

**Town of Kennebunk  
Planning Board  
Meeting Minutes  
Monday, March 28, 2016**

**Present:** Chris MacClinchy – Chair, Richard Smith – Vice Chair, David Smith – Secretary, Robert Metcalf, Matthew Randall, Janice Vance – Alternate

**Not Present:** Aleksandra Jean - Alternate

**Also Attending:** Judy Bernstein – Town Planner

**1. Open Meeting**

C. MacClinchy opened the meeting at 7:02 pm. Today is Monday March 28, 2016.

**2. Approval of Minutes of Previous Meetings**

Approval of Meeting Minutes was postponed till the end of the meeting.

**3. Preliminary Plan Application of Howard Farm Subdivision by Daniel and Greer Higgins**

J. Bernstein summarized the project for the Board. The Property is the Howard Farms at 207 Thompson Road. The Applicants, Daniel and Greer Higgins, are looking to add a 20-lot subdivision on approximately 24 acres. This is a portion of the current 46-acre site. In addition to the plans, the packet to the Board included the Town Engineer's review and a list of comments and questions from the Town Planner.

Jason Vafiades presented the plan on behalf of the Higgins. As the Board may recall from their site walk, the applicants are proposing a new road be added with a cul-de-sac. Also being proposed are hook-up to public water with private septic, underground utilities for electricity, cable, and phone. The plan has a 200' setback [not required] from Thompson Rd before any building, with all buildings behind the hill. This will help preserve the current look and feel along Thompson Road.

Mr. Vafiades started by reviewing comments and questions from the Town Planner. If the Board looks at the map, they will see that septic locations have been selected. Also note, the applicant will be asking for a waiver at the next meeting in regards to the granite markers for lot lines and will request to use pins. They will also pick a few important locations to add granite markers. There is no landscaping plan prepared at this time. Mr. Vafiades and the applicants are still in discussion regarding adding a formalized buffer zone to the plans, but it should be noted that the only trees scheduled to come out of the site are near where the building will happen. Otherwise there is really little to no clearing of land for infrastructure. Also please note that the sidewalk is currently planned to be outside the Right Of Way for the Road.

J. Bernstein noted that the grading on both sides of the road looks to be fairly steep.

Mr. Vafiades stated there will be a standard 15" culvert for each driveway along the road. He added that this road will be proposed to the Town for maintenance [acceptance]. Mr. Vafiades spoke with Chris Osterrieder, the Town Engineer, about the proposed road. The initial review looked good, but Mr. Osterrieder did state that he will have more questions as the plan is finalized.

Mr. Vafiades stated he will also be working with the Water District on a fire hydrant plan for the subdivision, and will have the final locations planned with the Fire Chief.

Jim Logan [Longview Partners] stated that there will be some temporary wetland disturbance for utilities crossing [for sanitary waste]. He noted that there is permit by rule for Lots 11 and 12. The temporary impact will be to plan a sleeve for any future wastewater pump lines. The plan for future septic systems is to have this 6" sleeve through the wetlands which will stick out into the upland for the leach field placement. He noted that future plans will include both the proposed septic sites and a secondary site for each lot.

M. Randall asked if Mr. Logan had walked any of the other wetlands, and had he noted any connections.

Mr. Logan answered that he looked at the Town's shore land/ wetland maps and this site includes Priority 3 wetlands. He noted that there did not appear to be any wetlands of special significance according to DEP, and there were not any areas with 20,000 sq.ft. of emerging vegetation. There are no animal habitats of concern to be found on this site either. Mr. Logan stated he feels that the standard's 25' setback would be sufficient on these Lot sites.

M. Randall asked if this construction would affect any of the other wetlands in the area.

Mr. Logan stated that there are no numbered/ mapped wetlands on this side of the road, though there are some on the other side of the road. He also noted that the wetlands at

this site do not affect the stream nor do they contain any waterway. He stated that this is a "comfortable site."

J. Bernstein asked about the parcel of land that is indicated that it will be conveyed to abutters. Does this lot need to be shown as not broken off the yet?

Mr. Vafiades stated that according to subdivision law there is a separate process for transfer of property to an existing abutter.

J. Bernstein asked if they are combining their deeds.

Mr. Vafiades answered that he doesn't know what their plan is, but he believes that they will be held from doing anything with the parcel for a period of 5 years.

C. MacClinchy asked Mr. Vafiades to speak to the Town Engineer's comments.

Mr. Vafiades reviewed and commented on the notes from the Town Engineer. He had spoken at length with Chris Osterrieder prior to this meeting. He will be adding a note to the plans that the applicant will be proposing this road to the Town for maintenance [acceptance]. The sidewalk notes will be added to the plan, as well as proposed locations for ADA ramps. Also being added to the plan will be a Right of Way cross-section, as parts of the sidewalk lay outside the proposed Right of Way.

Mr. Vafiades noted that they are going to review the curvature of the cul-de-sac further to make it appropriate for Fire and Public Works equipment. However, Mr. Vafiades stated that if doable, he prefers the current plan as it will slow down the traffic on the street. But, he will proceed as deemed appropriate by Town staff. The plan is to design the road in compliance with a Growth Zone, so that it will be ready for proposal to the Town for Maintenance [Acceptance].

Mr. Vafiades noted that he has tried to maintain the existing drainage patterns for the land, but is willing to add a culvert if needed. He will also be adding a gravel path to the storm water management facilities for maintenance equipment.

Mr. Vafiades also added that he has met with the Water District to discuss extending the water main. They will need to add a 700' extension from Route 35 down Thompson Road. This will be done with oversight from Public Works and the Water Department.

C. MacClinchy opened the discussion for questions from the Board.

M. Randall asked if any part of the site was in a 100-year flood plain.

Mr. Vafiades answered no, none of the site was mapped as such.

M. Randall asked about erosion control plans, and specifically where the applicant planned to pump out storm lines and culverts.

Mr. Vafiades answered generally storm lines would be pumped into the culverts. They could jet on one side and catch on the other.

M. Randall verified that future plan submission would include the test pits for septic.

Mr. Vafiades confirmed that yes, this would be included in all future plans. It was an error on this submission, he had intended to include that information.

M. Randall asked if Mr. Vafiades had moved the lots 12 and 13 in order to have more space.

Mr. Vafiades answered that yes he had done so. He also stated that he tried to move the road away from the stream, but wanted to follow the existing driveway.

J. Bernstein asked if he was planning to add street trees.

Mr. Vafiades answered that he is looking to talk with a professional about the landscape plan.

M. Randall asked if they were planning a connection to the west.

Mr. Vafiades stated that there were no plans for that at this time. He isn't sure who owns that parcel.

J. Bernstein asked if there was any consideration for shared driveways to reduce the number of culverts needed.

Mr. Vafiades stated he would need to speak with the applicant about that.

M. Randall noted that the plan called for 12" storm drains. Some were insulated above and some below. He asked for clarification as to the reason on that.

Mr. Vafiades stated he would need to look into this.

M. Randall asked if they were anticipating a lot of soil transportation.

Mr. Vafiades answered that he didn't think so. They were hoping to keep loam on site for fill.

M. Randall suggested that if there is transportation required, a note should be added to the plans for sweeping. He then asked if there were any vernal pools in the area.

Mr. Vafiades confirmed that there are no vernal pools.

M. Randall suggested that on the plans, for any note that references another agency, please add "per KKW", etc. so that it is clear to anyone reading.

M. Randall referenced the Storm water plan. He asked Mr. Vafiades to double-check the areas for the storm water, specifically the difference between pre and post.

M. Randall noted that the packet was very complete, and that he appreciated that fact. He just had a couple more notes. He stated that included in the soils report was a photocopy page on maintenance detail. He asked Mr. Vafiades to check if that page was pertinent to the plan.

Mr. Vafiades agreed to look into that.

M. Randall asked if a DEP permit was required for this plan.

Mr. Vafiades answered that no DEP permit was required because the plan called for under an acre of impervious surface.

M. Randall suggested that it may be a good idea to build to DEP standards anyway.

Mr. Vafiades confirmed that he was currently doing so.

M. Randall noted that there is a minimum size for building noted in the plans. He asked for the reason to include that requirement.

Mr. Vafiades stated that the applicant would like to maintain the look and value of the neighborhood.

D. Smith asked if the applicant planned to dedicate any land to the Town. The application says no, but if they are going to propose the road be maintained by the Town it should be clarified.

Mr. Vafiades stated he will need to correct this for the resubmission.

J. Bernstein stated that the Board will need to act on any waivers of the standards if they are going to keep the road private.

D. Smith noted that the standards would need to be reviewed. Also noted that would need to keep the option to connect the road at the rear of the subdivision.

Mr. Vafiades stated that this would likely not change the wetlands impact if they expanded the road from 20' to 22'.

D. Smith asked how many houses could potentially be built on the additional lot behind this plan and build the road to that standard.

Mr. Vafiades stated that the standard states that need to have a second entrance to the subdivision if there are more than 25 houses. So, the potential for developing the further lots would be limited by the ability to create this second egress. He had spoken

to the Town Engineer about this, and he thought it was a possibility that the requirement for a second entrance could be waived if there were adequate turnouts and safety provisions should the applicant develop more than 25 lots. However, he was clear that would be a discussion for future plans.

D. Smith noted that on the last page of the submission, there is shown a wildlife trail that runs from Thompson Road all the way to Ward Brook. This trail could make a difference in where you describe the road and how it will work.

Mr. Vafiades asked if he meant on the current or future plans.

D. Smith answered that it was referring to future development plans. He continued that he is not asking them to design the next stage of the project, but just asking them to keep in mind options for future expansion.

D. Smith asked if on the landscape plan, would the applicant want to have a thought about how close stone walls can be to the edge of the road. This may impact vehicles pull off the road, as well as snow plowing.

D. Smith further noted that in the Home Owner documents he really liked the note about pesticides as it specifies pesticide, herbicide and fertilizer. He added that he would like to see the note on protective convenance qualified to include all pesticide, herbicide, and fertilizer.

D. Smith asked for more clarification on the waterway connections.

Mr. Logan answered that the DEP application shows that the wetlands in lots 13 and 6 are just wet swale meadowland. There are is no water course through this site. Mr. Logan went on to state that he did create a wetland report which corrected the Town wetland map.

D. Smith asked if there is anything else that flows from the site.

Mr. Logan stated no, the wetlands are just what is mapped on the plan.

D. Smith asked where the building window for Lot 1 is located.

Mr. Vafiades pointed it out on the map.

D. Smith asked if there is any wooded buffer between Thompson Road and the building envelope.

Mr. Vafiades answered that yes, they are not touching that.

D. Smith asked how far the building envelope is from Thompson Road.

Mr. Vafiades stated that he could talk to the applicant about the possibility of truncating the building window on Lot 1 to keep the 200' open space along Thompson Road.

D. Smith noted that there is a private cemetery located on Lot 2. He asked if this has been deducted from the net area calculations.

Mr. Vafiades confirmed that it had. Also, there is a 15' Right of Way leading to the cemetery.

R. Metcalf noted that the other Board members have covered many of his questions already. He did ask where the house on the Thompson piece is located.

Mr. Vafiades pointed out the location on the map. It is very close, but there is at least 50' to the lot line. He also noted that there is a 50' easement so there will be nothing within 100' of the house.

D. Smith asked if the Fire Chief had reviewed the turn around.

Mr. Vafiades stated that had not happened yet, but this was a standard from other town for turning a pumper truck.

D. Smith asked if an easement is created for a future Right of Way, how much wetland will be impacted for the future.

Mr. Vafiades answered that it would put them in a Tier 1 but not a Tier 2. It was significant, but under 10,000 sq.ft.

D. Smith noted that providing a second means of entrance as a Right of Way is great, because of the potential future need to have this in the plan.

Mr. Vafiades stated that he did talk with the Town Engineer, and while he understands that it would need to be cleared with the Planning Board, C. Osterrieder indicated that he would support waiving the requirement for a second access to future development.

R. Metcalf asked what the width of the driveway for 11 and 12 would be.

Mr. Vafiades answered 16'.

R. Metcalf noted that the waiver for granite monumentation is a standard waiver. He suggested that Mr. Vafiades sit down with the Town Engineer to determine what are the key points to have a tie back to.

R. Smith noted that he doesn't believe the Planning Board has ever waived the standard for a second entrance to a larger subdivision. He stated he would be hard

pressed to consider that waiver. He went on to ask if there are any plans for street lights. Will lights be part of the landscape plan?

Mr. Vafiades noted that he and the applicants have talked about lights near the entrance to the subdivision, but he doesn't think there are any plans for lights within the subdivision.

R. Smith noted that this is probably good, but they may want to consider 1 light in the cul-de-sac.

J. Vance noted that it is nice to go last, as most of her questions have been answered. She did ask about snow storage. If the applicant is proposing the road for Town maintenance, will they need to have a snow storage area?

Mr. Vafiades answered that he is going to talk with Public Works for confirmation, however he designed the sidewalks further back from the road with a ditch in order to have plenty of space for snow to pile up.

J. Vance asked what are the sight lines in both directions of the entrance.

Mr. Vafiades stated that there is at least 120' in each direction.

J. Vance asked if there were plans for signage for the subdivision.

Mr. Vafiades stated that this is not planned yet, but that any signage will be set back.

J. Vance asked in regard to the old cemetery, what are the plans for maintenance. Is this part of the Home Owners Agreement?

Mr. Vafiades stated that he doesn't know if this will be maintained by the Home Owners Association, but anyone who visits is welcome to do a little clean up.

C. MacClinchy noted that the building window on Lot 1 looks small. It would be helpful to know how big that buildable area is.

Mr. Vafiades answered that the lot is 66,000 sq.ft., so the window is at least 7,000 sq.ft.

C. MacClinchy asked if the back portion is still owned by the Howards.

Mr. Vafiades stated that the Howards sold this portion of the land to his clients, with a Right of Way.

C. MacClinchy asked if these were already different lots.

Mr. Vafiades confirmed that is true.

C. MacClinchy noted that there is potential for a great deal of further development in the future. Looking at the plan, a second egress may not be enough to handle all the potential development.

Mr. Vafiades answered that to connect to the back most part of the property would require a bridge across Ward Brook. It is likely that it would be better to access that portion from another direction.

C. MacClinchy stated that he just wanted to be sure that they were looking at the fact that a second egress won't hold for full development of the property.

Mr. Vafiades stated that this assumption is correct. He then asked, if they build the second egress, does it restart the count from that intersection?

D. Smith noted that the Board would need to talk to Legal about that, to make sure that they are giving accurate information.

R. Metcalf noted there is another subdivision with a similar situation, but he could not recall the details.

D. Smith asked if there was a note for Lot 1 in terms of retaining what exists for a buffer. He is not asking to protect any diseased trees, but doesn't want to allow for clear cutting. He would like to protect whatever street trees are there.

Mr. Logan noted that anything located along the stream would be protected as wetland.

Mr. Vafiades stated that they can add a note in the plan that there is no clearing the buffer.

D. Smith noted that roughly 94,000 sq.ft. is a conveyed parcel to the abutter. Is that net or total area?

Mr. Vafiades answered that is total area.

D. Smith asked if they could get two more building lots out of that parcel.

Mr. Vafiades stated that septic would be tough. If it were to be a building lot would likely only be 1 additional lot.

J. Bernstein noted that if it is an outparcel, it isn't for review at this time.

M. Randall clarified that the 200' setback [not required] would not apply to that parcel.

Mr. Vafiades confirmed that is correct, as the 200' is for the current planned subdivision. He also noted that if they were going to develop that lot, they would likely bring the driveway off Skyview and not Thompson Road.

C. MacClinchy asked if the Board felt they have enough information to submit for a Public Hearing.

M. Randall stated yes, he believes that it is ready to go to Public Hearing.

D. Smith stated yes, but noted the Board has given Mr. Vafiades a lot of stuff to get done. It would be good to have this information ahead of the Public Hearing. To be a meaningful hearing, it would be good to have all the documentation and the approvals with the Fire Chief, etc.

R. Metcalf stated that the biggest items brought up by the Board should be resolved prior to a Public Hearing.

C. MacClinchy asked if they could schedule a Public Hearing for April 25<sup>th</sup>.

J. Bernstein stated that can happen if Mr. Vafiades could get her all the information by April 11<sup>th</sup>.

Mr. Vafiades stated that was doable.

D. Smith made a motion to consider this application complete for preliminary plan.

R. Smith seconded the motion.

Vote was 5/0 approval.

#### **4. Preliminary Plan Application of LEB Subdivision on Ross Road**

C. MacClinchy noted that the Board has already done a site walk on this property.

M. Randall stated for complete disclosure that he has a previous relationship with the applicant, but he has not talked with them about this project, nor does he have any financial stake in the matter.

R. Smith, R. Metcalf, C. MacClinchy, and D. Smith all stated that they did not have concerns continuing with application.

J. Bernstein summarized the project for the Board. This is a proposed 7 Lot subdivision on a 7.6 acre parcel. Included in the Board's packet is the review by Chris Osterrieder, Town Engineer.

Lou Chamberlain from Attar presented this application. He was last before the Planning Board in December, and the Board had their site walk in January. Since then, he has done the preliminary design and engineering. A lot of the plan has remained similar, some swales have been identified on the plan. He also added a drainage easement on Lot 4 which also includes an access easement for the neighbor's driveway which crosses the lot line by about 8'. He has created a site vicinity map for the plan set. Lot area calculations were all double-checked. He confirmed that if the drainage easement are removed from the net area of the lots, they will all still meet the 20,000 sq.ft. requirements. He added a 50' no-cut buffer along Ross Road. Also added a proposed landscape buffer along Lot 6. They have submitted a sewer plan. The corner of their site is 1400' to the public sewer line, but the closest development is 1700' so he doesn't believe they will need a waiver of this standard. The applicant wanted to create a less-dense development so that what is being proposed will fit in with the neighboring development.

J. Bernstein noted that monumentation will need to be completed and shown on the plan. If the applicant needs a waiver, they will need to make that request.

Mr. Chamberlain answered that right now they expect they will follow the ordinance.

J. Bernstein noted that the label on Sheet 1 is confusing; the table needs to be labeled to note what is being referenced.

Mr. Chamberlain agreed that the notation was confusing and agreed to add detail.

J. Bernstein explained that she likes to see legends to better define things when possible. Even the term Building Envelope should be defined just to be clear.

J. Bernstein continued that the Road Plan and Profile don't show the sidewalk on Sheet 3; and Sheet 2 is unclear.

Mr. Chamberlain stated they can add that to the plan. The sidewalk will start at Ross Road and end at the cul-de-sac.

J. Bernstein asked if Pole 18D will remain or be relocated.

Mr. Chamberlain stated that the applicant is proposing to maintain the pole for the existing lot and then go underground for the remaining lots. The pole will need to be moved, and that detail needs to be added to the plan.

J. Bernstein reminded Mr. Chamberlain that Net Lot Area calculations need to deduct all easements. They then asked about the reference to CMP.

Mr. Chamberlain stated that he will correct the references to CMP [to KLPD].

J. Bernstein stated that the Board needs to make a determination on the issue regarding the sewer. She clarified that Lot 1 is part of the development.

Mr. Chamberlain stated yes, that is true.

J. Bernstein stated that she would say the measurement starts at the edge of the property and not just the edge of the new development. She included a letter from the Conservation Open Space committee who also would like to see this development on public sewer.

C. MacClinchy asked if Mr. Chamberlain had reviewed the memo from the Town Engineer.

Mr. Chamberlain answered that he had reviewed the memo, and that he and the applicant didn't have any issues with the suggestions made. The comment regarding rainfall will be added as soon as possible. He doesn't think that will change any of the conclusions.

C. MacClinchy opened the discussion up for questions from the Board.

J. Vance asked to have it pointed out where the sewer is in relation to the property.

Mr. Chamberlain showed where the sewer is on the map. He stated that the sewer just "nips" into the 1450' standard, however there is no development happening until 1725' past the sewer.

J. Vance asked if there is any planned open space.

Mr. Chamberlain answered that there is no proposed.

R. Smith asked if they have constructed building windows for each lot yet.

Mr. Chamberlain answered yes they have.

R. Smith asked where the building window is for Lot 1.

Mr. Chamberlain pointed out the building window on the map.

R. Smith asked why they decided to stop the sidewalk before the cul-de-sac.

Mr. Chamberlain stated that they didn't believe a sidewalk was necessary around the cul-de-sac, and that it would cause issues with the driveways off the cul-de-sac.

R. Smith asked if they will create a path through the cul-de-sac for pedestrians.

Mr. Chamberlain stated no, pedestrians would have to walk in the road.

R. Smith asked what the plan for snow removal is.

Mr. Chamberlain pointed out the snow storage area on the map. There is additional storage in the center of the cul-de-sac and along the sides of the road.

C. MacClinchy asked if the snow storage area is part of Lot 7.

Mr. Chamberlain confirmed that it part of Lot 7. It is part of the drainage easement.

J. Bernstein asked if this is both snow storage and drainage.

Mr. Chamberlain said yes, that is so.

R. Metcalf stated that is concerned about the fact that the majority of the lots will not have a sidewalk. He also noted that the existing house needs to be shown on the plan as well as their driveway. Looking at the utilities, he asked Mr. Chamberlain to explore the possibility of having all the lots' utilities underground if they are going to need to move the pole anyway. Finally, he noted that plans for street trees will be required.

D. Smith stated that he wished to echo his concern that 4 lots will have to walk on the cul-de-sac or cross the street in order to reach the sidewalk. He also asked if this road was going to be proposed for Town maintenance.

Mr. Chamberlain stated that they are not proposing the road to the Town at this time. However, they are designing it to meet the Town standards so that they have the option to propose it in the future.

D. Smith noted that if they want to propose the road in the future, it would be a good idea to keep as much to the standard road designs sidewalks, drainage, etc. as possible. He noted that there have been other sites with poor drainage on the road and the Town won't take them over.

J. Bernstein noted that the proposed easements are fairly substantial. She asked if the Home Owners Association would be responsible for the maintenance.

Mr. Chamberlain stated yes, maintenance is part of the Home Owners Agreement.

J. Bernstein asked if the drainage easements could be part of the road rather than part of the lots.

Mr. Chamberlain stated that would be difficult, but as planned the drainage will be grass swales.

D. Smith noted that in Article 3 of the Home Owners documents, there is a reference to well water. If the subdivision is committed to public water, they need to make that corrections. Also, he stated that because of the proximity to wetlands that drain into the Kennebunk River, he would like to see wording added that only certified organic pesticides, etc. can be used.

M. Randall stated that while they are speaking about the sewer, he wanted to know if there were any other larger scale items which needed to be discussed.

Mr. Chamberlain stated not at this time.

M. Randall asked if they had looked at connectivity to Emmons.

Mr. Chamberlain answered that they looked at this but didn't see a benefit. There are houses, and they would need to create a Right of Way to connect to that road.

M. Randall asked if there are any setbacks from environmental elements to be considered.

Mr. Chamberlain noted that there is about 800' from the closest point of the development to the River.

M. Randal asked if they would be filling any wetland.

Mr. Chamberlain stated no they would not.

M. Randall asked if they needed any DEP review.

Mr. Chamberlain stated only for the permit for the storm water management.

M. Randall asked if they had identified anything else that would be concern.

Mr. Chamberlain stated no. There were no red flags, no vernal pools, and not animal habitats.

M. Randall asked if the plans talked about lot density anywhere.

C. MacClinchy noted that all the lots show that they meet requirements.

J. Bernstein stated that the discussion at sketch plan was just how to create lots that don't fill wetlands to get to building windows.

C. MacClinchy stated that it has been discussed, and it meets the zoning standards.

M. Randall asked if they had completed a formal boundary survey, which isn't labeled.

Mr. Chamberlain answered yes, the site has been surveyed.

M. Randall asked what is the set back to the existing house. Is the easement created new, or is that an existing property?

Mr. Chamberlain answered that the property line is marked, and they have a Right of way across the LEB site for utilities.

M. Randall asked if he had spoken with Kennebunk Power yet.

Mr. Chamberlain answered that they have talked, but not in detail. It is still in review and design phase.

M. Randall asked why only an 8' separation between Lot 3 driveway and the wetlands. Why not more?

Mr. Chamberlain stated they didn't want to cut too far into the other lot.

M. Randall suggested that they check the driveway plan with the Fire Chief.

Mr. Chamberlain said he would do so, he wasn't sure of the protocol.

J. Bernstein stated that usually she gives the Fire Chief a copy of the plans, but that the applicant would want to talk with him sooner rather than later.

M. Randall asked if there is a new set of plans. Do they know if they will need to export fill, or were they going to need to build up?

Mr. Chamberlain answered that they will likely need to mound it up a bit.

M. Randall asked if they will need to bring in a lot of fill.

Mr. Chamberlain answered that he thought not a lot, as they will get some from digging the basements.

M. Randall asked that they add a note for sweeping on the erosion plan.

Mr. Chamberlain stated that they will have dust control and a stabilized construction entrance.

M. Randall stated he just wanted to make sure they clean up any large chunks of mud from the truck tires. He then added that he would need to check with the subdivision regulations regarding sightlines.

Mr. Chamberlain stated that during the site walk he noticed that there are some branches which could be cut to improve the sightlines.

M. Randall stated that snow storage should be kept as far away from the wetlands as possible.

Mr. Chamberlain stated that it is really as far away as possible.

M. Randall asked if they know the topography to the river. Is it steep?

Mr. Chamberlain stated that he hasn't walked there, but he imagines that yes it is steep.

M. Randall asked if there are road ditches are part of the storm water plan.

Mr. Chamberlain answered yes there are, and the Town Engineer suggested that be shown with more clarity on the plans.

M. Randall asked if there is a ditch along Ross Road.

Mr. Chamberlain stated that no, there is not really a ditch.

J. Bernstein asked what is the speed limit on that part of Ross Road.

Mr. Chamberlain answered 35mph.

J. Bernstein stated that they will need sight distance of 400'.

M. Randall noted that there is a minimum building size of 2000 sq. ft. on the plan. He asked what the reasoning is.

Mr. Chamberlain stated that this will be reduced to 1800 sq.ft. This note was added because it is a typical note for a subdivision, but also because it is best to keep the homes comparable.

M. Randall noted that the Home Owners Agreement gets very specific, which is good. But he just wanted to make sure that someone has checked to be certain that the documents match up with the Town standards. He hasn't done this check, he just wants to make sure that the documents are in conformance with all the over-arching agencies.

Mr. Chamberlain asked if it was usual for the Board to have a legal review of Home Owners Association documents.

J. Bernstein answered that the Board looks at the documents for basic review.

Mr. Chamberlain stated that he would connect with the Town Planner to make sure the Home Owners Agreement documents were all conforming.

J. Bernstein pointed out that Plan Sheet 1 refers to a duplex.

Mr. Chamberlain stated that there are no plans for a duplex and he will talk with the applicant about removing the reference.

D. Smith asked if they have run the cul-de-sac on a template for fire equipment.

Mr. Chamberlain stated that they have not done so. He based the design on the Town ordinance and made the assumption that the ordinance met with the Fire Chief's approval.

J. Bernstein stated that if the applicant provided her with a plan with enough detail she would review it with the Fire Chief.

D. Smith asked where George Hissong abuts the parcel.

Mr. Chamberlain stated across the road.

D. Smith asked if there is a culvert on that side of Ross Road. Is there wetland crossing to get into the subdivision.

Mr. Chamberlain stated no, there is no crossing to get into the subdivision.

C. MacClinchy opened up discussion regarding the sewer waiver. He asked what the Board's thoughts on the matter are.

J. Bernstein read the standard for the Board.

R. Smith stated that the nearest point of the development is within the 1500' standard, and they need to hook up to the public sewer line. The river is very close to this development and there is a lot of wetland on the site. He stated that he sees no reason not to hook up to public sewer.

J. Vance stated that she concurs with R. Smith.

D. Smith stated that he concurs as well. Also, he looked at the high intensity soil survey. He stated that he thinks the soils will not lend themselves to subsoil wastewater treatment. For the same reasons noted by R. Smith, he would like to make it obligatory to hook up to sewer if the sewer can handle it.

Mr. Chamberlain stated that test pits have been dug and the soils met all standards for septic.

M. Randall stated that he initially concurs as well. His understanding of the standard is either 1500' is a radius, or along road ways. He can't recall any similar waiver discussion.

R. Metcalf also noted that he can't remember any similar situation. The only [similar application] he can remember was for a waiver because the closest system was to a private sewer and the owner wouldn't allow them to tie in.

C. MacClinchy summarized that, as the applicant can hear, there is a consensus that they would need to tie into the sewer system. The Board's consideration is not financial, though they do acknowledge that is the factor for the applicant.

C. MacClinchy asked the Board if they would deem the application complete.

R. Metcalf stated that if the Board is going to require a sewer plan, than this is not a complete application. The applicant can request the Town legal department review the standards to see how they interpret the ordinance.

Mr. Chamberlain asked if they need to request the legal review right now. Or, could he and the applicant review the comments and see where that leaves this plan.

The Board as a whole stated no, they don't need to request a review at this time. They [the applicant] should do what they feel is best.

D. Smith asked if they understand why the Board cannot deem the application complete at this time.

Mr. Chamberlain answered yes, they understand that portion.

**5. Discussion with Bill Single from Irrigation Design Company, LLC representing Biddeford Savings Bank regarding changes made to approved landscape plan for site which is part of the Shops at Longbank Subdivision Plan approval.**

J. Bernstein provided a summary of the situation leading to this discussion. The Planning Board had mentioned they needed to check the landscape plan for the Biddeford Savings Bank site, as some of the trees were not per the Board's approval. They contacted the Bank who contacted Bill Single of Irrigation Design, who is responsible for maintaining the landscaping. Mr. Single put together a plan and

explained why trees that were part of the plan approval were not intended to go back into the landscaping.

Bill Single presented the side of the Biddeford Savings Bank. He said his relationship with the bank goes back even before the branch was located in Kennebunk. He was not part of the initial plan for this branch as it is a lease site. However, eventually Biddeford Savings Bank fired Dead River because they were not maintaining the site.

Kennebunk Power and Light contact the bank because trees were growing into the power lines. The end result was that Dead River hired Mr. Single to remove the trees with approval from the power company. The power lines run within 2 feet of the sidewalk. The original plan called for planting maple trees under the 20' lines.

On the drive-thru side, there is a buffer of natural trees. They then planted trees under the canopy. Doing so caused one side to look ok and other side was dead because it couldn't get sun. The bank asked Mr. Single to remove those trees because they were dying and looked awful.

Mr. Single explained that Biddeford Savings Bank wants people on Route 1 to be able to see their sign. He had suggested that he could plant flowers, as he didn't know that landscaping was part of the Planning Board's approval. The bank doesn't want to be out of compliance, but they also want landscaping that works.

Mr. Single stated that he is here at the meeting tonight to determine what can be done. He further explained that the flower beds that are there, for some reason are not according to his original plans, and he doesn't know why. Mr. Single did have a discussion with Kennebunk Power and Light about keeping beds clear of snow in order to have access to the middle pole.

C. MacClinchy thanked Mr. Single for coming out. He stated that the Board appreciated his time to talk about this.

R. Metcalf stated that the reason for the planting was for screening along Route 1 as well as screening around the transformer.

Mr. Single asked if he was referring to the transformer in the rear of the bank.

R. Metcalf asked if the transformer was still there. The intention was the screening of the drive-thru portion of the bank. And that portion of the plan needs to be re-

implemented with a different selection of plants. This is a critical aspect of the approval that needs to be there to preserve the visual standards of the area.

R. Smith stated that R. Metcalf accurately depicted the issue. There needs to be a screen for the drive-thru specifically.

J. Bernstein asked if the Board would need a site walk.

R. Smith answered no. What the Board needs is for the bank, or its representative, to come back with a plan that does what needs to be done for the Board to review.

J. Vance stated that she knows there are salt-resistant plants. But, she added that she will leave it to Mr. Single's expertise to choose those of an appropriate height.

R. Smith asked why they are putting snow on the flower beds.

Mr. Single answered that snow was supposed to be between the flower beds, but then the planting didn't happen according to plan.

J. Vance asked if the beds can be split and still maintain a screen.

Mr. Single explained that the street trees and the screening are two different issues. The street trees, once tall enough, won't provide a lot of screen. He continued that what was interesting was the actual placement of the trees and shrubs. Good landscaping is to separate the lawn and the beds.

R. Metcalf stated that he thinks there was no monitoring of the construction of the landscaping.

R. Smith stated that the building was built 7-8 years ago. He stated that he wants a tree that would be of adequate height to resemble what would have happened from regular growth in that time.

Mr. Single stated the concern is that a large tree won't fit in the width of the space.

R. Metcalf agreed that it would be great to have a tree with 7-8 years growth, but those are hard to get. Any tree would need at least a 5-gallon shrub size and a 2" [caliper] tree. He added that he would be willing to review any plan with the Town Planner prior to it being submitted to the Board.

## **6. Other Old/ New Business**

### Review of Meeting minutes:

Meeting minutes for 1/25/16 were reviewed and corrected.

**Town of Kennebunk Planning Board  
Meeting Minutes for March 28, 2016  
Page 21 of 24**

D. Smith moved to approve the minutes for 1/25/16 as corrected.

M. Randall seconded the motion.

Vote was 4 approved/ 1 Abstained. D. Smith abstained due to not having been in attendance at the meeting.

Meeting minutes for 2/22/16 were reviewed and corrected.

R. Metcalf moved to approve the minutes for 1/25/16 as corrected.

R. Smith seconded the motion.

Vote was 4 approved/ 1 Abstained. D. Smith abstained due to not having been in attendance at the meeting.

Other Business

April 11, 2016 Meeting

Nothing scheduled

April 25, 2016 Meeting

Thompson Road Public Hearing

Cedarwood Farms Construction

J. Bernstein stated that Cedarwood Farms would like to come before the Board to discuss the construction at Route 1 and High Street. This past weekend, the Kennebunk Police Department tried to get through last weekend and couldn't because there was a blockage at the intersection. Eric Heyland is saying Phase 1 is now under the control of the condo association. J. Bernstein noted that the plan does not permit a blockage so the applicant will need to come and indicate when that will be straightened out.

J. Bernstein continued to state that she expects they will come to say they want to block it. Also noted is the fact that the construction is way over 25 units and they will need a second route of egress.

R. Smith asked if the Board can just send the building inspector to have a violation. D. Smith agreed with this plan of action. J. Bernstein stated that the applicant will need to hear the Board say what they need to do.

J. Bernstein asked if the Board would like to schedule this discussion for April 11<sup>th</sup>. R. Metcalf suggested that the Board draft a letter from Chair of Planning Board, C. MacClinchy, which states this blockage is a violation of the plan approval.

M. Randall stated that this is a safety issue and needs immediate action

J. Bernstein asked if they want to come before the Board should she say that no the Board doesn't want to hear it?

R. Metcalf agreed that statement is right. This has been discussed repeatedly.

C. MacClinchy stated that it is the applicants right to file to come before the Planning Board. However, they should be aware that the Board is not receptive to making concessions. In addition, they must clear up the violation.

R. Metcalf noted that if the Board files the violation, this will not only stop all permits but will also prevent sale as the applicant will be unable to get a clear title.

#### Aroma Joe's

C. MacClinchy stated that Aroma Joe's did get approval through the Zoning Board. He noted that there are things the Board can address in terms of definition of accessory use. It was noted that the Site Review Board did vote on this matter, but they didn't understand why they had to do so.

#### Keeping of Horses

J. Bernstein stated she would like to correct the language in the Keeping of Horses Ordinance. She believes that will be a simple matter for the Board.

### **7. Adjournment**

D. Smith moved to adjourn the meeting.

R. Smith second the motion.

Vote was 5/0 approved.

**Town of Kennebunk Planning Board  
Meeting Minutes for March 28, 2016  
Page 23 of 24**

*Respectfully submitted by Lynne Capitan.*

**Signature Page**

*Guy C. Chair* *5/4/16*  
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*Roger Smith*  
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**Signature**

**Date**