

**TOWN OF KENNEBUNK  
CONSERVATION AND OPEN SPACE PLANNING COMMISSION  
REGULAR MEETING 4/21/21  
MINUTES**

**CALL TO ORDER**

On April 21, 2021 at 6:00 p.m., the meeting was called to order.

**PRESENT:** Todd Bridgeo, Grace Cain, Jennifer Shack

**APPROVAL OF MINUTES**

The minutes for March 15 were approved.

**WETLANDS MITIGATION ORDINANCE**

The town planner has asked what the plans were for monitoring and enforcing wetland projects. The Commission notes that it can monitor the projects, but does not have the authority to enforce compliance.

**SITE PLANS/ DEVELOPMENTS**

The Commission reviewed the following applications:

- 55 York St. – This is a sketch plan for 8 residential units that can only be accessed by crossing a significant amount of wetlands. We have the following concerns:
  - The culverts do not appear to conform. Ensure that the culverts used for the access road are at least 36” in diameter.
  - Snow will need to be plowed off the access road. This will dump snow with road pollutants directly into the wetlands.
  - The retention pond’s siting next to the wetlands will likely mean it will always retain some water and will not be sufficient during a large rain event. The water will spill over into the wetlands without first removing suspended sedimentation.

Shack will write a memo regarding these concerns

- 79 York St. – There are no wetlands or buffer impacts. Commission does not have any comments.
- Cedarwood Farms on Sycamore Lane – This is a proposal for 24 residential units. It is surrounded by wetlands and two streams, and access requires a significant wetland crossing. In addition, the plan calls for filling wetlands for the parking lot and dumpsters. The Commission recommends:
  - Reducing the size of the development so that there are no wetlands or buffer impacts.
  - Using a bottomless culvert for the crossing.
  - Avoiding the plowing of snow into the wetlands.

**OTHER COMMITTEES/PROJECTS**

There is nothing to report.

**OTHER BUSINESS**

There was no other business.

The meeting adjourned at 7:30 pm.

## ATTACHMENT

March 2, 2020

To: Planning Board, Chris Osterreider

From: Kennebunk Conservation Commission

RE: Reidson Development

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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.