

Town of Kennebunk

Planning Board

Meeting Minutes

Monday, June 24th, 2019

Present: Chris MacClinchy—Chair; Richard B. Smith—Vice Chair; Janice Vance; Robert Metcalf; Edward Trainer—Alt.;

Absent: David Smith—Secretary

Also Attending: John Stoll—Town Planner

1. Open Meeting

C. MacClinchy opened the meeting at approximately 7:00 PM. Today is Monday, June 24th, 2019.

2. Agenda Items (I)

C. MacClinchy states that the first item [on the agenda] is a special exception application for 7 Lords Point [Road] to construct a private dock [with the applicant being] “the Conaways.” He notes that [the Board] will hear from the Town planner and then from the applicant.

J. Stoll states that this is project 16-19, Lord’s Point Road. He states that the Board could schedule a site walk and this [application] will require a public hearing. He notes that [the Town] has received a formal notice of project review from Maine DEP dated “5/31/19.” He notes that there are no substantial missing components at the time of this report.

C. MacClinchy wonders what “it means” [by] “formal notice of project review. J. Stoll states that “they are” letting [the Town] know that they are doing a NeRPA application.

Travis Pryor introduces himself as [a representative of] Baker Design Consultants. He notes that [Baker Design Consultants] represents “the Conaways” for this project.” He notes that they received a letter from Maine DEP [stating that Maine DEP] was beginning to review [the project]. He notes that they have sent general permits to the Army Corp [of Engineers]. He states that with [the application] sent to the DEP, they submitted a special exception application to the Town. He states that there is an existing recreational pier and float and gangway system next to the Conaway’s residence that is on existing granite and concrete seawall. He notes that they are proposing the same size and layout as the existing facility, [but] shifting it over a “few feet” for stability, to make it conforming, and [to keep it] away from the side lot line. He states that there is “some ledge in front of it” and they are trying to rotate [the structure] to line up with the ledge outcrop that is “out in the water.”

C. MacClinchy asks about the configuration of the dock.

T. Pryor states that it is a 30-foot aluminum gangway, coming off the top of the seawall to a 10-foot by 20-foot float. He notes that “most of it” will rest in the mud and will be on skids in low tide, [which he states is] common for DEP approval. He notes that they propose guide-piles to balance out the gangway, composed of two 10x10[foot] floats to make one 10x20-[foot float]. He states that there will be a “kayak assist” launch system on the end that is 4-feet by 5-feet. He states that [the “kayak assist”] is a plastic cradle that attaches to either side of the float and “you can” put the boat in it and “you have” a bar that can be held on to. He notes that they are proposing that on the northerly side [of the dock] so there can still be a “Boston whaler type-boat” to dock in-between tides and dock at the front of the float system, and have a “small ladder” on the south side for swimming access.

C. MacClinchy wonders if [the “kayak assist”] is foldable. T. Pryor states that it will be bolted to the side of the float. C. MacClinchy wonders if it hangs off the edge. T. Pryor states, “yes.”

C. MacClinchy wonders if this [addition] needs to be counted [as part of the] 200-square feet. T. Pryor states that he is not sure it would be an “accessory like a rack or benches.”

C. MacClinchy states that it is in the water. He asks for more detail about how [the “kayak assist”] looks attached [to the dock]. He states that [the Board needs more detail] to address it “a little more.”

T. Pryor states that there are a variety of systems [for “kayak assists”]. He notes that some pull down or some are mounted and taken off at the end of the season.

C. MacClinchy states that on the summary [of the project], J. Stoll states [the float is a] 2x10x12-[foot] seasonal float. He states that it is [actually] a 2x10x10-[foot float]. He notes that there is a 200-square foot [limit] and if there is anything addition it would “bring it over” [that limit]. He asks for some detail [concerning this “kayak assist”] so J. Stoll can look into it.

J. Vance asks for detail about the 3-pilings. She wonders if they are going into the sea. She wonders how they will be put in and how far down they will go and if they are attached to the dock.

T. Pryor states that [the piles] are wooden, are pressure-treated and are driven until refusal or until bearing strength. He notes that they are not for bearing capacity. He notes that they want to make sure [the piles] are secure in the mud. He states that there is already a system of piles there [and that these piles could be installed in a similar manner and] that would be “done” by barge by a marine contractor.

J. Vance wonders if [the piles] stay permanent and everything else gets removed. T. Pryor states, “yes,” and they are attached with a “giant U-bolt” that is bolted to keep the float in the same position when it goes up and down with the tides.

R. Metcalf wonders if [the applicant] is keeping the existing [piles] “out there.” T. Pryor notes that [the existing piles] are coming out.

R. Metcalf states that, in looking at the image with the existing ramp attached, he wonders if that is a similar connection point [the applicant is] “looking at doing,” or how [the applicant] is actually fastening [the structure] to the granite seawall.

T. Pryor states that there is a detail on the back of the drawing set of how [the fastening to the seawall] will be “done.” He states that it is a combination of the existing seawall with concrete and stone and that the structural stability [of the wall] as it goes down into the water is unknown. He states that they are taking off the top of the stone and pouring a level concrete pad, and “doing” some concrete at the back of the wall with rebar and putting a “footer” in.

R. Metcalf states that the cross-section looks like the existing wall is “totally gone.” He wonders if the concrete is “stepping back” behind the granite.

T. Pryor states that [the concrete] will be “behind.” He notes that there is a picture on page 25 that gives a sense of what “is there.” He notes that from the ocean [the wall] looks like granite but it is actually concrete with granite veneer.

R. Metcalf states that the earlier part of the application says the gangway is being stored on site, then [the application states] that it is being stored off-site. T. Pryor states that [the structure] will be stored off-site in the off-season.

R. Metcalf notes that if the kayak float is permanently attached and in the water, it does exceed the maximum 200-square feet [requirement].

R. Smith wonders if this means that the existing ramp system that is there will just be “taken away.” T. Pryor states, yes.”

R. Smith wonders what is being taken out, [if it is the] float and the ramp. T. Pryor states, “yes,” and the existing piles.

R. Smith wonders if the float will be floated away somewhere for storage. T. Pryor states that [the structure] will be taken away by a public boat launch and will be stored off-site.

R. Smith states that he thinks that R. Metcalf asked most of the other questions and he agrees that if [the “kayak assist”] is attached and is hanging off the side, then it would be part of the [structure] and would be over the 200-square foot [limit].

T. Pryor states that [it is possible to obtain] a hinged [“kayak assist”].

R. Metcalf notes that this would be “more acceptable.” He notes that if there is a fixed element in the water, it [can exceed] the 200-[square foot limit], but if it can be retracted and used, then it is not an issue.

E. Trainer notes that he was “looking at the sea wall” and that [the applicant is proposing to] cut a piece [of the wall]. He notes that the seawall has stone and cement behind [the stone]. He wants to make sure that the changes in the seawall no way weaken it.

T. Pryor notes that they [are proposing] to remove the top stone and leveling [the wall]. He notes that [they are] proposing to elevate [the wall] to the FEMA flood elevations.

E. Trainer notes that the “seawall is everything down there.”

C. MacClinchy states that [the Board] received some comments from the other Board member, David Smith. D. Smith notes that one concern is how much more this new dock system will reach out into the resource than the old [dock system did]. He is concerned about navigational maneuvering between [the dock] and the island, and wants to make sure there is still enough width for boats to get out in high tide and not have access blocked.

T. Pryor states that [the structure extends] 3-feet, 9-inches further [into the resource]. He notes that it lines up with the ledge. He states that the distance from the seawall to the outside of the float is 32-feet, 3-inches.

C. MacClinchy states that [D. Smith’s] other concern was the setback [from the abutter] in the back. He notes that [the setback in the back is why the applicant has moved the structure to where it is proposed to be].

T. Pryor states that “it is” and that they think it would have better flow around the rock and a more “stable situation” with the channel. He notes that [the structure] would be “lining itself up more with the wind action as well.”

C. MacClinchy asks the Board members if they want a site walk on this application. [They state that they do].

T. Pryor states that, in terms of navigability, ([pointing to the map]) “this” is [the Conaway] property and “this” is where the “folks come around the other side of the ledge.”

C. MacClinchy states that D. Smith used to have a house on the beach “for decades” so he is quite familiar.

T. Pryor notes that [the float] dries out at low tide so [the homeowners] likely won’t be leaving their boats there at “all tides,” or if they do it will be a Boston whaler-type boat with a flat bottom that is sitting in the mud and “no one” is going around it.

R. Metcalf wonders when [the applicant] would be ready [for the site walk]. T. Pryor states that other than [July] 4th, he is available.

C. MacClinchy states that Saturday the 29th [of June, 2019] at 8AM would be [the Board’s] preference. He notes that if anything comes up [the applicant] can email J. Stoll. T. Pryor states that he can let [the Board] know tomorrow.

C. MacClinchy states that, if everything goes well on the site walk, the public hearing can be scheduled on the 22nd of July [2019].

3. Agenda Items (II)

C. MacClinchy states that the next item [on the agenda] is a subdivision application sketch plan review for 1 Storer Street, a project to construct 3-residential units, submitted by Chongye and Edmond Arnold.

J. Stoll states that this is a subdivision because of the addition of the three new residential units as a mixed use building at 1 Storer Street, project number 19-19. He notes that the applicant has requested a number of submission waivers. He states that [the Town] has provided comments and there are no real concerns.

Mike Lasalle introduces himself as representing Chongye and Ed Arnold, who own “We Care Cleaners.” He states that [this building at 1 Storer Street] was once a car dealership and the cleaning business is in the front portion [of the building]. He notes that the back portion is empty. He states that [the owners] are asking to provide apartments in the upper floor to get more density downtown and to renovate the building to “bring it up to speed” to become a member of the downtown community. He states that he can go through the minor subdivision [requirements] one-by-one; he notes that “essentially” the “rule that we are falling under” is that “this” ([pointing to the map]) is all paved here, except the green strip “here.” He states that the exit [to the parking area] will be “over here” and that currently the cars park “randomly” on the site. He notes that [the street beside the lot] is two-way traffic. He states that what they did was make a parking lot that was one-way. He states that this compresses the parking area and decreases the “hard scape.” He notes that they kept the green space and added more in front of the building. He states that they can get 14-spaces on site and the rules are you can have 10-offsite for retail and business use. He notes that the 1000-square feet for the laundry facility has one or two car [parking spaces, as the nature of the business is] “in and out.” He states that in analyzing this, the other 3,000-square feet is a business use, which is “4 per thousand,” even though it will probably become a combination of retail and business. He notes that they took the higher quantity to do the calculation for the parking. He states that the “left drawing” [on the plan] is the first floor [which has] the existing cleaners. He states that there is a set of stairs that go up to the three apartments. He notes that the three apartments are one or two-bedroom units with small balconies. He states that they used the higher quantity of parking requirements of 2 [spaces] per apartment. He notes that the total parking count is “basically” 22-spaces if they use the highest quantity. He notes that this would comply with code. He states that the lowest part of the building is “sort of a mishmash” of brick and concrete blocks. He states that they looked at the old showroom of the [car] dealership, which had large windows, and their goal was to “bring back” some of the post-industrial [look] with the large windows to use for the areas seen from the street. He states that as they work to the back the windows become smaller. He notes that the southside has natural light in the building [from the large windows]. He states that the second floor [will] have vertical wood siding with very simple shed roofs. He notes that they want to decrease the run-off. He notes that the existing building sheds all the water onto Storer Street. He notes that they are going to break up [the runoff] in “two different directions” and bring it into the green spaces so they can eliminate some of the site runoff. He notes that their goal is to take the building and restore it and make it a tax paying entity. He notes that it will provide housing downtown and it fits the location and industrial-look in the area.

J. Stoll states that he has the summary of the waiver request. He notes that he thought staff would like to see if there are easements or right of ways.

M. Lasalle states that the survey plan had all the easements and right of ways. He notes that “they” came and did a full survey and topography of the drains [and] setbacks.

J. Stoll states that he asks that “that be shown” [as well as the] topography. He notes that there is no need for waivers, as he thinks the staff would be indifferent to the other waiver requests.

M. Lasalle states that Eastern Survey was “out here a month ago” and did all the survey [work] on the site. He notes that, in looking at the topographic plan, [the applicant] is not changing the amount of flow on the site. He notes that everything drains from “this portion of the site” all the way “back to where” they are setting up green space to pick off some runoff, [and] to reduce [the runoff] by a certain amount. He notes that the paving will be the same grades and will remain the same. He notes that they are not going to change lot. He states that minor work has to be done with sewer and water, [such as repairs so these structures] don’t cause problems.

J. Vance states that this is a really intriguing plan and “kudos” [for designing and proposing] “something like this” for downtown. She notes that she thinks it is needed and is a challenge to redevelop a small site. She notes that [on the plan] recycling, trash and a dumpster is marked. She wonders if a truck would be able to “get in there.”

M. Lasalle states that [the truck] will drive in, pick [the discarded materials] up, back up, and drive out.

J. Vance wonders where the snow will be pushed. M. Lasalle states that it will be “here” ([pointing to map]) then will be taken off-site.

J. Vance wonders if there is a landscaping plan for the green space. M. Lasalle states, “yes.”

J. Vance wonders what the parking space dimensions are. M. Lasalle states that they are 9-[feet] by 19-[feet]. He states that they comply with Town standards and IDCA requirements for graphic standards.

J. Vance wonders if the building will support the weight of the second floor. M. Lasalle states that they have a structural engineer who will help, [so] “yes.”

J. Vance states that she saw all the information concerning the lighting fixtures that are proposed; she wonders if [the fixtures are] full cut-off.

M. Lasalle states that they only use dark sky lighting. He notes that “preeminent lighting expert in Town” is an “old friend” of his, and that 20-years prior they wrote the lighting ordinance for Kennebunk. He states [Kennebunk] was the first Town in the State of Maine with a dark sky lighting program.

J. Vance wonders where the nearest Town light is [in relation to the plan]. M. Lasalle states that they had to comply with the standards. He states that the light fixtures have their own individual digital footprint. He states that there are a few lights around on the street. He states that if they could reduce the lighting it would be “okay,” and that streetlight parking can’t be relied on to help.

J. Vance states that there is [light] “trespass” beyond the property borders. M. Lasalle states that they could adjust the fixtures. He notes that their goal was to put the fixtures on the building. He states that there is one fixture that is “up at the dumpster” at the entranceway to provide lighting at key points. He states that they can adjust the fixtures.

J. Vance wonders if the exits for the second floor are “coming off the back” [of the building]. M. Lasalle states, “correct.” J. Vance wonders if there is enough room between “there and the street.” M. Lasalle states “yes.”

R. Metcalf states that the surveyor has a note [that states], “easements or other unwritten rights may exist to encumber or benefit the property, not shown hereon.” R. Metcalf wonders if the surveyor who had done the original survey on this project had done a deed research “or anything.”

M. Lasalle states that they asked “him too” [to locate] any easements or underground sewer lines. He notes that he doesn’t know what else to ask. He states that they submitted the deed and it didn’t have an encumbrance on it.

R. Metcalf states that when [the surveyor] “puts that on there,” the deeds will reflect “something” [is present on the site that was not noted by the surveyor]. He notes that J. Vance was talking about the “lighting issue.” He wonders about the amount of “light spill” that goes across the property line. He states that [the Town’s] ordinance does not allow [light spill to go over the property line].

M. Lasalle states that they will have a lighting plan be done. He notes that [a light bulb] the “next size down” that has a shallower footprint [can be used].

R. Metcalf states that having lights on the site walk “is a help.”

M. Lasalle states that [the Board] can see if the street and perimeter [lighting] is adequate. He notes that he needs guidance.

R. Metcalf notes that with the waivers, “some things don’t need them,” but that he does understand 2.1-2.7. He wonders if that [waiver] is the only one that needs to be addressed. J. Stoll states [yes].

R. Metcalf states that [the applicant] needs a letter from the sewer department. J. Stoll states that [the letter arrived at the Town already].

R. Smith states that in terms of delivery trucks for businesses, he doesn’t know what other businesses [the applicant] is looking [to house in the new structure]. He notes that the street is a small street. He wonders if it will be adequate to receive deliveries with a truck [for the other businesses proposed to be housed in the structure].

M. Lasalle states that whoever wants to rent this [business space] will be made aware that “this is what it is.” He notes that most businesses will have a store-front drop-off. He notes that there is 6-7 feet of pavement that can be [used to] drop goods off. He notes that a tractor trailer will not go through. He notes that [potential businesses] have to be aware that this is “how it works.”

E. Trainer would like to commend the imagination of the project. He wonders how it will change the traffic on Parson’s Street. He notes that there will be additional traffic on the lower part of the Parson’s Street. He wonders if there [there might be] any issues with abutters because [the plan could] changes the traffic pattern.

M. Lasalle states that they used the traffic IE code. He states that the “worst case scenario” would be [an additional] 10-cars per hour exiting the site. He notes that this is a care every [6] minutes. He states that there is activity “back there anyway” so it won’t [be noticed].

E. Trainer states that [the new plan might allow for] safer traffic flows. M. Lasalle states that this is why they made it a one way [to the] “regular street” with the intersection.

C. MacClinchy wonders if there will be clear sight demarcation around the front of the [building] with what is the lot and what is the street.

M. Lasalle ([points to the map on the plan]). He notes that “this” becomes ADA parking with green space and will have lines and curbs. He notes that the driveway will be condensed to a smaller throat and will have curbs to find the entrance way.

C. MacClinchy states that D. Smith did provide comments as well. His comments were if about on-street parking that was prohibited between November through May. C. MacClinchy notes that [D. Smith] was confused, as this is only in storm events. He wonders if the apartment units will have designated parking spaces.

M. Lasalle states, “yes,” ([he points to the map]), “right here and right here,” and that [the apartment dwellers] enter from the back [of the site].

C. MacClinchy schedules a site walk for Saturday, [June] 29th [2019] at 8:45 AM. He asks the Board what they would like to see [on the site walk]. R. Smith asks [the applicant] to define the entrance. R. Metcalf [asks the applicant] to chalk where the driveway would narrow and where the pavement would be removed with the greenspace.

R. Smith states that at the entrance to the “Cleaner’s,” the sidewalk tilts “like this.” He states that he goes in there and in the Winter it gets very icy. He notes that he doesn’t know if [this water] comes off the building or if it comes through the parking lot. He states that he thinks “someone” should take a look at the water that flows down onto the sidewalk area because it can be dangerous.

M. Lasalle states that they will work on that in this “whole area” and will “straighten” the area out. He states that the water district has a disconnection and there is work to be done there. He states that they will “take care of that.”

R. Smith wonders if when [the applicant] puts in a change of roof with the second floor, if the water will be sheeted onto Parson Street. M. Lasalle states, “no,” that they have gutters.

R. Metcalf wonders [if the Board waits to review] the waivers after the site walk. J. Stoll states that [the Board] can do a preliminary review.

[During the review of the meeting minutes, M. Lasalle’s assistant returned stating that there was a conflict with the original scheduled time for the site walk, Saturday June 29th at 8:45AM].

C. MacClinchy states that they are going to reschedule the site walk as there was a conflict. He schedules [the new time for the site walk] to be Monday, July 8th at 6PM.

3. Approval of Minutes of Previous Meeting

C. MacClinchy begins to review the previous meeting’s minutes from Monday, June 10th, 2019.

R. Smith moves that the [Town of Kennebunk Planning Board] approve the meeting minutes for Monday, June 10th, 2019, as corrected.

J. Vance seconds the motion.

R. Metcalf abstains, [as he was not present at the Monday, June 10th, 2019 meeting].

All are in favor, none opposed.

The motion passes 5/0.

4. Other Business

C. MacClinchy notes that the next [Planning Board] meeting is July 8th, [2019]. He wonders if there are “any plans.” J. Stoll states that the Conservation Commission would like to appear [before the Board] to discuss the wetlands ordinance.

R. Metcalf states that [the Comprehensive Plan Committee is developing] a schedule. He notes that they “have to have” a public hearing with the Planning Board and [Board of] Selectmen. He notes that he is trying to get the [Board of] Selectmen to come to a Planning Board meeting. He notes that this would be in August, either on [the Planning Board] meeting on August 12th or the [Board of Selectmen] meeting on the 13th. He notes that [the Comprehensive Plan] has to go to the public hearing by [August] 13th to be on the November ballot.

R. Smith states that he has a question on the Comprehensive Plan and what [the Board] has been getting [for material]. He notes that [the Planning Board] has been getting two updates [per policy meeting] about the changes [that the Comprehensive Plan] had been discussing.

R. Metcalf wonders what [J. Stoll] sent to the Board [members]. J. Stoll states that he sent everything “Carol” [a member of the Comprehensive Plan] sent and the updated recommendations.

R. Metcalf wonders [if the Board] received the sections as well. R. Smith states that he got sections “one time,” before any reviews.

R. Metcalf states that these sections have all been updated. He notes that what [the Board] is looking at now is the recommendations, which is done based on chapters. He [instructs the Board members to review] the updated recommendations.

E. Smith states that the updated [recommendations] were just received [after] the last meeting of the Comprehensive Plan.

C. MacClinchy states that J. Stoll will send what [the Board members] need to review.

J. Stoll states that maybe “Carol” could send clarification. He notes that he had sent everything directly [to the Board members] that had been sent [to him].

R. Metcalf states that there were some decisions made that were not appropriate and needed to be rectified [in terms of changes made to the Comprehensive Plan]. He states that the current issues and recommendations for the update [of the Comprehensive Plan] still needs follow-through because they are still pertinent. He states that reviewing is the next step.

C. MacClinchy states that he wants to thank R. Metcalf for volunteering to renew his position on [the Planning Board] and that the [Board of] Selectmen have granted that request. He states that E. Trainer is “here as alternate” and R. Metcalf is [on the Board] for another 30years. He instructs [E. Trainer and R. Metcalf] to see the Town Clerk to get “sworn in.” E. Trainer states that he has already done this.

5. Adjourn

R. Metcalf moves to adjourn.

R. Smith seconds the motion.

All in favor, none opposed.

The motion passes 5/0.



The meeting adjourned at approximately 8:17 pm.

Respectfully submitted by Megan Hall.

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Signature Page:

	Chair	7/22/19
Rachel Smith	V Chair	7/22/19
		7/22/19
Jamie O'Neil		7/22/19

Signature Date:

