

**Town of Kennebunk
Planning Board
Meeting Minutes**

Monday, January 25, 2016

Present: C. MacClinchy – Chair; R. Smith – Vice Chair; R. Metcalf; M. Randall; A. Jean – Alternate;
J. Vance – Alternate

Not Present: D. Smith – Secretary

Also Present: J. Bernstein – Town Planner

1. Open Meeting

C. MacClinchy called this meeting to order at 7:08 pm. Today is Monday, January 25, 2016.

2. Approval of Minutes of Previous Meetings

There were no minutes to approve at this meeting.

3. Continued Public Hearing on the Shoreland/ Special Exception Application of Jason LaBonte to Construct Road to serve Two New Lots off Emmons Road

J. Bernstein provided an update to the Board. She received some additional information just today, which she provided to the Board as they arrived at this meeting. This additional information included a letter from Town Engineer, Chris Osterrieder, regarding the questions the Board asked about the bridges near Emmons road and their ability to handle fire equipment. In the letter, Mr. Osterrieder stated that Pasture Bridge (which is town owned) is inspected by DOT every two years. This bridge has a temporary fix on it, and is probably scheduled for a full fix within the next couple of years. Also, the Dan Kelly Bridge has a 15 ton bridge design. This bridge was to be inspected by the Town Engineer, however no record of a final inspection can be found. Mr. Osterrieder has forwarded this information to Fire Chief, Jeff Rowe.

Also included is an updated letter from Town Engineer dated 1/25/16. This letter has the same comments as the one included in the Board packets mailed out last week.

Jim Fisher of North East Civil Solutions also submitted an email with his client's answers to four questions that have been brought forward.

J. Bernstein added that she has some outstanding questions, but admitted that she has not had an opportunity to review all the new letters prior to this meeting. Specifically, she noted that the lot lines

on the first two lots have changed slightly, and wants to make sure that all lots are conforming to Standards.

Jim Fisher, North East Civil Solutions, presented on behalf of Mr. LaBonte. First, he addressed the questions that were presented, and then opened up for new questions from the Board. Mr. Fisher stated that he hoped to get final approval with conditions at this meeting.

First to be addressed were the comments from the Town Engineer. Mr. Fisher stated that while Mr. Osterrieder is a great engineer, he and his client did not agree with all of his suggestions.

1. Mr. Osterrieder recommended more than a 2% crown on the road. As this road is only 16 feet wide, Mr. Fisher feels that the steeper crown would cause some driving issues, and wouldn't need to be that steep. In addition, to make a 2% grade, they would need to bring in more fill and would have a greater impact on the wetlands. Mr. Fisher felt certain that the water will wick off the road with the planned 0.5% grade.
2. The drainage calculations used in their plans were derived primarily from Google Earth.
3. The name of the brook has been corrected to Ward Brook.
4. They did revise calculations with new rainfall values. By their calculation the rainfall would need to increase by 400% in order to overflow the box culvert. Adding oversized drainage culverts would not have any significant effect in the water movement, and would just become bat caves.

Mr. Fisher stated that he would expect that a need for the Town Engineer's approval of these items would be a condition of approval for the Planning Board.

To address questions from J. Bernstein, Mr. Fisher showed where a Table has been added to the plans which shows the net vs. gross density of the lots. Also added were the Lot width and dimensions.

R. Metcalf interrupted to point out that the plans provided to the Board did not include these revisions.

Mr. Fisher looked over the packets provided to the Board and realized that the wrong plans had been delivered on the 15th. The corrected plans will be sent ASAP, but he had a copy of the corrected plan for his presentation. Mr. Fisher continued to show that the Standard required that there be 3 acres of upland, and pointed out that with the new densities the plan met this requirement.

J. Bernstein asked about the area marked as Flood Zone C. Could this be removed from the plan?

Mr. Fisher stated that he could remove it as it isn't a flood zone. He had added it originally as he was using the FEMA notations, and thought it would cause less confusion.

Mr. Fisher continued to answer questions regarding bridge capacity; the gentleman who did the work on the Emmons Road Bridge will be looking at the Kelly Bridge within the next few days. There is a

structural engineer coming to inspect the bridge. These inspection documents will be submitted to Town Planner, J. Bernstein.

At this time, Mr. Fisher stated he would be happy to answer any new questions from the Board.

A. Jean asked for clarification of lot widths and directions. There were not directions and bearings included in the plans.

Mr. Fisher stated that these can be found on the boundary survey plan. And the lot widths are marked on the new plans which will be coming soon.

A. Jean asked about the easement being shown on the plan.

Mr. Fisher stated that this is not a specific easement, it is just the ability to create an easement if needed in the future.

A. Jean asked if the pins were all set on the lots.

Mr. Fisher explained that the pins are not set until final approval. In addition, the legal descriptions of the lots have been written and include the boundary plans.

A. Jean asked is there a note that shows where in the plan set to find this information.

Mr. Fisher answered that it is not on the coversheet, but the note can be added.

J. Bernstein stated that she is still confused by how the lot lines have changed over time; specifically over the last 5 years or so. How many lots have been created in the last 5 years?

Mr. Fisher answered that there were 2 lots, and each have been divided in half for a total of 4 lots.

Jason LaBonte added to the discussion that the lot width requirement is 200 feet. Each of these lots is over 500 feet wide, with the exception of the front lot which is 235 feet.

R. Metcalf stated that there are several notes that need to be addressed. His first question was about DEP approval.

Mr. Fisher stated that they don't have the final DEP permit, but have received verbal approval and are just waiting to hear back from the Army Corp of Engineers.

R. Metcalf indicated that Mr. Fisher had already addressed several of his questions including clarification about boundaries, the Table missing from the plans, and questions about the wetland crossing. He added that this is a symbol on the back of Lot D that he is unfamiliar with, could that be clarified.

Mr. Fisher answered that it indicated the old lot line.

J. Bernstein added that she has already lectured them about their legend. Mr. Fisher responded that he is looking for a happy medium between too much information and not enough.

R. Metcalf stated that the bridge inspection would be a condition of approval. In the inspection, they will need to know the capacity of the bridge.

Mr. LaBonte stated that he is familiar with bridge issues. He has a bridge engineering firm coming out this week. Mr. LaBonte stated that the bridge is constructed with steel I-beams. He also indicated that the Kennebunk Fire Department had come up with a contingency plan to use during the upgrade of the Pasture Bridge. If the bridge can only handle 15 tons, then the Fire Department can come up with a plan regarding what trucks can cross the bridge safely.

J. Bernstein asked for clarification of the net calculations. Her understanding is that you cannot count land on the far side of the road in the calculations.

Mr. Fisher answered that it is not counted in net density, as it is part of the Resource Protection zone. J. Bernstein asked if this is clarified in the Table.

Mr. Fisher stated that yes, it is.

Mr. LaBonte stated that he has already made clear to the buyers of the front 2 houses that anything located in the back of their lots is in a flood plain.

R. Metcalf stated that he would like to see a compromise between the applicant and the Town Engineer regarding the grading of the road. Perhaps a 1% crown would be acceptable.

Mr. Fisher agreed that this could be a condition of approval, with the OK from Town Engineer.

R. Smith stated that he had many of the same questions as the rest of the Board regarding the bridge. He would want to wait to hear back from the Fire Chief, and wants to have a note from the Fire Chief indicating that he is comfortable with the bridge capacity.

Mr. LaBonte stated that it would be fine as the Fire Department would just need to have a contingency plan for a bridge that doesn't hold all their trucks.

R. Smith stated that he would like to add a condition that requires a sign-off from the Fire Chief approving a plan for access across the bridges.

R. Smith continued by asking if they have a document detailing how residents will share the maintenance of the road.

Mr. LaBonte stated that this is a maintenance agreement. Mr. Fisher stated that the agreement should be part of the new documents provided today, but that it will be a part of the final packet.

R. Smith noted that it is very difficult for the Board to formulate questions when they don't have the correct plans and notes.

M. Randall noted a grammatical error in the 2nd line of the notes section. He then went on to question if it would make sense to have a 50 foot easement rather than the planned 30 foot.

Mr. Fisher stated that they could do that, but it would make it easier to do more and have a greater impact on the wetlands if the easement were already in place. The 30' easement should be more than adequate as there are only 2 houses to be accessed by this road. There will only ever be 2 houses to access this road due to the Resource Protection area. He also noted that they plan to run underground power, and so even if the buyers would like to widen the road to 24 feet, that would still be doable within a 30' easement.

M. Randall noted that perhaps the maps should be corrected when the new FEMA regulations go into effect.

Mr. Fisher asked if the Board was in tacit agreement that a 1% grade to the road would be acceptable.

J. Bernstein answered that she would like Mr. Osterrieder to take a look at that before the Board says OK.

R. Metcalf clarified that his comment was that it be nothing less than a 1% grade.

A. Jean stated that too great a grade would mean more fill and more impact, so 1% would be her preference.

J. Vance asked Mr. Fisher to refresh her memory of the Lot D building envelope. Hadn't it been agreed that they should keep to the lower part of the envelope?

Mr. Fisher stated that when building plans are made they will need to come back to the Board, but for this application they wanted to show the options. There is a note on the plans to clarify this.

Mr. LaBonte stated that the split between Lots A and B was done last Spring. Those owners have been there since about July. The division between C and D isn't legal yet, but they will be doing that after they get the Planning Board approval.

C. MacClinchy opened this up to the Public for comment.

There were no comments to be heard.

R. Metcalf read the conditions of approval as he had noted them during the discussion.

- Receipt of DEP Wetland permit required
- Planners need to review the correct revised plans
- Review of the engineering comments by Town Engineer, specifically to the grade of the road, which the Planning Board recommends to be not less than 1%
- Response of approval from the Fire Chief, which also includes a contingency plan for emergency access across the 15 ton bridge
- Must provide metes and bounds for access easement
- Must provide a copy of the maintenance agreement to Town Planner

C. MacClinchy asked if the Planning Board would like to work through the Findings of Fact at this time.

M. Randall stated that he would prefer to see the other information before doing this.

R. Smith stated that there are a lot of loose ends involved with this plans. As it is January, the likely won't start building next month and would like to have a lot of the plan updates in hand before voting on this plan.

Mr. Fisher noted that most of these conditions won't be added to the plans so having the plans in hand won't made a difference and the approval would be conditioned to receiving the updates. He also noted that once he gets DEP approval, they can't do anything come April due to the bats. However, if they can get approval they can start cutting trees.

R. Smith noted that if everything looks OK for the Town Planner, Town Engineer and Fire Chief, than it would be OK to move forward.

M. Randall asked about widening the Right of Way.

R. Metcalf stated that he would prefer not to do that as it opens up to more impact on the wetlands.

R. Smith stated that he has no strong objections, but that this is a frustrating situation to try and work through without having the right plans to look at. However, he will support reviewing the Findings of Fact. He also expressed his frustration with the plan issues. It would be nice to have the Town Engineer attend these meetings so that he can talk to the disagreement with the planning engineer.

J. Bernstein stated that she has one more plan correction. In the legend they have a 25 foot wetland setback. This should be crossed-off as the setback is 100 feet.

M. Randall asked if they should add the caveat that this can't be divided again.

J. Bernstein answered that this is not a subdivision, so it won't be an issue.

A. Jean stated that she supports doing the Findings of Fact.

Findings of Fact and Findings of Fact Special Exception

C. MacClinchy made A. Jean a voting member of the Board for the duration of this meeting.

January 25, 2016

Date

**Town Of Kennebunk
Planning Board
Special Exception
FINDINGS OF FACT**

1. Property Owner: Jason LaBonte

2. Site Location: 250 Emmons Road, in the Resource Protection, Rural
Conservation & Shoreland Overlay Zoning District, and contains +/- 21.5 acres, sq. ft.

3. Assessor's Map 33 Lots 1 & 10

4. Description of proposed use: Revise lot lines to create access to 2 lots on south side of brook

5. The Kennebunk Planning Board has reviewed the above noted proposal utilizing the following set of approval criteria from Article 7, Special Exceptions, of the Kennebunk Zoning Ordinance and determined:
 - (1) The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility afforded to pedestrians and the operators of motor vehicles;

Criteria met X Not met _____

with the following conditions or comments: _____

 - (2) The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;

Criteria met Not met _____

with the following conditions or comments: _____

- (3) The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

Criteria met Not met _____

with the following conditions or comments: _____

- (4) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties;

Criteria met Not met _____

with the following conditions or comments: _____

- (5) The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;

Criteria met Not met _____

with the following conditions or comments: _____

- (6) The proposed use has no unusual characteristics atypical of the generic use which proposed use will depreciate the economic value of surrounding properties; and

Criteria met Not met _____

with the following conditions or comments: _____

- (7) If located in the Shoreland Area Overlay District, the proposed use: (a) will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat **met**; (b) will conserve

Shoreland vegetation met; (c) will conserve visual points of access to waters as viewed from public facilities N/A; (d) will conserve actual points of access to waters N/A; (e) will conserve natural beauty met and (f) will avoid problems associated with flood plain development and use met.

Criteria met X Not met

with the following conditions or comments: building envelopes will remain outside of floodplain

(8) If located in the Resource Protection District, the following additional standards are met for any residential use proposed:

- (a) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built. Met; building road at point of least disturbance
- (b) The lot on which the structure is proposed is a lot of record, having been established and recorded in the York County Registry of Deeds prior to the effective date of this amendment, (6/15/94). Met
- (c) There shall be only one dwelling located on such lot of record. Met
- (d) The proposed location of all buildings, sewage disposal systems and other improvements are: Met
 - (i) Located on natural ground slopes of less than twenty (20) percent; and
 - (ii) Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodways Maps and Flood Insurance Rate Maps; all buildings including basements, are in conformance with the Town's Flood Plain Ordinance, (see Section 4-5 of Kennebunk town Ordinances).

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be ½ the width of the 100-year floodplain. For purposes of this subparagraph, "floodway" means the channel of a river or other

watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot in height and "velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

- (e) The total ground floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet. N/A

- (f) All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate value and high value wetlands. N/A

Criteria met _____ Not met _____

with the following conditions or comments: _____

- (9) If located in the Branch Brook Aquifer Protection District the proposed use: (a) the proposed use meets the specific requirements set forth in this Ordinance and will be in compliance with all applicable state and federal laws; (b) the proposed use will meet all applicable performance standards; (c) the proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone A.; (d) the proposed use does not involve uses or activities which could cause a violation of the performance standard for pollution levels; (e) any control measures proposed to prevent adverse impacts on water quality are adequate and reliable, considering the threat to water quality which would result if control measures failed; (f) the use will not involve disposal of solid waste, hazardous materials or leachable materials (other than specifically allowed by Ordinance); and (g) oil, fuel, and other petroleum products stored on-site will be properly contained so as to prevent contamination of the groundwater from leaks or spills. N/A

Criteria met _____ Not met _____

comments: with N/A the following conditions or

- (10) For Special Exception requests regarding Telecommunications Facilities the Board has considered the following additional issues in making its decision: N/A

- (a) Height of proposed tower or other structure does not exceed that which is essential for its intended use and public safety.
- (b) Proximity of tower to residential development or zones.
- (c) Nature of uses on adjacent and nearby properties.
- (d) Surrounding topography.
- (e) Surrounding tree coverage and foliage.
- (f) Design of the tower, antenna, or facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (g) Proposed ingress and egress to the site.
- (h) Availability of suitable existing towers and other alternative tower structures.
- (i) Visual impacts on view sheds, ridge lines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
- (j) That the proposed facility/tower/dish will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or major view corridor.
- (k) That the proposed facility/tower/dish is not constructed in such a manner as to result in needless height, mass, and guy-wire supports, with documentation having been provided and reviewed regarding the design capacity of the tower/facility.

Based upon the above noted findings, the Kennebunk Planning Board Approves X Denies the application:

With the condition that they must obtain sign-off from Fire Chief regarding the 15-ton rated bridge and provide a contingency plan for emergency vehicles to have access crossing the Kelly Bridge.

****PLEASE NOTE THAT AFTER PLANNING BOARD APPROVAL, THE APPLICANT MUST RECEIVE A CHANGE OF USE PERMIT AND/OR BUILDING PERMIT FROM THE BUILDING INSPECTOR BEFORE BEGINNING WORK AT THE SITE.**

A PERMIT GRANTED BY THE PLANNING BOARD UNDER THE PROVISIONS OF THIS ARTICLE (7) SHALL EXPIRE IF THE WORK OR CHANGE INVOLVED IS NOT COMMENCED WITHIN SIX (6) MONTHS OF THE DATE ON WHICH THE PERMIT IS GRANTED, AND IF THE EXTERIOR WORK OR CHANGE IS NOT SUBSTANTIALLY COMPLETED WITHIN ONE (1) YEAR OF THE DATE GRANTED.

R. Metcalf moved to approve this Special Exception as conditioned

R. Smith seconded this motion.

Vote to approve as conditioned was 5 approve/ 0 disapprove.

Town of Kennebunk Planning Board Findings of Fact: Shoreland Zone Permit	
PROPERTY OWNER <u>Jason LaBonte</u>	SHORELAND ZONING DISTRICT SZ <u> X </u> RP <u> X </u>
ADDRESS OF PROPERTY Tax Map <u> 33 </u> Lots <u> 1 & 10 </u>	WETLAND FILL APPROVED? <u> 3,785 </u> SQ. FT.
FINDINGS OF FACT AND CONDITIONS OF APPROVAL	
BD. OF APPEALS <u> </u> PLANNING BOARD <u> X </u>	
INFORMATION REVIEWED BY PLANNING BOARD: <ul style="list-style-type: none"> • Shoreland Application/Plan dated <u>11/9/2015; 1/11/2016;1/15/2016; 1/25/2016</u> • Shoreland Zoning Performance Standards Review (attached) • Staff reviews (egr., fire, planner) : <u>11/26/2015;1/20/2016;1/25/2016</u> • Conservation Commission : <u> </u> • <u>State/Fed. Reviews: approval dated 12/15/2015 for 1,690 sq.ft. of wetland impact. New DEP approval needed for additional wetland impact shown is pending</u> • Site Walk: <u>12/12/2015</u> 	

CONDITIONS:

1. Applicant provide DEP permit.
2. Town Planner Review plans; specifically review of Lot widths.
3. Town Engineer approve and OK no less than a 1% grade on road.
4. Fire Chief my sign-off on OK for 15-ton limited bridge and provide contingency plan for emergency vehicles to have access over the Kelly Bridge.
5. Provide the Meets and Bounds for the access easement itself.
6. Maintenance plan provided to Town Planner.

APPROVED BY:

DATE:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Code Enforcement Officer

Date Approved

Please note that Shoreland Zone permits require approval of the Code enforcement Officer prior to any site disturbance.

CONCLUSIONS

Pursuant to the requirements of Article 10, Part A., Section 3.C., Filling, Grading, Lagooning, Dredging:

Any work done under this subsection shall not begin until a permit has been issued for the proposed activity by the Code Enforcement Officer. The applicant shall satisfy the Code Enforcement Officer.

Subsections (1) – (9) apply to the Code Enforcement Officer's review of the permit application. The Code Enforcement Officer has issued a permit for the work and so has determined that these standards have been met.

- (10) There shall be no filling of wetlands, except as approved by the Planning Board or Site Plan Review Board, under the provisions of Article 10, Sections 3.E, 3.G and 3.P as applicable, and as approved by the U.S. Army Corps of Engineers and by the Department of Environmental Protection, as applicable.

Note: A person performing any of the following activities shall be required to obtain a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over, or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them as a result of:

- a) Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- b) Draining or otherwise dewatering;
- c) Filling, including adding sand or other material to a sand dune; or

Any construction or alteration of any permanent structure.

Section 3.E. Piers, Docks, Wharves, Breakwaters, Causeway, Marinas, Bridges, and Uses Extending Over or Below the Normal High Water Line of a Water Body or Within a Wetland.

- (1) Any new permanent, temporary, or material expansion or alteration of a pier, dock, wharf, bridge, or other structure or use extending over or below the normal high water line of a water body or within a wetland shall require a building permit; subject to prior Special Exception review and approval by the Planning Board. Any new permanent structure, or expansion thereof, shall require a permit from the Department of Environmental Protection (DEP) pursuant to the Natural Resources Protection Act, 38 M.R.S. A. Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters. In addition, the applicant shall be required to obtain any other federal and state approvals that may be needed, including evidence of a submerged land lease from the Maine Bureau of Public Lands, if applicable. Prior to Planning Board's final action on any Kennebunk River related application, a copy of the application shall be forwarded to the Kennebunk River Committee and Harbormaster for review and comment; which shall be made part of the Planning Board's record.

- (2) In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following:
- (a) For the purpose of the protection of property against flood and/or storm damage and the protection of identified sensitive environmental habitats, piers, docks, wharves, walkways, ramps or floats shall not be permitted in any areas identified as Velocity Zones as shown on the most recent Flood Insurance Rate Map produced by FEMA,
 - (b) No new permanent, temporary or material alteration of a pier, dock, wharf, bridge, or other structure shall be permitted within the wildlife habitat of species considered endangered or threatened by the Maine Department of Inland Fisheries and Wildlife or U.S. Fish and Wildlife Service,
 - (c) Piers, docks, wharves, walkways, ramps and floats shall be constructed to meet the standards for "Appurtenant Structures" as set forth in FEMA 55, Coastal Construction Manual, third edition, June 2000, as amended. The area of a float or floats shall not exceed 200 square feet, except that when shared by two or more abutting property owners as delineated in 10.3. E. (d), two such floats may be used,
 - (d) Piers, docks, wharves, walkways, ramps or floats require the lot to have a minimum of 60 feet of shore frontage. If a property owner does not meet this standard, the applicant may co-apply with an abutter or abutters and must demonstrate that in combination with such abutting property, this standard will be met. The agreement for shared maintenance, and repair costs, outlining pier location and shared access, including any property easements, must be recorded with the York County Registry of Deeds. Once a property owner has entered into a shared pier agreement, that property owner forfeits the right to build his or her own pier. Subdivisions and Condominium Homeowners Associations with 60 feet or more of frontage are allowed to build only one pier and if the frontage is at least 100 feet, may have a maximum of two floats. All members shall use that pier jointly.

- (e) No portion of a pier or float shall be located within 25 feet of a property line or property line extension seaward, unless the pier is a shared pier as per 10.3.E.(d),
- (f) Access from the shore shall be developed on soils appropriate for such use and constructed so as to control erosion and avoid adverse impact on coastal or freshwater vegetation. Appropriate pile installation techniques shall be utilized to minimize disturbance of sediments. Any ramp, walkway or pier shall be at least one foot above the ground, as measured from the lowest part of the structure. Deck boards shall be a maximum of 6 inches in width and spaced $\frac{1}{2}$ inch apart. Paint, stains and water proofing shall not be applied. Coastal bank shall be protected from erosion by the use of suitable stairs no wider than four feet,
- (g) The location of any structure shall not interfere with existing developed or natural beach areas, nor impede legitimate passage along a beach,
- (h) The facility shall be located so as to minimize adverse effects on fisheries.
- (i) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A noncommercial ramp, pier, walkway, dock or wharf shall not be wider than four feet. Pairs of pilings or supports shall be not closer than ten feet,
- (j) Lighting to illuminate walkways, ramps and floats only, and any such lighting must meet the private outdoor lighting standards of this ordinance,
- (k) No new structure shall be built on, over or abutting a pier, dock, or other structure extending beyond the normal high waterline of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity,

- (l) New permanent piers and docks on non tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the DEP, pursuant to the Natural Resources Act , 38 M.R.S.A., Section 480-C,
- (m) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high waterline of a water body or within a wetland shall be converted to residential dwelling units in any district,
- (n) Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure,
- (o) Any pier, walkway, dock or wharf, including ramps and floats, shall be no longer than a total length of 100 feet nor extend more than one fifth (1/5) of way across a body of water. The Planning Board may, upon review, modify the length requirement if it is demonstrated that no other reasonable alternative exists to provide water access,
- (p) Off-season storage of temporary floats, ramps or walkways must be on upland areas so as to not damage marine or freshwater vegetation. Caution must be exercised to avoid damage to shoreline banks and shoreline vegetation. Ramps may be stored on piers or docks. All stored items must be properly and safely secured so as not to become a wind or wave borne hazard in a severe storm or hurricane, and
- (q) Enlargements, alterations, repairs, or the rebuilding of nonconforming piers, docks, walkways, wharves, ramps or floats shall be governed by the provisions of Art. 5. of the ordinance.

Conclusion:

Standard is: Met ___ Not Met ___ N/A X Met with the following conditions _____;

G. Roads, Driveways and Parking Areas

The following standards shall apply to the construction of roads, driveways, parking areas and drainage systems, culverts and other related features.

- (1) The Planning Board, (or the Site Plan Review Board or Staff Review Committee in the case of site plan applications), may approve a road, driveway, and/or parking area plan which is exempt from the setbacks imposed by Article 8, Section 16.D upon a finding that no reasonable alternative exists, and upon a clear showing by the applicant that no greater setback can be achieved, and that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than twenty (20) percent, the road, driveway and/or parking area setback shall be increased by ten (10) feet horizontal distance for each five (5) percent increase in slope above twenty (20) percent. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section D.(1) except for that portion of the road or driveway necessary for direct access to the structure.

Conclusion:

Standard is: Met ___ Not Met ___ N/A ___ Met with the following conditions X ___; Town Engineer approve and OK no less than 1% grade on road.

- (2) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.

<p>Conclusion:</p> <p>Standard is: Met _____ Not Met _____ N/A <input checked="" type="checkbox"/> Met with the following conditions _____;</p> <p>_____</p> <p>_____</p>
<p>(3) New roads and driveways are prohibited in a Resource Protection District, except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.</p>
<p>Conclusion:</p> <p>Standard is: Met <input checked="" type="checkbox"/> Not Met _____ N/A _____ Met with the following conditions _____;</p> <p><u>Applicant has shown location of least impact to access two proposed lots.</u></p> <p>_____</p>
<p>(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained herein.</p>
<p>Conclusion:</p> <p>Standard is: Met <input checked="" type="checkbox"/> Not Met _____ N/A _____ Met with the following conditions _____;</p> <p><u>Following approval and sign-off from Town Engineer.</u></p> <p>_____</p>
<p>(5) Road and driveway grades shall be no greater than ten(10) percent, except for short segments of less than two hundred (200) feet.</p>
<p>Conclusion:</p> <p>Standard is: Met <input checked="" type="checkbox"/> Not Met _____ N/A _____ Met with the following conditions _____;</p> <p>_____</p> <p>_____</p>

(6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet, plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

Conclusion:

Standard is: Met X Not Met N/A Met with the following conditions ; The closest point between driveway and Ward Brook is approximately 90 ft.

(7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient column or heat to erode the road, driveway or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associate water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

<u>Grade</u> (Percent)	<u>Spacing</u> (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

(b) Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

Conclusion:

Standard is: Met Not Met N/A Met with the following conditions _____;

(8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

Conclusion:

Standard is: Met Not Met N/A Met with the following conditions _____;

P. Shoreland Mitigation Plan

The Planning Board (or Site Plan Review Board in the case of Site Plan Application) may permit minor wetland fills and/or development within the shoreland setback area upon a positive finding that each of the following criteria have been met:

(1) for projects that fill less than an acre of Wetland the applicant has made a clear showing that:

(a) no reasonable alternative exists and that no greater setback from the shoreland/wetland area can be achieved, and:

- (b) that project meets all applicable Federal and State permit requirements, and provides evidence that the agency has reviewed the application.

Conclusion:

Standard is: Met ____ Not Met ____ N/A ____ Met with the following conditions X ;
 Must provide a copy of the final sign-off by State and Federal agencies

- 2) Additionally, for projects filling an acre or more of wetland the applicant shall submit a Shoreland Mitigation Plan which:

- (a) delineates and evaluates the functions and values of the wetland/shoreland site being impacted by the proposed development,
- (b) addresses the impacts to the aquatic resource, and
- (c) proposes a plan for replacing the loss of the aquatic resource and/or buffer area by creating, restoring, and/or enhancing similar aquatic resource functions and values, either within the development site or on a site nearby.

Conclusion:

Standard is: Met ____ Not Met ____ N/A X Met with the following conditions _____ ;

DECISION:

Based upon the above findings and conclusions, the Board finds that the Applicant has/has not met the requirements for Planning Board/Site Plan Review Board Approval under Article 10, Sections 3.E, 3.G and 3.P as applicable,

and the application is therefore APPROVED/DISAPPROVED.

CONDITIONS OF APPROVAL, IF ANY:

1. Applicant provide DEP permit.
2. Town Planner Review plans; specifically review of Lot widths.
3. Town Engineer approve and OK no less than a 1% grade on road.
4. Fire Chief my sign-off on OK for 15-ton limited bridge and provide contingency plan for emergency vehicles to have access over the Kelly Bridge
5. Provide the Meets and Bounds for the access easement itself
6. Maintenance plan provided to Town Planner.

Dated: January 25, 2016

Applicable Reviewing Board

Planning Board x Site Plan Review Board

R. Metcalf moved to approve this Special Exception as conditioned

R. Smith seconded this motion.

Vote to approve as conditioned was 5 approve/ 0 disapprove.

4. Final Plan Application of Boothby Road Subdivision (now called Salt Meadow Landing) by Erinmore LLC.

J. Bernstein provided an update of this project. The subdivision has a new name; Salt Meadow Landing. The location is at 61 Boothby Road. This is an 8 lot open space subdivision on 13.5 acres. The Town Engineer review of the plan was not ready for this meeting.

R. Metcalf asked how many items were needed on his review.

J. Bernstein stated that most had been addressed, provided there have been no major changes to the plan. She continued to state that there is a letter from Mike Bolduc, Kennebunk Sewer District, asking for notes to be included in the plans prior to construction. This should be added as a condition of approval. It needs to be clear that the Home Owners Association will be responsible for the maintenance of the pump station. Jason Vafiades has tried to address all of the prior comments and questions on these revised plans.

Jason Vafiades presented to the Board, and stated that he is hoping for final approval with conditions for the project. He stated that in regards to the Town Engineer's comments, his understanding is that he had approval at the last meeting with the Town Engineer, but was still reviewing the escrow.

In regards to the Sewer Review; Mr. Vafiades is still working on adding all the notes to the plan, and maintenance of the pump station is already included in the Home Owners Agreement.

In regards to Town Planner's comments, the different surveyor stamps were because Lower Village did the original survey (outside boundary) but were busy so another company (Tickem Assoc.) did the internal survey for the lot divisions.

Mr. Vafiades explained that within the Legend, the lines are being flipped between building envelopes and setbacks. He believes this will make the plan easier to read.

R. Metcalf noted that they were missing the landscape plans.

Mr. Vafiades stated they would be added to the Mylar

C. MacClinchy stated that the D Sheets were missing.

Mr. Vafiades stated that the D Sheets are part of the stormwater reports and are attached to that report.

C. MacClinchy opened discussion for Board questions.

J. Vance had no questions at this time.

M. Randall noted that there were not any drainage features tied into the sewer. Also, he noted the Note on the plan that it cannot be further divided and that open space is to remain open.

R. Smith stated that as he was confused by Note #4 on page 3 of the Sewer letter, he hoped that Mr. Vafiades understood what needed to be done.

Mr. Vafiades assured the Board that he did understand the notes. He clarified that it referred to gravity draining in the lots, but that this would cause wetland disturbance. Mr. Vafiades stated that he has already worked this out with Mike at the Kennebunk Sewer District over the phone. They will be creating a manhole outside of Governors Way for cleaning access and maintenance.

R. Metcalf asked what was happening with the driveway on the existing residential parcel.

Mr. Vafiades explained that the open space on the plan will be transferred to the residential property. This space has been taken out the net space calculations. The easement on the plan is for that residential property. They will have the option to connect to the sewer when someone buys the house.

R. Metcalf suggested that if the possibility is provided, they add a stub, so they won't have to dig up the road to connect.

R. Metcalf had a few notes on the landscape plan. First of all, Mr. Vafiades needs to identify what trees will be planted along the street. He should call them out individually. He also stated that the selection of trees indicated in the legend is problematic as ginkos and lindens are having issues. He suggested oaks and maples would be best. He stated he would be willing to make review of the landscape plan a condition of approval. He also wanted to add as a condition of approval that the Town Engineer visit and observe the planting of the buffer trees on Lots 1, 2, and 3.

A. Jean asked if the Sewer District was revising that sections where the force main goes into the manhole, and will details be provided in the plans.

Mr. Vafiades stated that he would be comfortable with a condition of approval to be inclusion of this on the plans, unless this could be part of the condition that was already established that the plans needed a sign-off from the Sewer District.

C. MacClinchy noted that on the coversheet, #6 within the General Notes the wrong engineering firm was identified.

Mr. Vafiades stated he would verify that Vafiades Engineering Design was noted throughout the entirety of the plans.

C. MacClinchy asked if there was a path that goes off the house as depicted in C101 on Lot 5.

Mr. Vafiades stated that there is an existing path from the field, but that he can take this off the plans to avoid confusion.

J. Bernstein stated that she has received questions via email from Mr. Tom Hyland.

1. Has the 250 Resource Zone been marked within the Subdivision?
 - a. Mr. Vafiades stated that this has been done with a split rail fence. They marked the Shoreland zone, and not just the Resource Protection Zone.
2. It was agreed that the subdivision would mark the 50 foot limited cutting buffer.
 - a. Mr. Vafiades stated that he doesn't recall that this was agreed to.
3. It was agreed that would add bylaws that cutting is not allowed within the 50 foot buffer.
 - a. Mr. Vafiades stated that this has been done.
4. It was agreed that Trash and Recycling would be handled by private contract.
 - a. Mr. Vafiades stated that this is already in the Home Owners Association documents.
5. It was suggested that applicant must notify all abutters prior to blasting.
 - a. J. Bernstein noted that this is part of the town ordinance.

J. Bernstein asked about the dock and storage sheds which used to be on the plans.

Mr. Vafiades explained that they have been removed as they will be part of a future application.

J. Bernstein noted that the only survey that will be filed at registry will be the subdivision plan.

Mr. Vafiades assured that the boundary survey has been registered at some point, and a note will be in the plan references this registry.

M. Randall agreed it would be good to record both.

J. Bernstein stated this is usually part of subdivision law.

R. Metcalf stated that if the plan is recorded there should be a book and plan number which can be added as a note on the plan page.

J. Vance questioned the note which stated that the Contractor shall sweep driveway and streets. Do you use a tracking pad to keep this from getting swept out onto Boothby Road?

Mr. Vafiades stated that the sweeping and cleanup will happen as needed. It will be daily if a particularly muddy time of year.

Findings of Fact

Town of Kennebunk Planning Board

FINDINGS OF FACT AND CONDITIONS OF APPROVAL

FINAL SUBDIVISION PLAN OF Salt Meadow Landing

Subdivision Name

1. Property Owner: Erinmore, LLC
2. Site Location: Boothby Road
3. Size and # of lots/units: 8 Lot Open Space Subdivision on 13.5 acre site
4. Zoning District (s): Coastal Residential, Resource Protection, & Shoreland Overlay Zones
5. Assessor's Map 94 Lot 75
6. Applicant: Erinmore, LLC

has shown X has not _____ shown legal interest in the property (deed, option, purchase and sale agreement).

7. INFORMATION REVIEWED BY PLANNING BOARD:

- Staff reviews (Engineer, Fire Chief, Planner, Code Enforcement Officer) 12/9/2015 and 1/25/16
- Site Walk completed by Board 05/09/2015; 10/31/2015 & 11/13/2015
- Conservation Commission _____
- State/Federal Reviews _____

CONDITIONS:

1. 50-foot planted buffer along Lots 1, 2, and 3 to be field located and approved by Town Engineer.
2. Drainage improvements along Boothby Rd. associated with this development, in conjunction with the Town be made to address any adverse drainage and environmental impact to the abutter on the Western side of Boothby Rd.
3. Letter from Sewer District dated 1/25/2016 with attached notes to be added to sheets C102 and

C201.

4. Landscape plan to be updated, specific to street plants.
5. Sub-division plat to be revised with note corrections and updated legend to include Book and Page number of existing Boundary plan.

APPROVED BY: _____ DATE: _____

8. The Kennebunk Planning Board has reviewed the above noted development utilizing the Kennebunk Standards for Reviewing Land Subdivisions and the Kennebunk Zoning Ordinance. Based upon the application and materials submitted in support of the application, together with the evidence submitted at the public hearing on the application, the Planning Board makes the following findings with respect to the standards of Title 30-A § 4404 and Article 11, Section 8 of the Zoning Ordinance Guidelines listed below:

A. M.R.S.A. 30-A §4404

1. **Pollution.** Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above the sea level and its relation to the floodplains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations.

Standard is met X , not met _____, met with following conditions and or waivers

Using public water & sewer, staying out of floodplain

Rationale for negative determination: _____

2. **Sufficient water.** Has sufficient water available for the reasonably foreseeable needs of the subdivision.

Standard is met X , not met _____, met with following conditions and or waivers

Sign-off by Water District

Rationale for negative determination: _____

3. **Municipal water supply.** Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

Standard is met X , not met _____, met with following conditions and or waivers

Sign-off by Water District

Rationale for negative determination: _____

4. **Erosion.** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Standard is met X, not met _____, met with following conditions and or
waivers

Review of plan submitted by Town Engineer and approved as has the stormwater
management of the project

Rationale for negative determination: _____

5. **Traffic.** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed, and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of the Town, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.

Standard is met X, not met _____, met with following conditions and or
waivers

No undue congestion foreseen as result of this project

Rationale for negative determination: _____

6. **Sewage disposal.** Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on Town services if they are utilized.

Standard is met X, not met _____, met with following conditions and or
waivers

At the request of 1/25/2016 letter from Sewer District, notes to be added to the plan prior
to construction (C102 and C201). Additionally will need final sign-off for Sewer
connections by the Sewer District, and letter from Sewer District that satisfied with the
plan.

Rationale for negative determination: _____

7. **Municipal solid waste disposal.** Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

Standard is met X , not met _____, met with following conditions and or waivers

Will have private contractor for solid waste disposal.

Rationale for negative determination: _____

8. **Aesthetic, cultural and natural values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Standard is met X , not met _____, met with following conditions and or waivers

Rationale for negative determination: _____

9. **Conformity with local ordinances and plans.** Is in conformance with the duly adopted subdivision regulation, comprehensive plan, and zoning ordinance of the Town of Kennebunk.

Standard is met X , not met _____, met with following conditions and or

waivers

Rationale for negative determination: _____

10. **Financial and technical capacity.** The sub divider has adequate financial and technical capacity to meet the standards of these regulations.

Standard is met X , not met _____, met with following conditions and or waivers

Rationale for negative determination: _____

11. **Surface waters; outstanding river segments.** Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Standard is met X , not met _____, met with following conditions and or waivers

All construction is outside the 250 ft. limit

Rationale for negative determination: _____

12. **Ground water.** Will not, alone or in conjunction with existing activities, adversely affect

the quality or quantity of ground water.

Standard is met X , not met _____, met with following conditions and or
waivers

Rationale for negative determination: _____

13. **Flood areas.** The sub divider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation.

Standard is met X , not met _____, met with following conditions and or
waivers

No construction located within floodplain.

Rationale for negative determination: _____

14. **Stormwater.** The proposed subdivision will provide for adequate storm water management.

Standard is met X , not met _____, met with following conditions and or

waivers

Applicant and Town must address this matter to prevent run-off onto abutter's property.
Town Engineer will review and sign-off on stormwater plan.

Rationale for negative determination: _____

15. **River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.

Standard is met X , not met _____, met with following conditions and or
waivers

Rationale for negative determination: _____

16. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Standard is met X , not met _____, met with following conditions and or
waivers

Rationale for negative determination: _____

17. **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of these lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

Standard is met X, not met _____, met with following conditions and or waivers

Rationale for negative determination: _____

18. **Lake phosphorous concentration.** The long-term cumulative effects of the proposed subdivision will not _____ unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the _____ proposed subdivision.

Standard is met _____, not met _____, met with following conditions and/or waivers

N/A _____

Rationale for negative determination: _____

19. **Impact on adjoining municipalities.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Standard is met _____, not met _____, met with following conditions and or

waivers

N/A

Rationale for negative determination: _____

20. **Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

Standard is met X, not met _____, met with following conditions and or waivers

None of existing the woods in Rural Protection Zone will be disturbed.

Rationale for negative determination: _____

B. Article 11, Section 8 (As applicable for multi-family and non-residential subdivisions)

1. The plan preserves the natural landscape insofar as practical and adequately uses the natural features of the site and/or new landscaping to define, soften, and screen the impacts of development.

Standard is met _____, not met _____, met with following conditions and or waivers

N/A

Rationale for negative determination: _____

-
2. For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts.

Standard is met _____, not met _____, met with following conditions and or waivers

N/A

Rationale for negative determination: _____

3. Filling, excavation and earth moving activity is carried out in a way that keeps erosion and sedimentation to a minimum.

Standard is met _____, not met _____, met with following conditions and or waivers

N/A

Rationale for negative determination: _____

4. Adequate provision has been made for surface drainage, so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion, or the public storm drainage system.

Standard is met _____, not met _____, met with following conditions and or waivers

N/A

Rationale for negative determination: _____

5. Adequate provision has been made for water supply and sewage disposal.

Standard is met _____, not met _____, met with following conditions and or
waivers

N/A _____

Rationale for negative determination: _____

6. The site plan provides for safe access to and egress from public and private streets, with
adequate parking and internal circulation.

Standard is met _____, not met _____, met with following conditions and or
waivers

N/A _____

Rationale for negative determination: _____

7. Vehicular access to the site will be on roads which have adequate capacity to
accommodate any additional traffic generated by the development.

Standard is met _____, not met _____, met with following conditions and or
waivers

N/A _____

Rationale for negative determination: _____

8. The site plan provides for safe pedestrian circulation, both on-site and off-site.

Standard is met _____, not met _____, met with following conditions and/or
waivers

N/A

Rationale for negative determination: _____

9. Exterior lighting does not adversely affect neighboring properties or streets.

Standard is met _____, not met _____, met with following conditions and or
waivers

N/A

Rationale for negative determination: _____

10. Electrical and telephone utility lines and components serving the site will be placed in a
manner that is not hazardous or unsightly.

Standard is met _____, not met _____, met with following conditions and or
waivers

N/A

Rationale for negative determination:

***** Based on the above noted findings, the Kennebunk Planning Board votes to**

approve,

approve with the conditions noted above, or

deny

the Final Plan Application of

Subdivision Name

R. Metcalf moved to approve this Special Exception as conditioned

R. Smith seconded this Motion.

Vote to approve as conditioned was 5 approve/ 0 disapprove.

5. Other Old/ New Business

Upcoming agendas:

J. Bernstein noted that she has sent the notice to the newspapers for a Public Hearing regarding Longwood Dr. set for the first meeting of February.

J. Bernstein asked if the Board needs to clarify the public definition of a Contract Zone. She did some research and haven't found any good wording. R. Smith stated that he doesn't think that the wording is poor, just need to be more strict in following the standards. R. Metcalf asked if Natalie suggested any language changes.

C. MacClinchy suggested a discussion about ambiguity of sign usage. R. Metcalf and R. Smith agreed. C. MacClinchy asked if J. Bernstein could provide some of the dialog that Natalie gave to the Site Board regarding accessories. What was the Code Officer's response?

J. Bernstein questioned if the Planning Board wanted to have a minimum size for principle use? The application which spurred this discussion stated they were going to have 8 seats inside.

R. Metcalf suggested that the business needs to provide documentation that shows the inside is the primary use, and the drive-thru is an accessory. He then questioned, how do we classify walk-in and pick-up? Need to craft the language to show that primary use is not via drive-thru windows.

J. Bernstein asked how to address businesses that are not restaurants; i.e. banks, pharmacies, etc.

R. Metcalf stated that the discussion came up as primary use. He stated that we need to be clear in terms of design standards, so need to look at all the opportunities for a drive-thru.

A. Jean asked how the town defines fast food.

J. Bernstein stated that it doesn't define fast food, it is called a restaurant regardless. The language in question was that can't have a drive-thru window if they serve food. The two current places are grandfathered in.

C. MacClinchy clarified that they want to provide sections of town from becoming auto-dependent.

M. Randall asked if we are holding off on the Wetland Mitigation discussion.

C. MacClinchy answered yes.

R. Metcalf gave an update that the Comp Plan group has met for the first time. There was discussion about concern regarding the timeframe to do everything that needs doing. They are meeting twice a month for the next 18 months. They will still be meeting with the consultant to determine most important parts of the Comp Plan to update. They may not fix the Zoning rewrite, but they should identify parts of Zoning that need to be addressed. He went on to state that he doesn't want there to be a conflict between what this Board is doing and what the Comp Plan Group is doing.

J. Bernstein stated that most of the group is reading the Comp Plan and Zoning Ordinance for the first time right now.

J. Bernstein provided the list of application to possibly be reviewed at the February 22 meeting:

- Contract zone for cell tower – not clear when he is going to have a completed submission in for review. However he will need to determine if there is a vernal pool out there, and will need to wait till Spring for that.
 - Don't know if this will be ready for 22nd.
- Ross Rd. sub division
- Thompson Rd. subdivision

M. Randall suggested that minutes could be emailed out each week and not just included in the packets. That way the Board can review and email back edits to be completed prior to meeting.

6. Adjournment

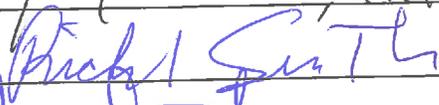
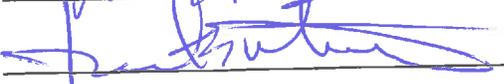
R. Smith moved to adjourn at 10:01 pm.

R. Metcalf seconded this motion.

Vote was 5 in favor/ 0 opposed.

Respectfully submitted by Lynne Capitan

Signature Page

 , chair	3/28/16
	"
	"
	"

Signature

Date