

**Town of Kennebunk  
Planning Board  
Meeting Minutes**

**Monday, April 25, 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, Chris Osterrieder – Town Engineer

**1. Open Meeting**

Open Meeting at 7:04 pm.

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

Minutes held till end of meeting.

**3. Public Hearing on Shoreland/ Special Exception application of Bill Kramer for Pier/ Dock/ Float System at 19 Florence Circle along Mousam River**

C. MacClinchy confirmed that the Board did a site walk on 4/16/2016 at which they saw the location of the proposed dock.

J. Bernstein summarized the application. Bill and Linda Kramer are the owners/ applicants. They are looking to replace a pier/ dock system which was lost to an ice flow at 19 Florence Circle. They have submitted a Shoreland application with details of the float system will work, where the location is in respect to the shoreland area, and where it is located with respect to how far it will reach across the river. Included in the Board packets were some of the questions asked at the last meeting and the answers submitted by Mr. Kramer; these are item 3B. The Shoreland application was also included again. In terms of questions raised by the Board, Ms. Bernstein believes they have been addressed. Currently the application is under review with the State, so the applicants are still waiting for that sign-off.

C. MacClinchy invited the applicant to come to the stand and present any new information to the Board.

Bill Kramer presented. The application is to replace the dock which was destroyed over the winter. When he went to repair/ replace it, he wanted to move it back onto dry land. This change of location caused the need to submit application to Board and DEP. That's where we are at.

C. MacClinchy asked for questions from the Board.

M. Randall asked for an update on the DEP and ACOE applications.

Mr. Kramer answered that he spoke with Jennifer Harris from DEP, who has scheduled a site walk for 5/17/16. The application is complete and they just need the site walk to finish the process. Ms. Harris didn't anticipate any issues with the application. Ms. Harris will also contact the ACOE for them.

Mr. Kramer also stated that he received a letter from the Historic Board, which he has forwarded to the DEP and can also submit to the Board.

M. Randall asked if Mr. Kramer had submitted copies of the deeds to the properties, and did they show the easement.

Mr. Kramer stated that he did submit that information.

D. Smith made a suggestion that instead of trying to use a rod from the permanent dock to the ramp, there is a way to make a stanchion with steel which may be easier and possibly create a stronger dock.

R. Metcalf asked, in regards to the comments to the Board, was the applicant able to check the depth of the helix anchors?

Mr. Kramer answered yes. He had checked and will be using the 5 ½ foot length.

R. Smith stated that he has no questions. This was a very thorough application.

J. Vance agreed with R. Smith's statement.

C. MacClinchy opened the Public Hearing portion of the meeting. No members of the public wished to speak on this application. The Public Hearing was closed.

C. MacClinchy stated that it appears the Board has all the information they need.

M. Randall noted that the deed isn't stamped. He asked the Board if it would be worth waiting to see the comments from the DEP and ACOE.

J. Bernstein stated that the Board has never received comments from DEP.

R. Metcalf noted that the Board could condition their approval on receipt of the DEP permit. He stated that generally we don't need to wait for DEP as the Board won't get comments to be reviewed.

Open the Public Hearing portion. After the public Board will determine if can take action.

No one stood, so closed the public hearing.

M. Randall stated that he see two things that are needed. Is there a letter from MDF&W?

J. Bernstein answered that this will be part of the DEP application.

M. Randall agreed that he does not mind conditioning approval of the application, though he doesn't see how it hurts to wait when the applicants are waiting for DEP approval anyway. He asked about the little cove where the kayaks are going in and out of the river. Would this be a better spot for the dock?

Mr. Kramer answered that the land there is not able to have a dock because of the level of the water, unless the Town would like he to dredge it.

M. Randall agreed that is not what the Town wants.

Mr. Kramer stated that the reason they are moving the dock to the suggested location was to minimize the impact on the resource and prevent future damage. He noted that he allows neighbors to use his dock and the paved path into the river.

M. Randall noted that it is a great path. Plus, this is a very attractive piece of land. He would like to maintain some of the natural appearance of the river.

Mr. Kramer noted that he has tried to keep in mind the visual effect of his dock system.

M. Randall asked for whom is the easement.

Mr. Kramer answered that the easement is for sewerage. The paved driveway is private property.

M. Randall asked for confirmation that the pathway is available to the neighbors only because the applicants allow it.

M. Randall continued that when he looked on Google Earth he noted that there are only a few docks in this area. It would be nice to preserve the look of the area and prevent too many docks going into the Moussam.

J. Bernstein replied that she doesn't believe there are many land owners in the area who have the possibility to install new docks.

April 25, 2016

Date

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

1. Property Owner: Linda and Bill Kramer
  
2. Site Location: 19 Florence Circle, in the Resource Protection, Suburban Residential, & Shoreland Zoning District, and contains \_\_\_\_\_ acres, sq. ft.
  
3. Assessor's Map 71 Lot 47
  
4. Description of proposed use: Replacement of Dock/ Float System
  
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  X  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  X  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  X  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  X  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  X  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; (b) will conserve Shoreland vegetation; (c) will conserve visual points of access to waters as viewed from public facilities; (d) will conserve actual points of access to waters; (e) will conserve natural beauty and (f) will avoid problems associated with flood plain development and use.

Criteria met  X  Not met \_\_\_\_\_

with the following conditions or comments: \_\_\_\_\_

- (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.
  - (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).
  - (c) There shall be only one dwelling located on such lot of record.
  - (d) The proposed location of all buildings, sewage disposal systems and other improvements are:
    - (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.
- (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.

Criteria met \_\_\_\_\_ Not met \_\_\_\_\_  
with the following conditions or comments: \_\_\_\_\_ N/A \_\_\_\_\_

- (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.

Criteria met \_\_\_\_\_ Not met \_\_\_\_\_  
with the following conditions or comments: \_\_\_\_\_ N/A \_\_\_\_\_

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

Criteria met \_\_\_\_\_ Not met \_\_\_\_\_  
with the following conditions or comments: \_\_\_\_\_ N/A \_\_\_\_\_

Based upon the above noted findings, the Kennebunk Planning Board Approves  X   
Denies \_\_\_\_\_ the application.

**\*\*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.

***D. Smith moved to approve Special Exception Finding of Facts as conditioned.***

***R. Metcalf seconded the motion.***

***The Vote was 5/0 in approval.***

**Town of Kennebunk**  
**Planning Board Findings of Fact: Shoreland Zone Permit**

PROPERTY OWNER  Linda & Bill Kramer	SHORELAND ZONING DISTRICT  SZ <u> X </u>  RP <u> X </u>
ADDRESS OF PROPERTY  Tax Map <u> 71 </u> Lot <u> 47 </u>	WETLAND FILL APPROVED?  <u> None proposed </u> SQ. FT.

<b>FINDINGS OF FACT AND            CONDITIONS OF APPROVAL</b>	
BD. OF APPEALS	<u>          </u>
PLANNING BOARD	<u>  X  </u>
INFORMATION REVIEWED BY PLANNING BOARD: <ul style="list-style-type: none"> <li>• Shoreland Application/Plan dated <u>4/6/16</u></li> <li>• Shoreland Zoning Performance Standards Review (attached)</li> <li>• Staff reviews (egr., fire, planner) : <u>4/11/16; 4/20/16</u></li> <li>• Conservation Commission : <u>none received</u></li> <li>• State/Fed. Reviews: <u>not yet received</u></li> <li>• Planning Board Site Walk: <u>4/16/16 – 8:00 am with applicant &amp; conservation commission</u></li> <li>• ACOE Approval:</li> </ul>	
CONDITIONS: <ol style="list-style-type: none"> <li>1. Applicant to provide Town with State and Federal Permit sign-off as it is received.</li> <li>2.</li> <li>3.</li> </ol>	

4/25/16

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
- d) 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,  
  
**No evidence that protected habitat exists and applicant expects DEP to confirm this.**
  - (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,  
  
**This float is under 200 sq. ft.**
  - (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.

**Met – applicant has more than 60’ of frontage.**

- (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),

**Met**

- (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 ½ 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,

**Met**

- (g) The location of any structure shall not interfere with existing developed or natural beach areas, nor impede legitimate passage along a beach,

**Met**

- (h) The facility shall be located so as to minimize adverse effects on fisheries.

**Met**

- (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,

**Met**

- (j) Lighting to illuminate walkways, ramps and floats only, and any such lighting must meet the private outdoor lighting standards of this ordinance,

**Met – no lighting is proposed**

- (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,

**Met**

- (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,

**N/A – applicant is still waiting on permit from DEP**

- (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/A**

- (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,

**N/A**

- (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,

**Met**

- (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

**Met – applicant has provided written plans for storing/ moving temporary structures**

- (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.

N/A

**Conclusion:**

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

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**10.3. 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 \_\_\_\_\_;

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- (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.

**Conclusion:**

Standard is: Met \_\_\_\_\_ Not Met \_\_\_\_\_ N/A X Met with the following conditions \_\_\_\_\_;

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- (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.

**Conclusion:**

Standard is: Met \_\_\_\_\_ Not Met \_\_\_\_\_ N/A X Met with the following conditions \_\_\_\_\_;

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- (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.

**Conclusion:**

Standard is: Met \_\_\_\_\_ Not Met \_\_\_\_\_ N/A X Met with the following conditions \_\_\_\_\_;

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- (5) Road and driveway grades shall be no greater than ten(10) percent, except for short segments of less than two hundred (200) feet.

**Conclusion:**

Standard is: Met \_\_\_\_\_ Not Met \_\_\_\_\_ N/A X Met with the following conditions \_\_\_\_\_;

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- (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 \_\_\_\_\_ Not Met \_\_\_\_\_ N/A  X  Met with the following conditions \_\_\_\_\_;

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- (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>	<u>Spacing</u>
(Percent)	(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  X  Met with the following conditions \_\_\_\_\_;

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- (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  X  Met with the following conditions \_\_\_\_\_;

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**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 \_\_\_\_\_;

Applicant to provide Town with State and Federal Permit sign-off as it is received.

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- (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  Met with the following conditions \_\_\_\_\_;

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**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 to provide Town with State and Federal Permit sign-off as it is received.

**Dated: April 25, 2016**

**Applicable Reviewing Board**

Planning Board   x   Site Plan Review Board       

***D. Smith moved to approve this application as conditioned.***

***R. Metcalf seconded the motion.***

M. Randall re-confirmed that there is no planned wetland to be filled. He then questioned if there should be a way to note a co-application with the neighbors as the Kramers currently own both properties.

C. MacClinchy answered that whomever owns Lot 19 will have access. Whomever owns Lot 15, if it isn't the same person, will not have access unless negotiated at a later date. This application more than meets the side line setbacks for the lot.

***The vote was 5/0 in approval.***

#### **4. Public Hearing on Preliminary Subdivision Plan Application of Howard Farm by Daniel and Greer Higgins**

J. Bernstein provided a summary of this application. The applicants and owners of the property are Daniel and Greer Higgins. The location is Howard Farm, 207 Thompson Road. They are requested to create a 20-Lot subdivision on approximate 24 acres of land. This is a portion of a Lot which is 47 acres.

Jason Vafiades of Stantec Consulting Engineers presented the application. This is the application for 207 Thompson Road. This application was here last month with their preliminary plan. The majority of the engineering remains unchanged since then. He then reviewed and answered some comments which they received from the Planning Office:

- They have corrected the Name on the application; that was a clerical error.
- Zoning lines have been clarified. Mr. Vafiades will coordinate with Town Planner to make sure that it shows right on the plans.
- Where Lot 13 didn't meet minimum lot size, they have made appropriate corrections. Lot 13 will absorb the shaded, orange areas on the modified sketch plans.
- The road serving Lots 11 and 12 doesn't meet Town Road design standards. He will ask for a waiver. The road has been named through the Assessor's Office, and the road name will be added to the plans.
- The applicant will need to request a waiver for sign-off from water district. They will be adding a water line from Alewife. Will the Board need to see the final design tonight?
  - J Bernstein answered that the preliminary plan submission requires that waterline plans be included in the submission along with a sign off from the water district.
  - Mr. Vafiades responded that he has an email from Don Gobeil from Kennebunk Water, requesting a meeting to discuss details. He will need a waiver of the requirement for signoff in order to get past preliminary plan tonight.
- Additional Monumentation will be required. Suggested adding monuments along corners, at the front, and along the curves of the roads
  - J. Bernstein asked are you monumenting the smaller road too?
  - Mr. Vafiades answered yes, we can do that too.

- R. Metcalf noted that the monument between Lots 11 and 12 is in the middle of easement.
- Mr. Vafiades stated that he will monument the sides of the easement. This is an access easement. It's essentially a shared drive. Not a road.
  - J. Bernstein stated that her understanding from the Assessor is that those back two lots need to be on a road.
  - Mr. Vafiades noted they do have legal frontage along the road; this has been vetted through Code Enforcement. The easement is to avoid wetland impact.
- Jim Logan, the site evaluator who did site locations for septic, spoke. In Lot 12 there is not suitable site within the window, an acceptable pit was through wetland. Lot 11 only has 1 suitable septic site of the 3 marked. That is why they will be crossing wetlands for the septic.
  - R. Metcalf asked if on Lot 11 the amount of wetland impact is just for the crossing. Why on Lot 12 will they need to cross the wetland to have access to the leach field? In Lot 11 can access from Thompson to avoid additional impact.
    - Mr. Logan answered yes, can access from Thompson Road, though Lot 12 will be unavoidable crossing to service the septic.
  - D. Smith asked in terms of the septic location for Lot 12, is there any way we can do the back slope for that? Do soils permit?
    - Mr. Logan answered that as a designer he would pick the site on the side slope that will best blend.
- The landscape plan sheet now has a planting schedule included.
  - R. Metcalf confirmed it was a typical schedule, He does suggest they get rid of the gingkoes as they don't belong as a street tree.
    - R. Smith clarified that he assumes R. Metcalf meant replace it, not just get rid of them.
  - Bernstein asked about plans along the Thompson Road frontage
  - Mr. Vafiades answered that there are no plans to cut any trees along Thompson Road. There is 1 large, gnarly tree that was near the house that needs to come down.
  - J. Bernstein asked if they are proposing any trees be planted along the small road.
  - Mr. Vafiades answered not at this time.
- A waiver will be requested for sidewalks standards. Mr. Vafiades has met with the Town Engineer and the Fire Chief, and they seem to agree with Jason on the plan for the sidewalk.

- There is not lighting proposed for this plan. However, there is a pole proposed as Power need to run some line to the pole before running underground.
  - J. Vance asked if they are proposing a sign at the beginning of the development. If so, will that be lighted?
    - Dan Higgins answered, they would like to add a light to the off-set pole to light the intersection at the entrance to the subdivision.
- Finally, they will be combining information from site plan sheet to subdivision plan sheet, so that all the notes will be recorded.

Mr. Vafiades stated that he does have a memo from Chris Osterrieder, the Town Engineer. The end result of the memo is suggesting some adjustments to be made prior to the pre-construction meetings.

R. Metcalf asked if there are any comments the Town Engineer would like to make the Board aware of.

C. Osterrieder answered that the one thing is that he made a comment regarding adding underdrain to the valley, by the pond. That is an area where water could tend to collect in the road system. He continued that he is happy to look at it during construction, but would like to see it put on the plan for now.

C. Osterrieder continued that if you go back through his original comments he suggested a meeting with Public Services and Fire Chief. They have had this meeting. The take away from the meeting was that Public Works and the Fire Chief have no issue with the proposed plan for the road and sidewalk, however they do not approve anything. From a snow management perspective, having the sidewalks pushed back away from the road is helpful. Also, Public Works noted that with the cul-de-sac situated as proposed in this design, they will tend to plow it in reverse, but it wouldn't cause an issue from their point of view.

Mr. Vafiades stated that the under drain will be added to the plans, and then they will meet with the Town Engineer to make a field determination if it will need to stay in the plans during construction.

R. Metcalf stated that he agrees with the Town Engineer that it should be added to the plans. He suggested that a note be added that the underdrain is subject to review by Town Engineer.

C. MacClinchy asked a question about the stormwater basin. Is it typical to put that over a wetland?

Mr. Vafiades answered that on a site like this, typically yes. It is the low spot in the development, and so it is where the water wants to go naturally. It will keep the wetland fill under the normal exception.

J. Bernstein asked if Mr. Vafiades knew the total impact proposed.

Mr. Vafiades answered that impact would be around 3700 sq. ft. They have filed the Tier 1 permit and are expecting an answer within a couple of days.

R. Smith asked how many waivers the applicants are requesting. Also, can they provide a list of all the requested waivers?

Mr. Vafiades answered that they have provided a written request for the following waivers:

- Monumentation
- Horizontal layout of the road. This includes having the sidewalks located outside of the proposed Right of Way.
- Water District Signoff at Preliminary Plan approval.
- Possibly waiver for the small road to Lots 11 and 12. This may be considered a shared driveway. If it is considered a road, they will need a waiver for the private road.

J. Bernstein asked where the lighting plan for the development is.

Mr. Vafiades answered that there is no proposed lighting within the development.

R. Metcalf stated that they Board will need to know the policy for Town Street Lights before they can act on that.

R. Smith asked if they will provide outside lighting standards for the home owners.

Mr. Vafiades stated that there should be a section on that within the Home Owners Association documents, which have been submitted. He will look into this and make sure that it is included.

R. Smith noted that with 20 homes, if everyone has a lot of lights that will create a lot of light in the area. He stated that he would like to see some standards are written out to make sure that the development meets with the light trespass standards for the Town.

Mr. Vafiades agreed to make sure that is included.

M. Randall asked where the fire hydrants located are.

Mr. Vafiades pointed out each of the fire hydrants on the map. There are 4 in total for the development.

M. Randall questions if these are located between the sidewalk and the road, or are they behind the sidewalk.

Mr. Vafiades answered that the first hydrants is with the sidewalk. The other 3 are on the other side of the road. This plan was done with Jeff Rowe, Fire Chief.

J. Bernstein asked that they make sure the hydrants are added to the legend.

D. Smith asked if the applicants were going to provide granite monumentation along the perimeter.

Mr. Vafiades explained that they will use granite to monument the corners of the site, but not the individual lot lines.

D. Smith asked how many granite monuments they are planning.

Mr. Vafiades answered that there are already 8 on the plan. They will be adding another 6-8 granite monuments.

D. Smith asked about the entrance to the subdivision. Based on the topo lines on the map, it looks like the entrance will be quite steep.

C. Osterrieder answered that the entrance meets Town road standards. There are no safety hazards that he can see.

D. Smith asked if the 2<sup>nd</sup> fire hydrant is located at the top of the hill.

Mr. Vafiades answered yes it is. The hydrants is located at the top of the hill, on a flat surface so that it is visible from both sides.

R. Metcalf stated that he will wait to make his comments after the Public Hearing portion.

R. Smith stated that he has no further questions or comments at this time.

J. Vance also had no further questions.

M. Randall noted that Mr. Vafiades had stated there is a Tier 1 permit in process. He asked if there are any other permits in process for this project.

Mr. Vafiades answered that there is not the Tier 1 and a Permit-by-Rule for Lots 11 and 12.

D. Smith asked where the plan is in terms of wetland disturbance.

Mr. Logan responded that they have not studied anything off of this site, other than a cursory aerial review. They believe that if extending beyond the line of the proposed site, there will likely be additional wetland impact. However there is no indication in his review that it would hit of a wetland of significance.

C. MacClinchy opened the Public Hearing.

Michael Briggam stepped to the podium. He bought his property on Thompson Road in 1993, when the zoning was 3 acres. He asked the Board why this subdivision isn't required to set aside open space to preserve the 3-acre zoning.

J. Bernstein explained that this isn't a cluster subdivision. She further explained that the zoning has changed as this is a growth area, and lots are no longer required to be 3 acres. She further stated that there is an opportunity to require some permanent open space for this development. This has not yet been done, but the Board could look into it.

Mr. Briggam stated that he doesn't understand why they lost the 3-acre zoning.

J. Bernstein explained that one of the things that has happened through the Town's Comp. Plan is that there came the recommendation that Kennebunk grow out from the villages, rather than spreading out from the rural areas. They have 3 identified growth areas: Down Town, Lower Village, and West Kennebunk Village. During the last Comp Plan and Zoning amendment, they amended the zoning to bring Village Residential all the way up to Ward Brook. This made the area a growth expansion area. They still have Rural zones which required larger lots, but the area on Thompson Road now allows for subdivision standards with lots of 20,000 sq. ft. There are standards which allow the Board to require open space, either shared open space or protected

woodland/ wetland areas. During the site walk, the Board has asked that the division keep the look of Thompson Road. However, she stated that she is not sure if the Board is going to require the owners to keep the space along Thompson Road.

Mr. Briggam stated that he is aware of the changes which were made. He is challenging the equity of the change. He was required to pay for a much larger lot and would like to keep the value of his lot. He is suggesting a compromise in which the equivalent of 3 acres per lot is maintained.

J. Bernstein sympathized that unfortunately this is the nature of zoning changes.

Cindy Thompson, another abutter, stepped up to the podium. She stated she heard talk of a pond, and wanted clarification about if there was a pond being created on the site.

C. MacClinchy explained that the plans reference a storm water retention pond. This isn't really a pond as the general public would think of one. It will be a grassy area which collects water from the storms through underdrainage.

D. Smith added that there will be maintenance for the structure which will keep the area from becoming a pond in a more traditional sense.

C. MacClinchy stated that he would keep the Public Hearing open during the follow-up comments from the Board.

R. Metcalf stated that he would like to see the written comments from both Public Works and the Fire Chief in regards to the road proposed. He continued that the matter of the Granite markers has been "beat to death". He also stated that because of the nature of the culvert design, he would like to see notes specifying the culvert size. He added that the subdivision plan needs to show the passing test sites for the septic on each lot. And a note should be added to the plan for wetland restoration for the wetland crossing.

R. Metcalf questioned the stormwater maintenance plan, specifically where the treatment areas are outside the Right-of-Way. If this becomes a Town road, will it be the Town's responsibility for stormwater maintenance?

C. Osterrieder answered that he can specify Road maintenance only, as they have plenty to deal with already.

R. Metcalf stated that Stormwater Treatment needs to be part of the Home Owner Association documents.

D. Smith asked about the drainage swales between the sidewalk and road. For those to function properly, they will need to remain open. He reminded the applicants that if one home owner decides to fill the culvert, it could damage the process completely.

Mr. Vafiades stated that the ditch is in the Right-of-Way. Any homeowner trying to fill it would be filling outside of their property. He also stated that the plans specify the culverts must be 15" and they can't disrupt the water flow.

C. Osterrieder stated that while talking with Public Works it was noted that they will not tolerate filling of ditches once the Town takes over the road.

D. Smith noted that this puts the responsibility for enforcement on the Town. Should language be added to the Home Owners documents to protect the easement?

R. Metcalf clarified that after the Town adopts the road, the ditch line maintenance within the Right-of-Way and everything in the Right-of-Way would be the Town's responsibility, while the filter treatment systems, located outside the Right-of-Way would be the responsibility of the Home Owners Association.

C. MacClinchy asked if the Town adopts the road, which includes the Right-of-Way, and the sidewalk is outside the Right-of-Way, will the Home Owners ask the Town to maintain the sidewalks as well?

C. Osterrieder answered that if the Town adopts the road, they will expect to care for the sidewalks as part of the road system.

C. MacClinchy noted that there will need to be appropriate provisions for that care. Will this be in the Home Owner documents?

Mr. Vafiades answered that yes, this will all be clarified within the Home Owner documents.

C. MacClinchy asked if the Board feels they have enough information for this preliminary plan to be considered complete.

J. Bernstein reminded the Board that there are still quite a few waivers that the Board has not acted on yet.

C. MacClinchy closed the Public Hearing, as there were no further comments or questions from the public.

D. Smith stated that they need the article numbers for monumentation.

R. Smith stated that the monumentation along the roadway is adequate. He questioned if they corners of the site should also be required.

C. Osterrieder stated that he has suggested 3 additional points for granite monuments.

J. Bernstein asked about the part they propose to break off.

Mr. Vafiades stated that they currently have no plans for granite markers for that portion. They currently have iron pins.

J. Bernstein listed the request for waiver will be to have 8 granite markers, please the 3 additional markers for a total of 11.

R. Metcalf asked if they are showing the existing iron pins.

Mr. Vafiades stated that if they are shown on the map in black, they are proposed pins, if they are shown in grey, they are existing.

R. Metcalf stated that what is showing on the plan appears to be adequate for markers.

**D. Smith moved to grant the waiver to the Monumentation standard, Article 8, Section 10.11.2.1 to the total of 11 proposed granite monuments.**

R. Metcalf seconded the motion.

R. Metcalf amended the motion to state that all other corners are showing with iron pins.

Vote was 5/0 in approval.

J. Bernstein listed the request for waiver of design standards for minor streets (8.6.K1) and Table A.

D. Smith asked if they are resolving or speaking to whether it is a road or a driveway which accesses Lots 11 and 12.

C. MacClinchy clarified that right now, the motion is only for the sidewalk plan.

**D. Smith moved to grant a waiver for sidewalk to be located outside the Right-of-Way, article 8.6.K1 and Table A.**

R. Metcalf seconded the motion.

Vote was 5/0 in approval.

C. Osterrieder listed the waiver of the Water District sign-off requirement (10.11.3.1 1 and 2).

Mr. Vafiades noted that Town Planer had called out the Preliminary Plan requirements, Article 7, Section 7.2.A.3.h.[1].

**D. Smith moved to temporarily waive the requirement from preliminary plan approval to final plan approval, or the KKW sign-off on design on Article 7, Section 7.2.A.3.h.[1].**

R. Metcalf seconded the motion.

M. Randall asked if this is to waive the submission requirement or to grant approval.

R. Metcalf clarified that the Board is not granting approval for any design work. They are just voting that they will accept the preliminary packet as it is.

R. Smith asked why they don't have this.

Mr. Vafiades stated that Done Gobeil was on vacation. They have a capacity letter. Mr. Vafiades noted that he had misunderstood the need for more than a capacity sign-off at this time.

Vote was 5/0 in approval.

C. MacClinchy stated that there is no determination as to whether the access to Lots 11 and 12 is to be considered a road or a driveway. This will be determined prior to final approval.

R. Smith stated that Mr. Briggam had brought up the question of providing some open space within this project. Has there been discussion regarding any open space within the project?

Mr. Vafiades answered that there really is not place that makes sense. During the site walk the Board discussed maintaining views from Thompson Road. Don't know that the open space needs to be deeded, however limiting building envelopes will help with this issue. If the Board has any additional suggestions, he is willing to take them into consideration with his client.

R. Smith suggested eliminating a lot, such as Lot 11.

Mr. Vafiades stated he would need to discuss that with his client.

J. Vance agreed that she liked the idea of eliminating a lot to provide open space. It would also eliminate the need to cross the wetland for septic, and would help maintain the view from Thompson Road.

Mr. Vafiades asked if it would be a viable option to move lot lines, rather than losing a lot, to create open space.

R. Smith answered that he would be willing to look at it. However, as Lot 11 has a lot of wetland, it would lend itself to being open space.

J. Bernstein noted that under 10.4, Retention of Proposed Public Site, the Board can require up to 10% of the site as open space to maintain scenic and natural beauty of the area. She suggested that the Board could create an open space strip along Thompson Road.

Mr. Vafiades stated that by that ordinance, the Board could require approximately 2.4 acres to be held as open space. He stated he would like to take the plan back to his office to look at this further.

D. Smith asked about access for septic crossing the wetlands. When need to pump the septic, or perform maintenance, what is the plan for reaching the tank?

Mr. Logan answered that the septic tank would be located next to the house and would not have any access issues. Only the leach field would be crossing the wetlands.

R. Metcalf noted that in terms of the open space question, in the past they have added a 100' or 200' protective setback as protected space.

Mr. Vafiades pointed out that Lot 1 is the largest Lot with the smallest building window. They have pushed the envelope back to protect the scenic nature without creating legal open space.

M. Randall agreed that it would be good to avoid going into that area if don't need to. It would help to preserve a good view corridor.

C. MacClinchy asked if the Board is asking for a formal open space, or to create a permanent easement.

R. Smith answered that he would like to see a permanent open space. He would like to see what Mr. Vafiades can come back with as a proposal. Where this is property is what used to be a farm, he would like to keep the look from the road as close to what it used to be as can be done.

C. MacClinchy pointed out that they have done a lot with the design, but would like to formalize some of it. He then asked if the Board was ready to vote on this being a complete application.

**D. Smith moved that Board consider the preliminary plan application of the Howard Farm Subdivision by Daniel and Greer Higgins at 207 Thompson Road complete. This request is for a 20 lot subdivision located on an approximately 24 acre site.**

R. Metcalf seconded this motion.

R. Metcalf amended the motion to state that if they will be adding the out-parcel that this will be considered a 21 lot subdivision.

Vote was 5/0 in approval.

#### **5. Shoreland Zone/ Special Exception Application of Proposed Dock for Mikko Nissinen at 11 Tideview Terrace**

J. Bernstein introduced this new proposal to the Board. The application is for a Pier/ Ramp/ Float system on the Moussam, upriver from the last application for the Kramers. She stated that she will let Eco Systems do the presentation, and she assumes that the Board will want to schedule a site walk.

Tim Forester, with EcoAnalysts, presented. His firm was asked to create access to the Moussam for the applicant. They have a large wetland as they come down from the house. They have laid out a proposed path to start part of the pier. This will be about 155 ft. There really is no practical option to get across the wetlands; right now they walk through the cat tails. They are proposing a 4' wide pier set on Helix anchors the entire way, a 30' ramp, and a float secured on Helix anchors. There is no location for storage of the float or the ramp. The float will be floated down river and brought out at Route 9

and trucked around. Mr. Forester noted that adding this system will allow the cattails to regrow where they are currently being trampled.

J. Bernstein asked if on the plan, could the applicant show where the other property plan is located. Just to confirm that this proposal is meeting setbacks.

Mr. Forested answered that the applicant actually has a large amount of frontage. There is some precedence for docks in the area. They have included some aerial photos that show an abutting property has a dock of a similar length.

J. Vance stated that she will likely have more questions once she gets out to the site. Currently, she asked what is the surface planned for the walkway.

Mr. Forester answered that it will basically be a wooded trail. It won't be asphalt or crushed stone. At most, it will be an erosion control mix.

J. Vance asked what is the plan for moving the float and where will it be stored.

Mr. Forested answered that the pier will be pulled up onto the ramp. The float will go with the boat to the boat launch on Route 9 and put on a flatbed to be driven to a storage unit.

R. Smith asked if they plan to use Helix anchors in the upland for the pier as well as in the marsh area.

Mr. Forested confirmed that this is the plan.

R. Smith asked how deep they will place the anchors.

Mr. Forester answered that the anchors come with extensions on them. The substrates quite firm, and they are planning to use the 6' length.

R. Smith asked if they will put the anchors in till they meet refusal.

Mr. Forested stated that they don't need to meet refusal.

R. Smith asked why they need such a large float. Is the applicant asking for a waiver?

Mr. Smith answered that the requested waiver is for the total length of the system. Standards state that the dock should be no more than 100', but they will need to get a lengthy up to a maximum of 190'. The proposed dock will meet the 1/5 restriction across the river. However, they need the extra length to clear the freshwater wetland along the river front.

R. Metcalf stated that he is all set until he sees the property.

D. Smith noted that the applicant made a statement that this site is not in the Open Space Priority area. He asked why they feel that it isn't.

Mr. Forester stated that it isn't Town owned.

D. Smith clarified that it doesn't matter if it is Town owned. It is a Tier 1 wetland, and he believed that it is a Priority 1 wetland.

J. Bernstein stated that she will need to pull the Shoreland zoning map.

D. Smith stated that he isn't saying that this is a disqualifying fact just that they would need to see it identified appropriately in the application.

He continued to ask what type of floatation media they are planning for this system.

Mr. Forester answered the float will be wooden with poly-cell.

D. Smith stated that this float will be coming out and they want to be able to replace the float easily. He asked what the applicant estimates the float to weigh.

Mr. Forester answered that he didn't know.

D. Smith noted that the Board will want to know that. He then asked will the two cross chains to the Helix anchors be sufficient to secure the dock in place. Also, will they interfere with access to the boat?

Mr. Forester answered that the ramp holds the floats from going in and out. The chains will keep the float from going up and down stream.

D. Smith asked will the bottom of the ramp be permanently connected to the float.

Mr. Forester answered yes. This system is far enough up river that there won't be any huge tidal swings.

D. Smith asked what the vertical rise for the tides is.

Mr. Forester answered that he doesn't have the numbers on the plans. He estimates 6-7' rise at most.

D. Smith asked are the river Helixes going to be permanent.

Mr. Forester answered yes.

D. Smith asked are you going to leave chains in all winter.

Mr. Forester answered that he will check with contractor on how they are going to do that.

D. Smith noted that the ramp is going to be 30'. He asked how much do they expect that to weight. Is going to be aluminum?

Mr. Forester answered yes, the ramp is aluminum. It will be 3' x 30'. He will get the weight for the board.

D. Smith asked what kind of fastening will be used between ramp and floating dock.

Mr. Forester stated it would be a metal phalange that attaches with a metal rod.

D. Smith questioned how easy is the alignment of the metal rod?

Mr. Forester answered that the contractors that build and install this do it all year long.

M. Randall asked about the dock next door. How old is it?

Mr. Forester stated that he knows very little about it. It was there in 2003 as viewed by the Google Earth aerials.

M. Randall asked is it permanent except for the float.

Mr. Forester answered yes, this has less impact on the wetland than a temp system that needs to be installed and removed annually.

C. MacClinchy asked will there be a hand rail on the pier.

Mr. Forester answered yes on one side. That is so the owners can carry a kayak.

J. Bernstein asked if Mr. Forester knew if the owner has considered sharing with the other abutters.

Mr. Foresters answered that he can check with them and get back to the Board

J. Vance asked what kind of boat?

Mr. Forester answered currently just a couple of kayaks but plan to purchase a small flat bottom boat.

M. Randall asked how narrow the river is.

Mr. Forester answered that a rough estimate is at least 120'.

R. Smith asked where you are going to store ramp.

Mr. Forester answered that they owner will either pull it up on the pier for off season or bring it down to the Float.

R. Smith asked if with a railing on pier, the ramp will fit.

Mr. Forester stated yes, there is a 4' pier and a 3' ramp.

C. MacClinchy started discussion for scheduling the site walk. Can the applicant have it marked out for the Board?

Mr. Forester stated that he can flag out a center line.

M. Randall asked will the Board need hip boots.

Mr. Forester answered they should be fine with knee high boots.

R. Smith noted that while looking at the photos enclosed in the application, Photo 4 looks like there are 3 pipes sticking into the ground. Do they signify anything?

Mr. Forester answered that the red and white pole is the receiver, the two white rods are for surveying.

C. MacClinchy stated that he is looking at Saturday morning for a site walk.

Mr. Forester noted that he is out of town May 7.

R. Metcalf is also unavailable on May 7.

C. MacClinchy asked about 4/30. Would it be ready this weekend?

Mr. Forester stated that it could be ready.

M. Randall, R. Metcalf, D. Smith, J. Vance, and R. Smith all confirmed they would be available.

Site walk is scheduled for Saturday 4/30/16 at 8:00 am.

D. Smith asked does applicant want us to park on the street.

Mr. Forester stated that the driveway can accommodate several cars, with rest on the street. He noted that high tide is 5:30 am, so will be a couple hours down.

D. Smith asked if he will mark out the path as well.

Mr. Forester stated yes, he will stake out the starting point, end point, and a few points in between

C. MacClinchy asked why the pier in any of the uplands isn't.

Mr. Foresters answered that they didn't want to take any trees down. Also didn't want to have to go over a hump.

D. Smith questioned is there any way we can find out how long the other dock is?

Lisa Vickers stated that she could get an estimate from Google Earth.

J. Bernstein wondered if the Board approved that dock.

R. Metcalf stated that since he joined the Board in 1987, they have not approved a dock in that subdivision.

C. MacClinchy stated that they may not be able to use that dock as precedent if the Board hasn't approved the dock.

J. Bernstein stated that they will need a public hearing on this project. Does the Board want to schedule this now?

M. Randall asked if they Board can deal with the waiver now.

J. Bernstein answered no, can't deal with that now. They first need to have the public hearing.

C. MacClinchy suggested that they schedule the Public Hearing for 5//23/16 and if there are any major concerns from site walk can cancel it.

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

### Meeting Minutes to review.

Minutes for the meeting held 2/8/16 were reviewed and edited.

D. Smith moved to approve minutes for 2/8/16 as corrected.

R. Smith seconded the motion.

C. MacClinchy stated that as D. Smith and M. Randall were not present for the 2/8/16 meeting, he would make J. Vance a voting member of the Board.

The vote was 4 approval, 2 abstain.

Minutes for the meeting held 3/14/16 were reviewed and edited.

D. Smith moved to approve minutes for 2/8/16 as corrected.

R. Smith seconded the motion.

C. MacClinchy stated that J. Vance should vote on this as well.

The vote was 4 approval, 2 abstain.

#### Upcoming agendas

May 9, 2016

J. Bernstein suggested that the Board should work on some of the Zoning stuff; specifically where are the Board priorities for amendments.

May 23, 2016

C. MacClinchy noted that this meeting will include the public hearing for this dock.

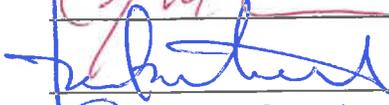
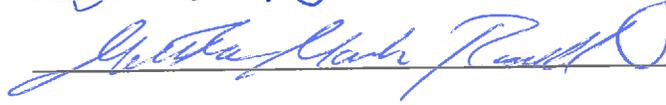
J. Bernstein reminded the Board that this wasn't a final submission yet. We will need to assume that they will have a complete final application in order for the dock to be on the agenda. She also noted that she cannot think of any other applications that have been received.

She does recall an email regarding the Contract Zone on Western Ave. However, they still need to complete the submission for a Contract Zone. They have not provided the data regarding the Comp Plan.

M. Randall asked if there is anything being discussed about Cell Phone Towers in the Comp. Plan.

R. Metcalf stated that there was a presentation about finances for the Town. The next meeting discussion will be about Sea Level rise. He theorized that it would be another

Signature Page

 , Chair	6/13/16
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David C. Jingle Secretary	6/13/16
	

Signature

Date