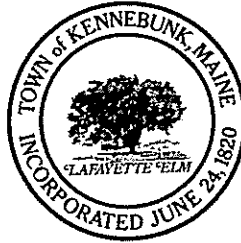


Town of Kennebunk, Maine



Site Plan Review Board

MEETING MINUTES

April 15, 2021

Zoom Teleconference Meeting, Kennebunk

Present: Gary Dugas [Chair], Jeanne Dunn [Vice Chair], Brenda Robinson [Secretary], Christopher Carroll [Member], Albert Kolff [Alternate], Brittany Howard [Staff Liaison], Wayne Berry [Select Board Liaison]

Absent: Paul Jackson [Member]

Also Attending: Craig Burgess [Sebago Technics], Shawn Frank [Sebago Technics], Mark Adler.

1. Call to Order: Chairman and presiding officer G. Dugas called the meeting to order at 7:08pm on April 15, 2021 via Zoom teleconferencing under the Governor's COVID-19 Executive Order and by request of the Town's Select Board. He appointed A. Kolff, alternate Board member, to act with voting privilege.

2. Approval of Prior Minutes: G. Dugas led the Board in a page-by-page review of the minutes of March 18, 2021. Members identified several errors, and the minutes were duly amended.

Motion: J. Dunne moved that the Board accept the Minutes of March 18, 2021 as amended.

Second: B. Robinson

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

3. Agenda Items

(1) **118 York Street – Map 62 Lot 43 – Demolition & Replacement of Dentist Office**

C. Burgess, a project spokesman, offered the Board a "refresher" overview. Applicant proposes to demolish the existing structure (a commercial building for dental care) after erecting a new building at the rear. While construction is ongoing, applicant will continue operating out of the existing building. Applicant

seeks several waivers: (1) parking lot location/design, (2) soils map of site, and (3) sidewalk buffer. The Site Plan Review Board had previously reviewed the application on March 18, 2021.

A. Kolff called the Board's attention to a change of design. In the original application, he said, applicant had proposed putting a dumpster at one side of the parking lot in a landscaped enclave. The revised plan puts the dumpster at the side of the building without a greenery surround. Kolff suggested that applicant revert to the original plan for less visual intrusiveness and more greenery.

Board members discussed the matter and decided to consider the dumpster's location in the context of this project's overall list of sought-after waivers.

The presiding officer then opened the hearing to public comment, and B. Howard advised public attendees how to be recognized for questions or comments. There being none, the presiding officer closed the meeting to public comment and moved to a discussion of the waivers sought. As several of the waivers have to do with different aspects of the same Ordinance Article and Section, Board members agreed to consolidate their consideration of the waivers as follows.

Waiver #1: Building frontage, alignment, and parking. Ordinance states that building frontages shall be located at the street edge where possible, that buildings shall be aligned to the front setback line from the Route 1 ROW, and that parking areas are to be located to the side or the rear of the principal building. In this case, applicant seeks authorization for a new building without street frontage, without setback alignment, and with front parking to enable the existing build to continue to function until the new building is complete.

Motion: A. Kolff moved that the Board waive the frontage, alignment, and parking requirements as proposed.

Second: J. Dunn

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

Waiver #2: Soil Map. Applicant seeks to utilize a "medium-density" soil evaluation instead of the required "high density" version.

This was voted on at the March 18th meeting.

Waiver #3: Sidewalk Buffer

Motion: C. Carroll moved that the Board waive the requirement for a sidewalk buffer.

Second: A. Kolff

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

Waiver #4: Dumpster Location

Motion: A. Kolff moved that the Board waive the dumpster location requirement provided the dumpster is located in the place indicated in the Plan Set of March 1, 2021.

Second: J. Dunn

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

Design Check List

Motion: B. Robinson moved that the Board accept as presented the Design Check List provided by applicant and attached to the Town Planner's April 15th, 2021 memo

Second: A. Kolff

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

The Board then reviewed the Findings of Fact.

**Town of Kennebunk
Site Plan Review Board**

FINDINGS OF FACT

1. Project Name: Mousam River Dentistry
2. Date of Action Taken: April 15, 2021
3. Site Location: 118 York Street
4. Zoning District: Business Park & Shoreland Overlay
5. Lot Size: 2.58 acres
6. Building Size: 7,117 sq. ft. (first floor: 5,137 sq. ft. – second floor: 1,980 sq. ft.)
7. Assessor's Map 62 Lot 43
8. Property Owner: Golden Road Properties LLC
9. Representative: Sebago Technics
10. Applicant: James & Krissy Cormier

11. The applicant has shown legal interest in the property by deed.

12. The Kennebunk Site Plan Review Board has reviewed the above noted proposal utilizing the set of approval criteria in Article 11, Section 8 and Article 10 Section 23 of the Kennebunk Zoning Ordinance as summarized below and determined:

Approval Criterion # 1

The plan preserves the natural landscape insofar as practical and adequately uses the natural features of the site and/or new landscaping to define, soften, and screen the impacts of development.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 2

For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 3

Filling, excavation and earth moving activity is carried out in a way that keeps erosion and sedimentation to a minimum.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 4

Adequate provision has been made for surface drainage, so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion, or the public storm drainage system.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 5

Adequate provision has been made for water supply and sewage disposal.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 6

The site plan provides for safe access to and egress from public and private streets, with adequate parking and internal circulation.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 7

Vehicular access to the site will be on roads which have adequate capacity to accommodate any additional traffic generated by the development.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 8

The site plan provides for safe pedestrian circulation, both on-site and off-site.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 9

Exterior lighting does not adversely affect neighboring properties or streets.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 10

Electrical and telephone utility lines and components serving the site will be placed in a manner that is not hazardous or unsightly.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

13. In their review, the Board finds that the criteria of Article 11, Section 8 and Article 10 Section 23 of the Zoning Ordinance:

____ Have been met or are not applicable

X Have been met with the conditions and/or waivers noted below or are not applicable (5-0)

- Article 11 Section 6.B.3 – High Intensity Soil Survey
- Article 11 Section 8.1.h – dumpster shall be located to the side or rear of building
- Article 11 Section 8.8.b – two foot wide planting strip between walkway and parking lot
- Article 10 Section 23.D.1.a
 - Building Frontages shall be located at the street edge
 - Buildings shall be aligned to the front setback line of Route 1
 - Parking shall be located entirely to the side of rear of the building

____ Have been met with the conditions and/or waivers noted above and according to the Addendum

____ Have not been met (list criteria not met) or are not applicable

Based upon the information above, the Board therefore:

X approves the Site Plan. (5-0)

____ approves the Site Plan with conditions **which are to be completed & evidence filed in the Planning Office no later than sixty (60) days after plan approval; and prior to permit.**

____ denies the Site Plan.

14. PLEASE NOTE THAT THE FOLLOWING APPLY:

____ AFTER SITE PLAN APPROVAL AND PRIOR TO OCCUPANCY, THE APPLICANT MUST RECEIVE A CHANGE OF USE PERMIT AND OCCUPANCY PERMIT FROM THE CEO.

X A BUILDING PERMIT SHALL NOT BE ISSUED BY THE CODE ENFORCEMENT OFFICER UNTIL THE APPLICANT FILES A PERFORMANCE GUARANTEE IN CONFORMANCE WITH ARTICLE 11. SECTION 10. (ZONING).

15. This approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant, as well as any oral representations made to the Board during the final review of the project. Any

variation from the plans, proposals and supporting documents is subject to review and approval by the Site Plan Review Board, except for de minimus changes, which the Town Planner may approve.

APPROVED BY: _____ DATE: _____

Motion: J. Dunn moved to approve this project as proposed.

Second: B. Robinson

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

(2.) 122 York Street – Map 62 Lot 45 – Self-Storage Buildings

B. Howard offered a brief overview: Paterson Companies LLC, the applicant, seeks to construct two narrow buildings for public self-storage on a vacant lot at 122 York Street. Applicant also seeks three waivers: (1) waiver of a 5-foot buffer strip requirement [Article 11 Section 8.1.f]; (2) waiver of parking at the side or rear of building [Article 10 Section 23.D.1.a]; and (3) waiver of the High Intensity Soil Map [listed at Article 10 Section 2].

Howard noted that the Fire Department has voiced turnaround concerns, which must be addressed before a public hearing. The Town Engineer has provided technical comments which have been shared with the Board. Comments from the Conservation Commission were received this morning and sent to the Board and applicant.

S. Frank spoke on behalf of the applicant, describing the two storage facilities. There will be a gate with phone access to the facility. The buildings, he said, will only have limited visibility on Route 1. From Route 1 you will see the driveway and sign. The property will be fenced. Sewer and water hookups are not needed. There will not be an office at this facility. Only two parking places for visitors are envisioned. Clients will park their cars in front of their respective storage units. A five foot landscape between the building and the parking area does not work for this type of business.

The applicant provided a Class D soil survey. It is naumberg soil (high ground water and sandy), which is very common in this area. The project, Frank stated, has wetlands impact. The applicant is proposing to use porous pavement to facilitate water drainage. Applicants, he said, are also confident they can address the Town Engineer's comments.

A. Kolff and B. Robinson voiced strong opposition. The project, they said, stands to impact a great swath of wetlands and should not be approved. Kolff inquired whether the owners could eliminate the second, smaller storage building, take

any other steps to mitigate the wetlands impact, or consider selling “wetland rights.”

C. Carroll noted that the Conservation Commission has continually voiced concern about the impact of salt and de-icing chemicals used in the winter on large expanses of asphalt. Carroll questioned whether the project was, indeed, the best use of this land and whether there were alternative, potentially less harmful uses. There were multiple questions about the use of porous pavement and its infrastructure, maintenance requirements, storage capacity, etc. Frank stated he would have more information available at the next meeting.

G. Dugas asked Board members whether it would be appropriate to ask for an estimate of this parcel’s value as wetland. B. Howard responded that there are several alternatives which the Board might consider -- among others (a) an evaluation of the property’s wetland value and ecological importance, and (b) elimination of the smaller building.

Board members concurred that there was “substantial homework” to be done. B. Howard recommended setting a tentative date for a site walk on May 6th at 3pm with May 13th 3pm as a back-up.

4. Adjournment: There being no further business, the Chairman adjourned the meeting at 8:44pm.

Motion: B. Robinson moved to adjourn

Second: C. Carroll

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

Respectfully submitted by,
J. Schlagheck

Adopted by the Site Plan Review Board in its meeting
of May 20, 2021

Signed by 
Site Plan Review Board