

**Town of Kennebunk
Planning Board
Meeting Minutes**

Monday, August 8, 2016

Present: Richard Smith – Vice-Chair; David Smith – Secretary; Robert Metcalf; Janice Vance – Alternate; Chris MacClinchy – Chair (7:10 pm); Matthew Randall (7:10 pm)

Not Present: N/A

Also Attending: Judy Bernstein – Town Planner

1. Open Meeting

R. Smith opened the meeting at 7:03 pm. Today is Monday, August 8, 2016.

2. Approval of Minutes of Previous Meetings

The minutes for Planning Board meeting of 7/11/16 were reviewed and edited.

R. Metcalf moved to approve the minutes as corrected.

J. Vance seconded the motion.

M. Randall asked if he can vote on these minutes as he wasn't there for the whole meeting.

R. Smith answered yes, he can.

Vote was 5 in favor, 1 abstained (D. Smith was absent from the 7/11/16 meeting.)

The minutes for Planning Board meeting of 6/13/16 were reviewed and edited.

D. Smith moved to approve the minutes as corrected.

R. Metcalf seconded the motion.

Vote was 5 in favor/ 1 abstain (R. Smith was not present at the 6/13/16 meeting.)

3. Public Hearing on Proposed Amendments to Zoning Article 8, Sections 3, 4, and 7 and Article 10, Sections 9 and 17 pertaining to Lodging Use Standards regarding the Number of Rented Rooms Permitted in RR, RC, and VR Zones

J. Bernstein summarized the proposed amendments to the Zoning and Lodging Use Standards. The request for the zoning amendment came from Paul and Betsy Anonellis, who have a Bed & Breakfast (B&B) on Fletcher Street. The Anonellis's approached the Board to see if the Village Residential Zone could be allowed to rent up to 6 rooms, rather than the current limit of 4 rooms. At the last Town vote, an amendment to the Suburban Residential Zone was passed which allowed the same change to increase the maximum number of rented rooms from 4 to 6.

As part of the review of this amendment, the Planning Board decided to also include the Rural Residential and Rural Conservation zones in the proposed amendment. These rural zones have more land, and would logically be able to accommodate up to 6 rented rooms. The Public Hearing tonight is to amend the Rural Residential, Rural Conservation, and Village Residential zones to allow for an increase from 4 to 6 rented rooms per property. The amendment also rearranges the language within the ordinances, and relocates some of the B&B standards within the ordinance. This new arrangement of the standards would localize all the standards under the Lodging standards. By consolidating this information, the Board is trying to show that if [the owner is] going to change the number of rented rooms on their property, they will need to meet all the performance standards for parking, water, sewer, etc.

J. Bernstein has confirmed that the Town Attorney has looked at this proposed amendment, who tweaked the language some.

Mr. Antonellis spoke to the Board. He stated that he thinks the proposed amendment has been carefully crafted to make sure that while a property owner can now rent up to 6 rooms, they will have to meet all performance standards.

C. MacClinchy noted that while many of the zones are being increased from 4 to 6 rooms, this change will not include Upper Square, as those lots would not be able to support meeting the parking standard.

J. Bernstein confirmed this is correct; Upper Square is not being changed in this amendment.

R. Metcalf asked if there were any changes being made to the definition of Lodging within the standard.

J. Bernstein responded that the no change to the definition is being proposed.

C. MacClinchy opened the Public Hearing for these proposed amendments.

No member of the public stood to address the Board.

C. MacClinchy closed the Public Hearing portion and asked the Board if they had any further questions on this matter.

D. Smith asked if all the questions previously raised by R. Smith has been addressed.

R. Smith responded that at this point all of his questions had been answered.

M. Randall asked which zones were being amended in this proposal

C. MacClinchy answered that Village Residential, Rural Residential, and Rural Conservation would be included in the amendment.

R. Metcalf pointed out a grammatical correction. In Section 17, Subsection D the word “or” needed to be added between Hotel and Inn.

J. Bernstein stated she will add this grammatical correction in the draft that is put to the Town vote, depending on the decision of the Board tonight.

D. Smith moved that the Kennebunk Planning Board send with a positive recommendation to the Board of Selectmen the proposed amendment to Article 10, Sections 9 and 17; and the proposed amendment to Zoning Article 8, Sections 3, 4, & 7.

R. Metcalf seconded the motion.

Vote was 5/0 in approval.

4. Workshop Discussion requested by Greg Gosselin and Marc Brunelle to discuss the Town’s Street Design Standards

Jamie Rowe of Whitman and Bingham, on behalf of Kevin Hill, stepped up to the podium to talk with the Board. He introduced himself, and began discussion regarding a desire to propose an amendment to the Town’s street design standards, in order to support a design he is hoping to implement on a property off of Ross Road.

M. Randall expressed concern about looking at even a preliminary sketch of their plan while having an informational discussion regarding road standards.

M. Randall and R. Metcalf reiterated to Mr. Rowe that this discussion is only about the road standards, and will have no impact on any possible future approval of his project on Ross Road.

Mr. Rowe stated that he understood their concerns and their stipulations, but wished to continue to use his work on this project as an example to illustrate the point of his discussion regarding the road standard. Having spoken with the Town Engineer regarding the standards, he is aware that a property with 25 or more units is required to have 2 ways in and out of the development. Tonight, he wanted to propose the possibility of an alternative, such as a boulevard entrance.

Mr. Rowe continued to explain that boulevard entrance usually kicks in around 40-50 units. With this design, there would be a single egress point with 1 lane for entrance and 2 lanes for exit.

M. Randall asked if they had noticed or done any studies on the impact to public safety/ fire trucks with a single entrance/ exit. The Board will want to have enough ways in and out of the development in case of an emergency. Also, has there been any study as to whether this sort of entrance lends itself as a more environmentally sensitive design.

Mr. Rowe responded that typically when there is 1 way in and out, the units are usually clustered into pods with the rest of the property left as open space or walking paths. He also noted that in higher unit developments, it isn't uncommon to have dedicated lanes in the entrance. Also, the strip between the entrance and exit will be green space with low growth plants for visibility.

M. Randall asked if Mr. Rowe could provide examples within specific projects to demonstrate how they plan for safety vehicles finding the correct units. Also, his second concern is how to plan for changes and growth in the future. And his final question to Mr. Rowe is: is he proposing to make a permanent change to the standards to allow for boulevard entrances, or would this be an issue of obtaining a waiver?

Mr. Rowe responded that in his experience a boulevard entrance is always a waiver. He doesn't know any Board which has outlined this within their standards, but in his experience he has always been granted the waiver. He agrees that it belongs as a waiver. In terms of future connectivity, he always talks with the clients to try and plan for future connectivity, however about 90% of the time, abutters say no when they try to connect in later years.

M. Randall asked if they have ever been required to purchase an easement from an abutter prior to project development.

Mr. Rowe explained that they do try to plan for future options, and they do talk with the abutters, however they have never been required to purchase an easement. Before bringing a plan before a Planning Board, he always talks with abutters and has these discussions. He has had discussions with many abutters for this project and they are not interested in providing connectivity.

D. Smith noted that he has no questions at this time.

R. Metcalf stated that he can see the benefits of a boulevard entrance. This has been presented a couple of times in the past, but the Board has never approved the waiver. The Board has always required the 2nd point of egress. From a road standards point of view, the concern is about safety. The Fire Chief would need to be included in this discussion to make sure that we are up to date with all standards. He continued to state that he would be open to discussion in terms of modifying the road standards.

Mr. Rowe stated that he would absolutely include Fire and Police in the discussion of these standards.

R. Smith noted that he is not a fan of the waiver process to provide a big change like this. The concern is that it could set a precedent. The zoning calls for more than 1 entrance and exit from a site that has 25 or more units, and that standard is based on public safety. He stated that he would be concerned about setting a precedent for granting a waiver for something as important as public safety and welfare.

J. Vance agreed. She stated that she had lived through a freak snow storm, during which all 3 entrances to her home were blocked by fallen trees. It is a matter of safety and the more points of access to a group of homes, the better for safety in case of a fire, or need for an ambulance.

C. MacClinchy noted that the other concern would be impact on traffic when concentrating all the traffic into 1 intersection. The fact is that this Board has never approved a variation like this, and several have been proposed.

Mr. Rowe responded that he does not want to minimize the standards. They are in place for a reason. His company is able to modify the boulevard entrance to keep the trees of a certain height and have more open space, which could help alleviate some of the concerns being expressed tonight.

Mr. Rowe continued that if the Board is willing to continue this discussion that would be great. As a next step, he and his company could have a meeting with Fire, Police, Town Planner, and Town Engineer and gather all their thoughts and comments for this Board.

C. MacClinchy also suggested that Mr. Rowe bring back some examples of how this could be handled within the Town standards.

Mr. Rowe responded that there is the ability to have a boulevard entrance in Kennebunk via a waiver.

M. Randall noted that there is a waiver process, but that the Board won't waive public safety.

C. MacClinchy asked if this Board has the ability to waive this standard. Or, does this go through the Zoning Board?

J. Bernstein answered that this Board had the ability, but usually they only waive smaller issues.

R. Metcalf stated that in a piggyback with the standards, the Board doesn't know what the density of the area is going to be. We are not looking at the project, but it will be important to know what the density you are looking for in creating this new standard.

M. Randall asked if anyone had looked into state and or national fire studies for entrances and public safety.

Mr. Rowe responded that he has never had to go above the local fire department, but he will look into whether there are any state or national studies on this matter.

D. Smith stated that while he doesn't need to see the complete layout of the project, but would like to see the thresholds to show where this is acceptable and where it would be not acceptable. Not looking at this particular project, but want to look judiciously at what other towns are looking at for this type of entrance.

Mr. Rowe explained that in his experience a boulevard entrance usually leads to a development with 50 – 100 units. In every project his firm does submit a traffic study. They are also used to submitting their plan to a peer review process. He continued by asking if it would be OK for him to contact the Town's traffic consultant.

J. Bernstein answered that if he wanted to submit a traffic study, the Town could forward it to an independent review.

M. Randall asked if the Board should change the standard to require a traffic study for entrances.

J. Bernstein noted that the Board can always request a study for any project.

R. Metcalf stated that the Board has presented their concerns and questions. The applicant knows what new information will need to come back to the Board for further discussion.

J. Bernstein added that the applicant is always welcome to talk with Town staff as well.

C. MacClinchy stated that this Board has never approached a waiver like this. The Board would like to see a zoning change before approaching an application like this.

J. Bernstein noted that waivers to the standard are usually just made for 1-2 units above the cut off.

R. Metcalf added that the Board has had plans like this come before them for review; and they were not approved.

D. Smith stated that if the Board is going to discuss this issue again, which he is not opposed to, he would like to see public safety, public services, and the fire chief attend the meeting so that they can have the discussion in real time. He wants to make sure that they are totally on board.

Mr. Rowe answered that he would like to continue this discussion with the Board. He won't come back until he has had the chance to have meeting with Fire, Police, Town Engineer, Town Planner, etc. He also stated that he will get a list of projects in neighboring towns for the Board to review.

D. Smith stated that he thinks that is great, but that the next time that the Board revisits this at a meeting, he will want to make sure that all of these groups are present, and not just have the discussion just from the notes of the meetings.

M. Randall noted that he would also like to have a draft of the zoning amendment.

Mr. Rowe stated that he can do that. He also requested a list of what would be needed in order to grant a waiver.

J. Bernstein stated that she can do that, but asked to meet with staff before drafting anything.

D. Smith asked if Mr. Rowe could bring 10 projects that are local with plans, so that this Board can see the process that was used.

M. Randall noted that it would also be great if Mr. Rowe was able to present 1 project that could show how things have evolved over time.

5. Other Old/ New Business

J. Bernstein stated that there are 2 projects which are ready to be added to the upcoming agenda. There is a 3rd project which is not yet ready.

- The Cedarwood Farms subdivision plan review will likely need a site walk for the Board. This is for a multi-family section of the project. The current owner wants to put parking on the 1st floor, and have the units above. They have also revised how the road goes in to the unit so that it doesn't circle around the building. The Board will want to make sure that the Fire Chief is comfortable with the redesign. This project is down on York Street. The Board will remember, that this project needed a 2nd means of access, which cuts through the middle of the subdivision. They have had to unblock it a few times as the residents tried to block it.
- There is also a Public Hearing needed for the Plan revision for Penwood Drive.
- Erinmore is tweaking their dock plans to meet with the standards for a Special Exception application.

J. Bernstein noted that there is nothing current for the September 12 agenda. The Board may want to workshop this. There is the discussion about the subdivision review process and open space/ cluster plan standards. She will need to pull the meeting minutes from the last discussion on that process.

C. MacClinchy added that the Board could also continue to the discussion about accessory use and if there is some other way to manage drive-thrus. J. Bernstein stated she will need to do some more research on what other towns have done on this issue.

C. MacClinchy noted that there is a letter from Kathleen Nolette in the Town Manager's office. There is a committee workshop on 10/4/16 at 6:30 pm. They are asking all committee members to attend. J. Bernstein added it would be good to add to their calendars.

J. Bernstein also noted that the Planning Board has not looked at their bylaws in a long time. It would be good to review them again.

C. MacClinchy noted another correspondence with questions about construction materials. The Code Enforcement Officer received a letter from the developer of the Hampton Inn. Because they spent a good deal of time with this Board on design and materials they were going to use.

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J. Bernstein provided lists of materials that were submitted within the approved plan as well as the list of materials which were ordered for the project. These lists do not match. They want to confirm that the EZ brick will be considered adequate to address their plan approval.

C. MacClinchy, noted that it looked as though they told the Board it would be oversize brick, but were showing something else.

J. Bernstein stated that there was no clear condition of approval that the exact materials shown must be used.

R. Metcalf noted that he was not present when the final approval was granted, so he can't speak to whether there was a note regarding materials approved. That being stated, this is not an ugly product, but it does look different.

R. Smith stated that he thought they had asked the planner to take off the wings on the top.

M. Randall noted that they toned them down.

C. MacClinchy asked the Board if this is something that they feel is an amenable change.

J. Bernstein clarified is this consistent with their approval?

R. Metcalf asked if he could see the meeting minutes and what the discussion was.

J. Bernstein answered that she doesn't believe that the discussion was that detailed about the materials.

M. Randall also noted that given the visibility, he is not certain if this will make a lot of difference.

J. Bernstein asked if the Board would authorize her to look at the minutes and if there is nothing in them to let them go forward with construction.

C. MacClinchy noted that he doesn't think they talked about the bricks at all. If it is absent in the minutes then he said they can go ahead.

The rest of the Board agreed with this. Although both R. Metcalf and M. Randall both noted that they were not happy to see them change after the approval, but not sure that it matters significantly.

J. Bernstein clarified that if there was a discussion in the minutes about the bricks to be used, the developer will have to come back to the Planning Board about this change.

C. MacClinchy agreed that this is correct.

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C. MacClinchy stated that they need to do Board Elections.

R. Smith made motion that C. MacClinchy continue as Chair.

R. Metcalf seconded this motion

Vote was 4/0 in approval.

R. Metcalf made the motion that R. Smith continue as Vice-Chair.

D. Smith seconded this motion.

Vote was 4/0 in approval.

R. Smith made the motion that D. Smith continue as Secretary.

R. Metcalf seconded this motion.

Vote was 4/0 in approval.

R. Metcalf stated that he will provide an update on the Comp. Plan at the next meeting.

6. Adjournment

D. Smith moved to adjourn the meeting.

R. Smith seconded the motion.

Vote was 5/0 in approval.

Meeting was adjourned at 8:40 pm.

Respectfully submitted by Lynne Capitan.

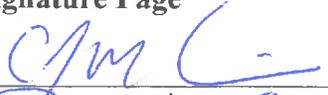
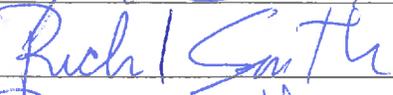
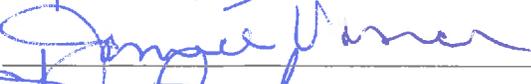
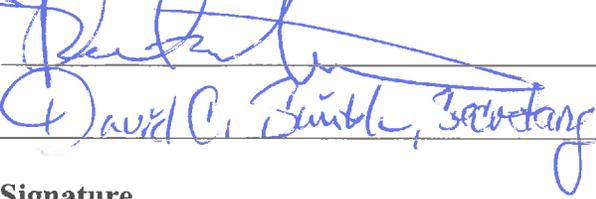
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Date

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	Chair	9/26/16
		
		
	Secretary	9/26/16

Signature

Date