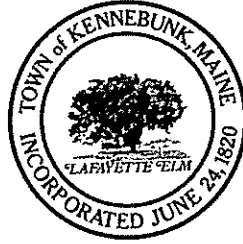


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

April 26, 2021

Zoom Teleconference Meeting, Kennebunk

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

Absent: None

Also Attending: Steve Blake [BH2M], William Walsh [Walsh Engineering], Silas Canavan [Walsh Engineering], and Mike Mezoian [Mezoian Development LLC]

1. **Call to Order:** Chairman and presiding officer C. MacClinchy called the meeting to order at 7:01pm on April 26, 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) **Public Hearing – 110 Fletcher Street – Map 48 Lot 65 – Gregory's Place – 6 Lot Subdivision**

B. Howard reminded members that this application is before the Board for a public hearing. The site walk had taken place on January 11, 2021 and the application was deemed complete by the Board on March 22, 2021. Applicant seeks to create 6 residential lots on 2.46 acres. There are wetlands at the rear of the property. The property straddles the Village Residential and Resource Protection Zones, as well as Shoreland Overlay.

Howard noted that applicant has provided lot calculations for lots #4 and #5 as they are in Shoreland Overlay and limited to 20% lot coverage including walkways and driveways. Applicant's plans have likewise been updated to show the grading change for the same two lots as the Board had previously suggested.

The Town Engineer, Howard stated, has agreed with applicant's amended storm water modeling and proposed plan revisions for catch basins. The index plan with dates has been added to the recording page. The landscaping page has been updated with tree types and locations. And in response to the Board's and Conservation Commission concerns given this Subdivision's proximity to the river, a note was added to the plan with covenants to address the use of organic pesticides.

S. Blake, a spokesperson for the applicant, showed a diagram of the proposed subdivision and briefly described its storm drains and underground utilities. Blake reiterated that, in response to the Board's and Town Engineer's prior comments, a landscaping plan with trees has been added to the plan along with revised plans for catch basins. The project now has final approvals from Kennebunk Water and Sewer as well.

R. Smith thanked Blake for addressing the Board's issues and concerns.

At a prior hearing, the Board had suggested that applicant attempt to re-use or re-locate the house already existing on the property. S. Blake informed members today that the expense of moving the house to a different location and upgrading it to meet Code was not economically viable. Applicant proposes to demolish the house in question.

J. Vance and D. Smith questioned whether materials from that house could be donated to Habitat for Humanity or some other group. Blake stated that it is unlikely that much of anything can be salvaged, but agreed to contact Habitat to explore its interest.

D. Smith posed questions about (1) rain fall depths and flow projections in Section 1, Item 1.1 "Storm Water Management", (2) storm water drainage on Fletcher Street, (3) the overall infrastructure for absorbing runoff, and (4) the retention buffer along the Mousam River. S. Blake provided that detail as well as a detailed explanation of the project's level spreader and the proposed storm water management infrastructure.

R. Metcalf thanked Blake for the grading revisions for lots 4 and 5, and suggested using "canopy" trees in the cul-de-sacs. C. MacClinchy voiced thanks for the grading changes, but questioned the 6-foot "stockade" fence that is proposed. He urged the applicant to consider more vegetation instead of high fencing so that the subdivision integrates better visually with abutting properties. S. Blake agreed to consider that recommendations.

C. MacClinchy formally opened the hearing to the public at 7:45pm. He informed the public how to be recognized in a Zoom meeting for comment or questions.

Public attendees raised concerns or posed questions of four main kinds: (1) the need for a high fence; (2) the risk of asbestos, lead paint, and/or vermin problems for abutters

which the demolition might cause; (3) the risk of significant storm water drainage onto adjacent properties; and (4) calls for more vegetation for visual appeal or buffer.

S. Blake re-iterated willingness to modify the proposed fence with vegetation and explained that demolition of the house would be done by a specialist. B. Howard added that because of the age of the structure, a demolition permit usually requires that a specialist audit prior to demolition to determine how to properly handle any asbestos, lead paint, or other problems found. Howard recommended that an exterminator also be consulted.

S. Blake also spent time explaining the project's storm water management systems, concluding that "there will be a significant reduction of water coming onto neighboring properties".

R. Metcalf noted that it might be helpful to use imagery from google Earth to show adjacent homes so that Board members could better envision how drainage and fencing might impact neighbors.

J. Vance asked applicant to come back to the Board with feedback about the recycling of demolition materials and about asbestos management.

B. Howard summarized next steps: the Board would review the plan in its final form incorporating the additional information requested, possibly have a second public hearing, and then take a vote to approve or decline the application.

A motion was subsequently made to grant preliminary approval for Map 48 Lot 65, 110 Fletcher Street, Gregory's Place Subdivision, to build a 6-lot development.

Motion: D. Smith

Second: R. Smith

Vote: Roll call vote, 5 in favor, 0 opposed; the motion carried.

(2) Public Hearing – Warrens Way – Map 21 Lot 11 & Map 26 Lot 16 – Calesa Estates – 25 Lot Subdivision

B. Howard offered an overview: This application is for a Subdivision of 25 lots on 25.5 acres in West Kennebunk, and had been deemed complete by the Board at its February 22, 2021 meeting. Applicant seeks four waivers: (1) waiver of the 4-ft esplanade between sidewalks and roadway; (2) waiver for the use of granite curbing; (3) waiver for the requirement to maintain trees within the proposed cul-de-sacs; and (4) waiver to use side slopes steeper than 3H:1V.

Since the previous hearing, applicant has addressed the concern of the Fire Department regarding hydrant location and water flow, added the plan index with revision dates to the plan, and also added a landscape plan. The applicant has likewise

received final approval from the KKWWD as well as the response (but no negative comment) of the Conservation Commission.

B. Howard noted that Walsh Engineering Associates had prepared a “Storm Water Management Report” which had been shared with Board members and the Town Engineer. Applicant also provided specific responses to the Town Engineer’s memo and concerns of March 21, 2021, and that office’s follow-up comments should be forthcoming.

W. Walsh showed an aerial depiction of the project with a “T” road configuration ending in two cul-de-sacs. The subdivision, he said, will have public water, private septic systems, and underground power. Walsh also showed drainage charts and pointed out the location of two water control or treatment “gravel wetlands”.

W. Walsh also itemized the various concerns the Board raised in the past and explained, one by one, how each was satisfactorily addressed. A landscape plan has been added, he said, with maples, elms and other trees to be planted (at least one per lot).

R. Smith recommended that shrubbery and or trees be planted in the two cul-de-sacs, and questioned plans for an esplanade as well as sidewalks on Warren’s Way. R. Smith also took up the issue of traffic on Alfred Road again, stating that the addition of 25 homes is going to exacerbate and already evident traffic problem there.

R. Metcalf reminded members that traffic studies had already assessed the likely traffic effect and the findings were “not significantly negative”. Traffic he stated is not a problem. However, Metcalf agreed with R. Smith that trees and/or shrubbery should be added to the cul-de-sacs and to work around the sewer easement.

D. Smith found a number of errors in the numbering and details of different application support materials and questioned whether there was a Home Owners Agreement document [HOA] on hand. W. Walsh replied that one is being prepared by lawyers, and D. Smith recommended that it contain language preventing storage in the wetland space and the use of pesticides.

J. Vance questioned the slope waiver and noted the awkward location of community mailboxes. S. Canavan explained that slopes will be vegetated for erosion control and W. Walsh expressed flexibility about the mailboxes.

In response to several Board questions about storm water management, S. Canavan showed a cross-section diagram of the proposed “gravel wetlands”, illustrating their diving berms, perforated pipes, erosion-control blankets, and water-holding features.

C. MacClinchy observed that the HOA should require maintenance of these wetlands by the homeowners.

At 8:54pm, C. MacClinchy opened the hearing to public comment and questions. Commentators voiced concern about the traffic and septic impact of the project [E. Karytko, K.Ko], and B. Howard affirmed that test pits were done to confirm that this project's septic impact would be acceptable.

There being no further public comment or question, the presiding officer closed the public hearing at 9:02pm.

D. Smith questioned project impact on the Eastern Trail, and discussion ensued about the municipal fees levied on new developments for sidewalks, bike paths, and/or the Fire Department. A number of motions were subsequently made regarding this project's proposed waivers.

Waiver #1: Esplanade

Motion was made for the Town of Kennebunk Planning Board to grant a waiver of the 4-ft esplanade required by Section 8.6.2.K (1).

Motion: D. Smith

Second: R. Metcalf

Vote: Roll call vote. 4 votes in favor, 1 opposed [R. Smith]; motion carried. Waiver granted.

Waiver #2: Granite Curbs

Motion was made for the Town of Kennebunk Planning Board to grant a waiver of the granite curbs required by Section 8.6.2.K (4).

Motion: D. Smith

Second: R. Metcalf

Vote: Roll call vote. 5 votes in favor, none opposed; motion carried. Waiver granted.

Waiver #3: Existing Trees on Two Cul-de-Sacs

Motion was made for the Town of Kennebunk Planning Board to grant a waiver of the requirement per Section 8.6.2.I to maintain the existing trees in the cul-de-sacs with proviso that said areas be revegetated with grass and trees.

Motion: D. Smith

Second: R. Smith

Vote: Roll call vote. 5votes in favor, none opposed; motion carried. Waiver granted.

Waiver #4: Side Slopes

Motion was made for the Town of Kennebunk Planning Board to grant a waiver of the requirement set forth in Section 8.6.3.B(4) so as to permit side slopes in this subdivision of 2H:1V.

Motion: D. Smith

Second: R. Metcalf

Vote: Roll call vote. 5 votes in favor, none opposed; motion carried. Waiver granted.

The Board then moved to a discussion of the overall merits of this application. Motion was made by D. Smith for the Planning Board to grant preliminary plan approval for Calesa Estates, Map 21 Lot 11 and Map 26 Lot 16 to construct 25 single-family homes, and was seconded by R. Metcalf. However, Metcalf "amended" the motion, adding that this preliminary plan approval is contingent upon DEP permit, cul-de-sac plantings, street trees every 40-50' avoiding utilities, HOA documentation needs to be submitted maintaining stormwater infrastructure, open space adding note about no parking or structures, certified organic pesticides near wetland, more recent revision on the plan for signature, and mailbox location, verify with PO.

Motion: D. Smith

Second: R. Metcalf

Vote: Roll call vote. 5 votes in favor, none opposed; motion carried.

(3) CDGP Grant

B. Howard read an excerpt describing a grant application from the Town of Kennebunk to the State of Maine Community Development Grant Program for funding to make improvements to an affordable housing project located at 2 Brazier Lane. Motion was made for the Town of Kennebunk Planning Board to endorse the grant application and, specifically, to agree with the draft application letter.

Motion: R. Metcalf moved

Second: R. Smith

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

(4) Affordable Housing Workshop

In response to the Board's previous request, B. Howard showed an aerial photo with a map overlay showing lots with potential for affordable housing in the Village Residential District. Such lots would be approximately one acre in size or larger and have sewer access. Howard noted that many such parcels could be developed or re-developed. R. Smith asked that the display be amended to show suitable properties with some black/white symbol rather than color coding.

Howard also noted that the SMPDC is doing a study on housing needs and current zoning requirements for affordable housing. Board members also noted that several towns, such as Cape Elisabeth and York, require new subdivisions to make some percentage of their new housing available as "affordable" housing.

Board members agreed (without motion) to study this study and take up the issue of affordable housing at a later date.

3. Approval of Meeting Minutes

C. MacClinchy led the Board in a page-by-page review of the April 12, 2021 minutes. One modification was recommended and duly made by the meeting clerk. Motion was made to approve the minutes of April 12, 2021 as amended.

Motion: D. Smith

Second: J. Vance

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

4. Other Business

C. MacClinchy informed members of webinars on housing and planning board workshops which might be of interest.

5. Adjournment: There being no further business, the Chairman adjourned the meeting at 10:11pm.

Motion: D. Smith moved to adjourn.

Second: R. Smith

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

Respectfully Submitted,
J. Schlagheck

Adopted by the Planning Board in the meeting
of May 10, 2021.

Signed by  Chair

Planning Board

