly Unit 3, where the grade may hamper the ability of firefighters to raise a ground ladder to rescue individuals from upper stories.

The Police Department, Howard said, had no comments. The Tax Assessor noted that street name and numbers are required. Map and lot numbers, per the Assessor, are also required if condominium ownership is proposed. The project has also been

submitted to the Town Engineer and Conservation Commission for review, but their respective comments have yet to be received.

Howard concluded that several issues require Board consideration: (a) the affordable housing criteria; (b) location of a dumpster or other; (c) the submission of a photometric plan prior to a public hearing; (d) landscaping on the north property line since the Board had expressed concern after its site walk that scrub brush there might be removed; (e) addition to the plan of the site distance on York Street; and (f) whether a septic tank has been removed (if, indeed, the property had been on septic).

Project representative W. Walsh addressed the Board, explaining that seven units would normally be allowed, but nine are proposed with the affordable housing density bonus. Public water and sewer will be brought in, and those Districts have begun their reviews. Two light poles will provide illumination. Town trash bins will be used instead of a dumpster.

R. Metcalf questioned the location of the wetland buffer, and R. Smith questioned the rationale for lowering the setback from 50 to 20 feet. W. Walsh responded that the setback change is "primarily for affordable housing". However, R. Smith was adamant that *written* rationale was needed for the setback differences and affordable housing. E. Trainer concurred, wanting details of the affordable housing plan.

J. Vance raised questions about snow storage and the rock walls depicted in the plan. W. Walsh indicated the locations on his diagram and explained the grading and retaining walls.

J. Vance, R. Metcalf, E. Trainer, and D. Smith also expressed concerns about the aesthetics of the project. Vance stated that the view of the units from Route 1 was important. Metcalf urged designers to consider improving the "blank walls" of some units, which are planned to have a solitary window, no door, and virtually no architectural detail. D. Smith urged designers to consider planting evergreen trees or evergreen shrubbery on the northern border for year-round screening and privacy.

Overall, Board members agreed that more information was needed: (1) a formal write-up or "narrative" as regards affordable housing, specifically explaining why it is proposed and how it would be achieved; (2) a buffer waiver request; (3) a more detailed landscaping plan showing better screening for residents and abutters; and (4) final comments from the Fire Department.

Motion: D. Smith moved to consider the 79 York Street application complete subject to receipt of the following information: (1) affordable housing rationale; (2) rationale for a 20-foot buffer; (3) lighting plan; (4) landscaping plan; and (5) improvement of the side-of-units' aesthetic.

Second: B. Metcalf

Vote: Motion carried with 5 votes in favor, none opposed.

B. Howard noted that, allowing time for comments from Engineering and Conservation, the next time slot for a public hearing would be May 24th.

(4) Sketch – 55 York Street – Map 59 Lot 4 – Multi Family

B. Howard offered an overview: Applicant proposes 8 units (1 duplex plus 6 individual units) on a 177,584 sq. ft. lot northwest of Port Inn with access from Waterford Greene Drive. After feedback from the Board at its August 10th, 2020 meeting, applicant changed the design and unit count to reduce the impact to wetlands. Applicant is also showing a 20-foot vegetated buffer between the property line and the rear portion of the condominium units. A 50-ft setback is required, Howard stated, but may be reduced to 20 feet by the Board.

The Fire Department, Howard further noted, should review access and turnaround. The applicant will also have to apply to the Tax Assessment Department for road name, numbers, and map and lot numbers. The project otherwise has the required documentation with the prior sketch-plan submission, deed, letters from the Water and Sewer departments, etc..

Project representative W. Walsh and owners J. and M. Bouzianis joined the session. W. Walsh demonstrated schematically how the revised project addresses the Board's August 10th, 2020 feedback and reduced the wetland impact.

E. Trainer concurred that the wetland impact is greatly reduced, but a detailed mitigation plan is lacking and there is still a lot of "squeezing".

D. Smith asked for comparisons of the wetland and buffer impacts under the original and new plans. The new plan, he concluded, shows sure wetland improvement, but there is nevertheless 3,500+ sq. ft. of buffer impact and 1,900+ sq. ft. of wetland impact even in the revised plan. D. Smith urged applicants to consider fewer units, a shift of the entry road, or some other alternative to mitigate these impacts. W. Walsh responded that changing the entry road "doesn't work well".

J. Vance likewise expressed concern about the wetland and buffer impacts. She, too, urged applicants to consider fewer units.

R. Metcalf informed the Board that he has a relative who owns an abutting property and, hence, has family interest in the outcome of this project, but affirmed that he has no personal bias. Metcalf nevertheless voiced willingness to abstain from the Board's deliberations and vote. However, Board members and applicant declined to accept his offer.

Metcalf then voiced his own concerns about the wetland and buffer impacts, parking, and general aesthetic. There are 3-bedroom units without guest parking, he said, as well as substantial wetland impact and a lot of asphalt. He concluded that even the revised plan is squeezing in too many units. R. Smith concurred.

Overall, Board members concluded that this project has issues with (1) density, (2) wetland and buffer impact, (3) parking, and (4) fire truck maneuverability. The Board asked applicants to weigh and respond to these concerns.

2. Approval of Meeting Minutes

C. MacClinchy led the Board in a page-by-page review of the March 22, 2021 minutes. Several modifications were sought. The meeting clerk noted them and amended the minutes accordingly.

Motion: R. Smith moved that the Planning Board approve the minutes of 03/22/2021 as amended.

Second: J. Vance

Vote: Motion carried with 4 votes in favor, 1 abstention [D. Smith, who had not attended the 3/22 meeting], and none opposed.

3. Other Business

B. Howard reported that she is looking into available space in the VR Zone for potential development and affordable housing. She will apprise the Board of her findings.

5. Adjournment:

There being no further business, the Chairman adjourned the meeting at 9:33pm.

Motion: D. Smith moved to adjourn.

Second: R. Metcalf

Vote: Motion carried with 5 votes in favor, none against.

Respectfully Submitted,
J. Schlagheck

Adopted by the Planning Board in the meeting
of April 26, 2021

Signed by  , Chair

Planning Board

