

**TOWN OF KENNEBUNK
CONSERVATION AND OPEN SPACE PLANNING COMMISSION
REGULAR MEETING 6/21/21
MINUTES**

CALL TO ORDER

On June 21, 2021 at 6:05 p.m., the meeting was called to order.

PRESENT: Todd Bridgeo, Grace Cain, Jennifer Shack

WETLANDS MITIGATION ORDINANCE

Shack met with the town planner about the ordinance. They discussed the possibility of limiting the mitigation options to preservation or fee. Shack presented this idea; the Commission agreed that this would simplify the ordinance by eliminating the need for mitigation plan monitoring and enforcement. Shack and Cain will attend the Planning Board workshop on the ordinance on June 28 and will put forward this idea.

SITE PLANS/ DEVELOPMENTS

The Commission reviewed the following applications:

- Route 1 Rest Area – The proposal for a memory care center on the property has been revised to avoid both the vernal pools and the wetlands. The Commission has no comment.

OTHER COMMITTEES/PROJECTS

There is nothing to report.

OTHER BUSINESS

Cain proposed the Commission sponsor a well water testing day, in which residents can have their well water tested at a discount. The Commission would staff a drop off table. Cain volunteered to contact Nelson Labs to find out more about how this might work.

The meeting adjourned at 6:50 pm.

ATTACHMENT

March 2, 2020

To: Planning Board, Chris Osterreider

From: Kennebunk Conservation Commission

RE: Reidson Development

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.

