

**Town of Kennebunk  
Planning Board  
Meeting Minutes  
Monday, August 22, 2016**

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

**Not Present:**

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

**1. Open Meeting**

C. MacClinchy opened the meeting at 7:00 pm. Today is Monday August 22, 2016.

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

There were no minutes to approve at this meeting.

**3. Public Hearing regarding Subdivision Plan Revision of Penwood Section 5 by Kathleen & Richard Best**

Application withdrawn by applicants and, therefore, public hearing is canceled.

**4. Application for Subdivision Plan Revision of Cedarwood Farm by Lord and Harrington, LLC**

J. Bernstein summarized this application. Applicant is Lord and Harrington, LLC, the owner is Heyland Village Properties, LLC. The location is at 85 York Street. The request is to revise the proposed Phase 3 of the Cedarwood Subdivision to relocate the multi-family building and also relocate some of the parking to underneath the building with some additional parking outside. There is also something with the wetland boundary. Comments from the Town Engineer have been included in the Board packets, as well as comments from the Fire Chief.

Steve Doe of Sebege Technics presented this revision. The latest plan that was approved by the Planning Board, [before] Lord and Harrington purchased the project, had some issues with the way the project is laid out. In addition, the wetlands have been remapped and surveyed. He showed on the map where the revision of the mapped wetlands was located.

Updates to the building include adding decks to both sides of the building. There will also be a lobby with an elevator added. The Fire Chief asked them to extend the grade 20 feet out from the rear of the building for use of ladders, etc.

J. Bernstein asked why isn't the Town's shoreland zone extended on this revision.

Mr. Doe replied that only named streams are part of the Town's shoreland zone.

J. Bernstein responded that she thought it included all streams, but will check with the zoning standards.

Mr. Doe continued to present that there are a couple of places where they are looking to encroach on the 25' setback. One is the access road. Another is the back area for the dumpster. There are also some disturbances that will be for the work. However, they are maintaining the 50' buffer.

C. MacClinchy noted that there was concern about the lack of catch basins, and asked if the recommended asphalt in the low spot is something the applicant is willing to look into.

Mr. Doe answered this as well as the other comments about erosion and sediment control, [are] all part of the original plan set. Those control measures are not changed. This application is an amendment, and they have only shown the parts that are being changed. He added that he will add the silt fence and reference the plan sheet from the original plan set for clarity. He added that there is a sidewalk that comes up from Sycamore Rd. and they will add a cross walk to make sure that everything is ADA accessible.

Mr. Doe continued by responding to comments he had received from J. Bernstein, Town Planner. He agreed that he can bring in a comparison plan so that the Board can easily see what was originally approved next to the proposed amendment.

Mr. Doe added that he has emailed all the utility companies with the revised plans, but is still waiting on sign-off on that.

He is asking that the Board will act on the proposed setback encroachments. He does have DEP sign-off on the wetland impact. The only impact is the same as the original plan, and that already had approval from this Board. There will be no change in the DEP wetland impacts.

J. Bernstein asked what is the 75' setback for the stream.

Mr. Doe answered that is for the building. There is a permit by rule for the setback, and the applicant will need to get that. He added that they will update the legend on the application for clarity. He also added that they will need a more detailed landscape plan, which they will provide.

Jim Logan took the podium to discuss the remapping of the wetlands. He had mapped the wetlands the first time in the early 2000s, as well as a second time in 2003. It was determined that this application needed an updated map. He added that the area is sandy textured, which caused difficulty in the mapping.

The predominant change in the map is due to the fact that there is major construction on an adjacent lot, with storm water systems being added. This had altered the hydrology down slope into this lot. There are modest changes in the perimeters that make this wetland. He noted that the understory of the plant life has changed. In addition, slight variations in rain fall and modest changes to the water table were noted. Another factor is that there is now better technology for mapping.

Mr. Logan continued that the sandy texture on this level topography makes for difficulty mapping. He stated that he is sure the Board will want to do a site walk on this, and it will be obvious to see the changes when they get to the site.

C. MacClinchy confirmed that the Board will absolutely want to do a site walk.

M. Randall asked if the existing entrance already had curb cuts.

Mr. Doe answered that the location had not changed. There is no curbing out there.

M. Randall asked if the original plan was in 2004. Have any of the trees been cleared?

Mr. Logan answered none.

M. Randall responded that he is not questioning the mapping, just asking if there were any activities which cause the changes. He then asked if this is a large wetland.

Mr. Logan answered that he doesn't know the size of the wetland, but it is connected to something larger. It is mapped as Priority 2.

M. Randall asked is there any reason why this wetland would be more important than any other one.

Mr. Logan answered that it is mapped as Priority 2.

J. Bernstein asked which zone it is located in.

Mr. Logan responded MRCU.

J. Bernstein answered that it would then have a 25' setback.

M. Randall asked if there is a change in the impervious area.

Mr. Doe answered that he doesn't know the answer to that. It will be similar, but he will get an exact number.

M. Randall asked if the Fire Chief is OK with the new proposed road.

Mr. Doe answered that they will connect with the Fire Chief to finalize the plan.

M. Randall asked if this is going to be an apartment building, or special housing.

Mr. Doe answered apartments.

M. Randall asked if they are planning to use a lot of salt on the parking and roads.

Mr. Doe answered that it will be curbed. He also noted that all the water drains to the detention area, where the salt will likely settle out.

M. Randall asked if there are any options as an alternative to salt.

Mr. Doe answered that sometimes they use sand, and sometimes a salt/ sand mix.

Mr. Logan added that he was looking at a site on Route 1, where there is a vernal pool, which is the most sensitive wetland. This site was showing no signs of impact from the salt used on Route 1. This is just to put things into perspective.

D. Smith added to the discussion about desalinization. Where is the road water going to go for treatment? What is the effectiveness for the dilution of salt? If the project is going to use salt at certain times for safety, is there any dilution effect in the stormwater structure which would reduce the concentration?

Mr. Doe responded that he doesn't know the answer to that.

Mr. Logan added that he doesn't know that anyone has ever looked into that. They could look at the national level to see if any research has been done. That question is beyond most of the normal reviews. He added that his instinct is to say that there is dilution as salt is very dilutable.

D. Smith noted that if you look at the elevations, on the front side, west side, and main entrance it appears that the east side has 14 units rather than 12. How does that work?

Mr. Doe answered that the back elevation may be an error. The floorplan only shows 12 units and 12 decks.

D. Smith asked about the first level parking. In terms of the supports that are created, are there any structural columns which will be accounted for in terms of parking spots.

Mr. Doe answered that when they have a structural engineer look at the plans, they will adjust the spaces. There are a surplus of parking spaces on the site to allow for those adjustments.

D. Smith asked if there will be sprinklers in the garage level.

Mr. Doe answered yes, he assumes there will be sprinklers.

D. Smith noted that he doesn't know of any place in Kennebunk with parking under a multi-level building.

R. Metcalf added that it will require sprinklers and a ventilation system.

Mr. Doe answered that it is ventilated, the parking will meet all the codes.

D. Smith noted that there is only 1 entrance to the basement level parking; the other end, to the North, is not open.

Mr. Doe confirmed that this is accurate.

D. Smith asked about the topography. Dropping down from a 51 to a 50, don't know if you have any plans for catching any water before it goes into the garage so it doesn't freeze.

Mr. Doe said yes, that will be added to the plan.

D. Smith had a question about sidewalks. There is one on the north side...

R. Metcalf corrected that the sidewalk is on the east side.

D. Smith, so will there be any sidewalk that will bring pedestrians to the cross walk into the main entrance.

Mr. Doe pointed out that there will be a sidewalk in front of the building.

D. Smith asked if people walking from the outside parking would just walk in the road.

Mr. Doe responded yes, they would just walk across the road to the sidewalk in front of the building.

D. Smith asked if the applicant thought they should add a little eyebrow by the entrance for drop off.

Mr. Doe answered that he thought that would be unnecessary. The majority of the people who would be there will be residents. Adding an eyebrow would be adding a lot of pavement that isn't needed.

D. Smith asked how wide the road is at this point.

Mr. Doe answered that the road is 24', which is more than adequate for the firetrucks to come through.

D. Smith asked in respect to Jeff Rowe's request for a level grade out on the east side, would a retaining wall do anything for you so that don't have to put the foot of the grade into the wetland setback?

Mr. Doe answered that they will not actually be getting within the shoreland zone. They will only be within the 75' of the DEP standards. They thought that a gentle slope down would be more pleasing for the residents and it won't touch the wetland.

R. Metcalf asked if the Fire Chief had looked at the figure on the back of the parking. Can a firetruck turn around there?

Mr. Doe answered yes.

J. Bernstein asked if they could add a radius on the plan for reference.

R. Metcalf also asked for a corner radius to be added in the parking lot.

Mr. Doe stated that he could add all of that information.

R. Metcalf stated that he had had some concern about the grading on the back of the building, but looking at the scale now it likely won't be an issue. He continued to discuss the sand/ salt issue that was brought up earlier, noting that a detention basin doesn't have any treatment. For this area, do we have any idea what the water table is in the area.

Mr. Doe responded that he didn't know.

R. Metcalf stated that he would like to look into that, as taking all the water from the area and dumping it into one spot.

R. Metcalf also asked if there are curbs on both sides of Juniper.

Mr. Doe responded yes, they do show curbs on both sides.

R. Metcalf noted that it looks like there is no place for the water to go to get off the road.

Mr. Doe stated that he will look into that again.

R. Metcalf noted that there is no landscape plan at this point. Currently the plan shows evergreens. The Fire Chief won't be OK with evergreens too close to the building. He then asked where they planned to store snow.

Mr. Doe responded that he will note on the plans where snow storage will be. For now, he pointed out on the map that storage would be off the edges of the parking lots.

R. Smith stated that most of his questions have been asked already, but he has just a couple more. First of all, will the applicant have any screening around the dumpster?

Mr. Doe answered yes, that will be a full enclosure around the dumpster. He will show the details on the plan.

R. Smith noted that he was concerned about the 41 parking spaces with only 1 way in and out. That is a lot of cars under the building with only 1 option.

Mr. Doe stated that they may possibly be able to add another point of egress on the other end, but he will need to look into it further.

R. Smith expressed concern about Sycamore Lane. Are there any plans to make that passable for fire equipment?

Eric Heyland, owner of this property, stepped up to speak. He stated that he understands that there is some confusion. He stated that they would like to stick to the approved plan as it is which means that in Phase 2a they will pave a portion of the way down Sycamore, but leave the rest gravel.

R. Smith questioned if this means no, they don't plan to pave all the way through.

Mr. Heyland agreed no, they don't have the approval to pave through.

R. Smith noted that could be fixed. It would be a better project to enhance the current approved plan.

J. Bernstein added that maybe if the road was paved there would be more consistent plowing. It is a concern that there have been times when the fire trucks couldn't get through.

Mr. Heyland responded that the complaint he hears from the residents is that people are driving through all the time. This is the first time there has been talk about paving through.

D. Smith asked if there is any signage that this is a private way for residents only.

Mr. Heyland answered there is a sign, but it is less than effective. We could add signage to be more forceful in stating that this is a private road.

M. Randall asked if this is a public or private road.

Mr. Heyland answered it is private.

J. Vance asked what is the size of the dumpster to service that many units and how often does it get emptied?

Mr. Doe answered that the area is large enough that can put an enclosure for up to 2 dumpsters: 1 for waste and 1 for recycling.

J. Vance asked do you propose to add signage on Sycamore.

Mr. Doe answered likely yes.

J. Vance asked if that signage will be lighted, and would you walk the Board through the lighting plan.

Mr. Doe stated that he has not reviewed the lighting plan yet, so he cannot answer that question.

J. Vance asked what are the dimensions for the bays leading to the parking under the building.

Mr. Doe answered that the openings for the under building parking would be a minimum of 10' per bay.

J. Vance continued what is the planned height.

Mr. Doe didn't have the exact measurement, however he did state that it would be high enough for cars and pickup trucks, but wouldn't be tall enough for a commercial vehicle like a box truck.

C. MacClinchy stated that most of his comments have already been covered. He wanted to reiterate the Board's desire to relook at the Sycamore Lane over Fernald Brook to add that as part of this revision to get this paved and allow emergency access. Also, this would make sure that the residents can get home more easily as well. He understands the residents concerns, but doesn't think that the plan the Board has approved is working, and would like to update it with this revision.

M. Randal asked if there are enforceable parts to the current approval.

C. MacClinchy answered that the concern is that part of this hasn't been built yet.

J. Bernstein suggested that it might be helpful for the Board to take a look when they do the site walk.

M. Randall asked if it would be helpful to have Jeff Rowe come to this site walk.

Mr. Heyland reminded the Board that getting to this approval took several meetings and was a very painful compromise with the residents.

J. Bernstein also noted that it is important to remember that given the number of units being built, this road must be passable at all times.

R. Metcalf noted that this is a difficult situation. He understands the point of view of the residents, but this road also needs to be passable for emergency equipment. He noted he would like to look back at the findings.

C. MacClinchy scheduled the site walk for this revision application.

Site walk to be held 9/12/16 at 5:30 pm, before this Board's next meeting.

D. Smith noted that he likes the way they are situating the building in terms of not looking at parking up Juniper. It is a real plus for the community.

J. Bernstein asked if you can see up Sycamore.

Mr. Doe answered that you would be very hard pressed. It is very thick woods around this site.

R. Metcalf asked Judy if she could include a copy of prior Findings of Facts and the minutes from that meeting prior to the site walk.

J. Bernstein stated yes, she can do that.

J. Bernstein asked the Board if they would like to do the site walk before they schedule the Public hearing.

Mr. Heyland asked why they needed to have another Public Hearing.

J. Bernstein answered that any subdivision plan revision is required to have a Public Hearing. She then asked if the plans can be revised and resubmitted by 9/12/16. If so, they can schedule the Public Hearing for the 26<sup>th</sup>.

Mr. Doe stated yes, he can do that.

C. MacClinchy responded that if the plans are in by the 12<sup>th</sup>, then they will have the Public Hearing on the 26<sup>th</sup>.

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

### Upcoming agendas

#### *9/12/16 meeting agenda items:*

Zoning amendments – J. Bernstein asked what 1 amendment item would the Board like to look at.

M. Randall asked if there is anything from the Comp. Plan Committee which needs to be looked at by this Board.

R. Metcalf answered not yet.

D. Smith asked if the Board wanted to look at drive-thrus again.

J. Bernstein noted that she has had a hard time finding anything on this. But she will continue to search.

9/26/16 meeting agenda items:

J. Bernstein noted that the Erinmore dock application has stalled. When reviewing their last submission, they couldn't be wider than 4'. When they asked the Town Attorney they learned that there is no waiver provision for that standard.

It was noted by C. MacClinchy, R. Metcalf, and R. Smith that floats can be bigger. It is the ramp that is an issue.

J. Bernstein read from the standard that the facility shall be no larger than necessary. A non-commercial ramp, dock, etc. shall be no wider than 4'. She noted that she is not sure where they got this standard.

R. Metcalf noted that he cannot recall any project where the float was restricted to a 4' width.

M. Randall added that the float restriction to 200 sq.ft.

J. Bernstein asked if they want to propose an amendment to that section.

C. MacClinchy asked J. Bernstein to talk with Natalie Burns, Town Attorney, to confirm that this standard refers to the float part, as that is not her understanding of this Board.

The Cedarwood Public Hearing will likely be on the 26<sup>th</sup>.

C. MacClinchy asked if they had heard back from the Ross Road subdivision.

J. Bernstein stated that she has received an extensive letter from an attorney representing LEB, LLC. Natalie Burns still feels that the outparcel lot may be part of the overall review of the plan. The letter included the fact that bringing in the sewer would be \$600,000. The applicant can request a waiver of the requirement to hook up to sewer on the basis of financial hardship. She is assuming that they will file and start back through the review process.

M. Randall asked what is the reason for the requirement to hook up to sewer if within 1500'.

R. Metcalf answered that it is for Public Health to not have individual septic systems.

D. Smith asked if the Board has heard from Mr. Single regarding the landscape plan at Kennebunk Savings Bank.

J. Bernstein answered that this is on her list to send an email to remind he that he still needs to submit that plan.

J. Bernstein noted that she had a meeting with the other Ross Road subdivision; the Mark Brunelle site. She met with a realtor and a potential developer. They were asking and trying to get a feel about whether they can argue financial hardship for 32 units, rather than limit of 25, and still use a single entrance. She informed them that her experience with the Board was that they have waived the requirement for maybe 1 or 2 extra units, but never for more than that.

## **6. Adjournment**

D. Smith moved to adjourn meeting.

R. Smith seconded the motion.

Vote was 5/0 in approval.

Meeting is adjourned at 8:50 pm.

*Respectfully submitted by Lynne Capitan.*

**Signature Page**

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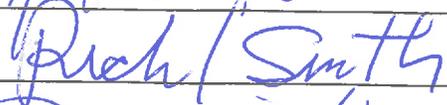
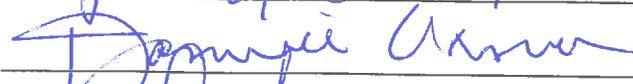
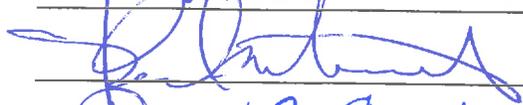
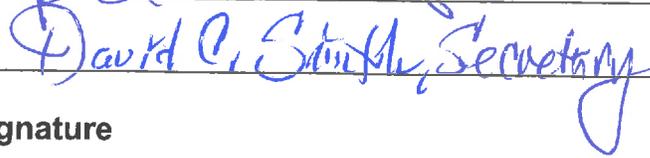
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**Signature**

**Date**

Signature Page

	Chair	10/10/16
	Rich Smith	
	Damyie Arner	10/10/16
	David C. Smith	10/10/16
	David C. Smith, Secretary	10/10/16

Signature

Date