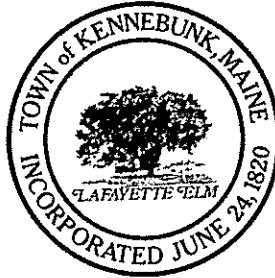


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

May 9, 2022

In Person, Kennebunk Town Hall Meeting

Present: Chris MacClinchy [Chair], Richard Smith [Vice Chair], Janice Vance [Member], Edward Trainer [Alternate]; and Daniel Kiley [Alternate];

Absent: David Smith [Secretary], and Robert Metcalf [Member];

Also Attending: Christopher Osterrieder [Director, Town Community Development], and Glenn Farrell [YFI Homes].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on May 9, 2022. MacClinchy elevated E. Trainer and D. Kiley to voting status for the purpose of this meeting.

2. Agenda Items

Preliminary Meeting — Special Exception — Wetland Fill — Gooch Avenue — Map 93 Lots 70, 75, 76, and 78

Director of Community Development C. Osterrieder introduced this application for authorization to fill 1,934 sq. ft. of Priority I wetlands. The fill would amount to 444 sq. ft. for road improvements and 1,490 sq. ft. for the construction of a house.

Osterrieder noted that an application for wetland fill for Map 93 Lot 78 had already been heard by the Planning Board in 2017, and 138 sq. ft. of fill was approved by the Board at that time. However, the project did not move forward and the approval expired.

The applicant, Osterrieder added, had supplied legal substantiation of his right to improve Gooch Avenue which the Town's Attorney had subsequently reviewed. Osterrieder reported that in the opinion of Town Attorney Natalie Burns, the legal opinion submitted by the applicant "is thorough and sufficient to support the applicant's claim of right to improve Gooch Avenue for emergency access purposes."

C. Osterrieder noted that “the wetland impacts are relatively minor.” However, Osterrieder nevertheless identified three items needing clarification: (1) the specific location of the proposed access road from Gooch Avenue; (2) drainage particulars; and (3) the expected impact of the “restored wetlands” that were being proposed. To offset the wetlands to be filled for the house and road, applicant proposes to create new or “restored” wetlands in another location.

Glenn Farrell, representing the applicant, addressed the Board next and reiterated the need for fire-truck access from Gooch Avenue. For that, he said, the applicant proposes to build a 16-ft. wide roadway. Farrell also offered to stake out the location of the proposed roadway for an eventual site walk.

G. Farrell reported, as well, that the State Department of Environmental Protection had granted a Tier I permit “by rule”, but acknowledged that the DEP had also expressed concerns about imperviousness. “When we complete the project,” Farrell countered, “we will actually have less pervious surface than is out there right now.”

E. Trainer acknowledged the DEP’s and Army Corps’ sign-offs on the project, and noted that the wetland impact would be less than one acre. However, Trainer likewise noted the concerns of Kennebunk’s Conservation Commission. He suggested that a site walk would help to better understand the latter’s apprehensions.

In response to other questions from E. Trainer, G. Farrell explained that there is an existing garage on the property with “one finished room” and a partial bathroom already connected to public sewer. “We’d be using existing sewer and public water connections,” Farrell affirmed.

J. Vance asked about the positioning of the proposed new house vis-à-vis the existing structure, and G. Farrell pointed out the locations on a diagram. Vance asked if the new house could be moved forward to avoid or mitigate the need for wetland fill, and Farrell responded in the negative.

J. Vance also voiced disquiet with the proposed “re-creation” of wetlands to offset the wetlands to be filled. She specifically questioned the aesthetics, functionality, and maintenance of such a project.

R. Smith likewise questioned the location of the proposed new wetlands. G. Farrell explained that applicant had not, as yet, retained specialists to draw specific plans. R. Smith asked if Longview Partners, the specialist group which had delineated the *existing* wetlands, could be on hand if and when a site walk were convened, and G. Farrell answered in the affirmative.

R. Smith also cautioned against trying to create new wetlands without a competent, specialist team helping to plan, maintain, and periodically monitor the project to ensure that the new wetlands “are actually working.” G. Farrell acknowledged the importance of all three requirements.

D. Kiley asked about the proposed 16-ft. entry drive and G. Farrell offered a brief description of that roadway. In response to other questions by D. Kiley, C. Osterrieder affirmed that this would be a private road and, therefore, not qualify for public maintenance or snow clearing.

D. Kiley also posed questions about drainage and asked if abutters had been contacted about the proposal. G. Farrell affirmed that he had spoken with some, but not all, abutters. They were sent a letter prior to this meeting. Some of them, Farrell observed, had expressed concern about the drainage impact.

C. MacClinchy asked if the applicant had explored the feasibility of having the access road come off Peninsula Drive, and G Farrell replied that a Peninsula access way would have even greater wetland impact. MacClinchy also voiced concern about creating a new wetland "right on the back property line" which would likely impact the back neighbor.

C. MacClinchy then reiterated the importance of ensuring the on-going maintenance of a new wetland if authorized. G. Farrell agreed that maintenance could be made a requirement and condition for approval. However, MacClinchy additionally noted that it was not the Board's practice of "ever approving" the building of homes on wetlands. "I can't recall the last time we allowed such building into an existing wetland," he stated. MacClinchy made clear that applicant faced significant challenges with this petition and would have to provide "very strong justification" for the Board to rule favorably.

C. Osterrieder then noted that the project's expected drainage and erosion control standards should be clear before any site walk took place. Osterrieder specifically called for a plan showing (1) where the proposed roadway would go; (2) limits of clearing; and (3) expected grading. The Planning Board, Osterrieder said, should also see the impacts of both the proposed new road and proposed new dwelling.

C. MacClinchy concluded that the Board needed to see revised, updated plans showing (1) details as regards the access road's design and impacts as C. Osterrieder had indicated; (2) depiction of the footprint of the existing structure with an overlay of the proposed; and (3) the connection of offsite wetlands with this project's existing and proposed new wetlands. The Board informally agreed to hold off on any site visit until it obtained and reviewed these details.

3. Approval of Meeting Minutes

C. MacClinchy then led the Board in a page-by-page review of the minutes of its April 25, 2022 meeting. One error was identified and corrected.

Motion: Move that the Planning Board of the Town of Kennebunk approve the minutes of its April 25, 2022 meeting as modified.

Moved: R. Smith

Second: J. Vance

Vote: Show-of-hands vote, 5 in favor, none opposed; the motion passed.

4. Other Business

C. Osterrieder next informed the Board that a number of Town initiatives were in process and likely to have an impact on zoning and future Planning Board deliberations. They included: (1) the Town's "Climate Action Plan" which is now in the making; (2) Short-Term Rental Guidelines, which are currently being considered by the Select Board; and (3) "LD 2003", the bill passed by State legislature on April 27, 2022 regarding housing. J. Vance and R. Smith commented on LD 2003 and its affordable housing prescriptions. C. Osterrieder volunteered to help keep the Planning Board abreast of developments regarding all three initiatives.

5. Adjournment: There being no further business, the Chair adjourned the meeting at 8:00pm.

Motion: **Move that the Planning Board of the Town of Kennebunk adjourn this meeting.**

Moved: E. Trainer

Second: J. Vance

Vote: **Show-of-hands vote, 5 votes in favor, none opposed; the motion carried.**

Respectfully submitted by
J. Schlagheck, Clerk

Adopted by the Planning Board in its Meeting
of May 23, 2022

Signed by:

 , chair 6/13/22

PLANNING BOARD