

Town of Kennebunk, Maine



KENNEBUNK SITE PLAN REVIEW BOARD Thursday October 6, 2016 MINUTES

MEMBERS PRESENT: Gary *Dugas*, Chair; Matt *Fagginger-Auer*, Jeanne *Dunn*; Philip *Parker*, Brenda *Robinson*, and Kristi *Kenney*

FROM THE TOWN: Judith *Bernstein*, Town Planner
Chris *Osterrieder*, Town Engineer
Edward *Karytko*, Board of Selectmen Liaison

ALSO PRESENT: Michael E. *Tadema-Wielandt*, P.E., Vice President, Terradyn Consultants LLC
Steve *Bowley*, Applicant – Building at 92 York Street
Wayne *Sargent*, President – Cedarwood Farm Condominiums

1. Open Meeting

The Chair opened the meeting at 7:00 p.m.
The Board members introduced themselves.

2. Approval of Minutes of Previous Meeting

Dugas asked the Board to consider the minutes of August 18, 2016, and began a page review.

Dugas submitted the following amendments:

- Page 1, Item #1, 1st paragraph, line 3: Add the following statement "*The meeting of August 18, 2016, was videotaped without the recording secretary present which explains the reason for missing comments in the minutes*".
- The review of the August 18, 2016, should be put on hold until the added information can be assembled from the notes.

Robinson submitted the following suggestion and corrections:

- The missing information sections should remain as is, but the Board members should try to reconstruct the waiver motions.
- Page 3, Item #3, 3rd paragraph, line 3: "steam" should read "stream."

Bernstein submitted the following suggestions:

- The board members should review the minutes and insert what they thought the waiver motions addressed.
- A summary of **Lightbody's** comments should be obtained and added to the minutes.

Dugas proceeded to the next agenda item.

3. Public Hearing regarding Site Plan Application of 92 York Street by GSM Holdings

Bernstein reviewed the project as detailed in her memo of September 30, 2016, "*Summary of Thursday, October 6, 2016, Agenda*" (provided to the Board in the site plan packet). She identified the applicant, owner, site location, and nature of the request. Packet contents of note included a review from the Town Engineer.

Bernstein asked for a project summary from the applicant.

Michael E. **Tadema-Wielandt**, Terradyn Consultants LLC, introduced himself and began a review of the project. His presentation included the following information and highlights:

- An illustration of the overall site including a building rendition;
- The proposed building dimensions, usage, and tenant identification;
- The designated parking areas, number of parking spaces, and site access;
- Impervious area reduction will be greater than 40%; and
- Changes to the plan since the last meeting included:
 - Addition of a stop sign, stop bar, and lane delineation lines at the entrance for outgoing traffic;
 - A "way finding" sign at the head of the parking area island;
 - Grading adjustments; and
 - Landscaping alterations to prevent snow storage damage.
- The two previously approved temporary waivers for the Water and Sewer Districts have been satisfied.

Concluding his review, **Tadema-Wielandt** asked if the Board had any questions.

Robinson asked for a status of the building and driveway abutting the property at the south east corner.

Tadema-Wielandt replied that the abutting property owner now parks his car on his own property.

Robinson asked for a status of the materials board.

Tadema-Wielandt replied that the materials board exists but was not brought to the meeting.

Robinson asked how the material under the existing foundation could be identified.

Osterrieder explained that typically any hazardous material will be evaluated upon being uncovered through foundation removal, unless there was a specific concern regarding past uses of the property.

Kenney noted that the owners had an environmental assessment accomplished when they purchased the property.

Applicant Steve **Bowley** presented documentation in the form of a purchase and sale agreement and a letter from Granite Environmental attesting to the environmental suitability of the site and agreed to provide copies of the documents for the record.

Kenney asked **Bowley** if he would explain the arrangement with the abutting property owner regarding his driveway crossing **Bowley's** property.

Bowley replied that the abutter has ceased utilizing the driveway.

Kenney noted that the residence may need a proper access driveway for emergency purposes.

Bernstein suggested that a check with the Fire Department be conducted to determine if a proper 911 address has been assigned to the abutting dwelling.

Kenney asked for details of the sign square footage.

Tadema-Wielandt replied that a sign square footage update has been provided in the revised package.

Bernstein agreed and noted that the Board approves the sign design but the sign size will be verified at permit application and approval.

There being no further questions from the Board regarding this agenda item, **Dugas** opened the meeting to the public for comment.

Wayne **Sargent**, President – Cedarwood Farm Condominiums, abutter, submitted comments supporting approval of the project.

There being no further remarks from the public regarding this agenda item, **Dugas** closed the meeting for public comment and proceeded to address the design review standards of Article 10, Page 64, Part D, Section 23.

D. Design Criteria

1. Site Layout and Design

a) **Site Design for new buildings and infill development** – Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity of the proposed building(s). The design of the site shall be based on existing topography, vegetation, and drainage characteristics and shall retain significant and /or unique site features such as historic resources, existing ponds or streams, and mature trees to the greatest practical extent. In addition, building layout shall conform to the following:

- Building frontages shall be located at the street edge;
- Buildings shall be aligned to the front setback line; and
- The review board may require that a maximum front setback from the edge of Route 1 R.O.W. be set at 40 feet.

Dugas acknowledged that a waiver for front of building parking had been previously granted;

- Locate main entrance, or at least one functional entrance, on the side of building(s) directly facing Route 1;
- Walls along the street(s) should be transparent (not opaque) with windows and doors; and
- Parking shall be located entirely to the side or rear of the building.

Dugas reiterated that a waiver for front of building parking had been previously granted at the last meeting.

b) Site Features

Internal Traffic Flow and Connections to Adjacent Sites - To ensure safety of motorists, delivery trucks, bicyclists and pedestrians, the site plan shall clearly delineate internal traffic patterns for both vehicles and pedestrians.

Shared Driveway Access

Connections to abutting streets

Parking

Dugas reiterated that a waiver for front of building parking had been previously granted at the last meeting.

Pedestrian and Bicycle Movement - The circulation plan shall provide safe pedestrian and bicycle movement.

Service Areas - Service areas (e.g. solid waste/recycling facilities, above ground transformers, mechanical equipment, utility areas and loading areas) shall be located to the side or rear of the building.

Roof Top Equipment

Dugas asked the applicant if any roof top equipment is planned.

Tadema-Wielandt replied in the negative.

Continuing his summary of design review standards, **Dugas** noted the following topics:

Landscaping

Dugas acknowledged that a landscape plan has been received.

Existing mature trees and natural vegetation

Dugas asked the applicant for an explanation of tree removal.

Tadema-Wielandt replied that:

- Most of the existing trees will be preserved; and
- Trees that will overhang the building will be removed.

Continuing his summary of design review standards, **Dugas** noted the following topics:

Advertising Features - The size, number, location, design, color, texture, lighting and materials of all permanent signs

Dugas acknowledged that sign details have been discussed.

2. Building Design

Architecture

Parker asked if the building will have a flat gravel or asphalt shingle roof.

Bowley replied that the roof will be steel, single pitch to the rear.

Noting that the design standards require a presentation of materials and colors, **Kenney** asked how the applicant intended to comply.

Tadema-Wielandt replied that he could tell the Board members what colors were chosen. A discussion developed regarding applicant submission of material and color choices. All agreed that a physical presentation of the actual materials and color selection is not required as long as the site plan rendering accurately reflects the choices or a special circumstance which would necessitate a physical presentation does not exist.

For the record, **Robinson** asked the applicant for an exact description of the materials and colors to be utilized.

Tadema-Wielandt provided the following information:

- Siding shingles – stained white cedar shingles, light gray, either “Kennebunk” or “Nantucket;”
- Vertical tongue and groove boards – stained dark brown;
- Stone veneer accent around the base;
- Metal canopies with supports – color matched with dark brown of the vertical boards; and
- Window trim – stained wood.

Continuing his summary of design review standards, **Dugas** noted the following topics:

Scale of Building(s) - The scale of a building should be visually compatible with its site and with its neighborhood.

Height - Heights of new buildings and reconstruction of existing buildings should be visually compatible with the heights of the buildings in the neighborhood.

Roof Shape - The shape and proportion of the roof shall be articulated so as to lend visual interest and reduce the apparent size of new building(s) and should be visually compatible with the architectural style of the building and with neighboring buildings.

National Franchises

Facade Design and Materials

Dugas acknowledged that facade design and materials have been discussed.

Canopies

Dugas acknowledged that canopies have been discussed.

Parker asked if the canopies are flat and will they collect snow and ice.

Tadema-Wielandt replied that the canopy structure is an open design consisting of boards stacked next to each other with a gap separation. The design is meant to provide shade rather than shelter from the weather.

Continuing his summary of design review standards, **Dugas** noted the following topics:

Primary Entrance

Dugas noted that the primary entrance faces route 1.

Signage

Dugas acknowledged that signage design has been discussed.

Color- Colors used on building exteriors should integrate a building's various design elements or features. The use of bright colors should be avoided. Softer, muted or earth-

tone colors are preferred. Colors should be compatible with the architectural character of surrounding buildings and neighborhood.

Dugas acknowledged that colors have been discussed.

Lighting - The proposed lighting plan shall be consistent with the architectural style of the principal building and shall conform to the standards of Art 10, Section 6.

Concluding his summary of design review standards, **Dugas** asked for a motion.

A motion was made declaring that all items of the design review standards of Article 10, Part D, Section 23, have been met.

MOVED: Dunn
SECONDED: Robinson
DISCUSSION: None
MODS: None
VOTE: 5 in favor, 0 opposed; the motion carried.

There being no further comments regarding the design review standards of Article 10, **Dugas** proceeded to address the Findings of Fact.

**Town of Kennebunk
Site Plan Review Board**

FINDINGS OF FACT

1. Project Name: 92 York St. Commercial Development
2. Date of Action Taken: October 6, 2016
3. Site Location: 92 York St.
4. Zoning District: BP (Business Park) & SZ (Shoreland Overlay)
5. Lot Size: 1.20 acres
6. Building Size: 7,500 sq. ft.
7. Assessor's Map: 062 Lot: 025
8. Existing Property Owner: Debra Oliver, LLC
9. Proposed Property Owner: GSM Holdings, LLC
10. Applicant: GSM Holdings, LLC
11. The applicant has shown legal interest in the property by deed, option or purchase and sale agreement, or other device (circle one).
12. The Kennebunk Site Plan Review Board has reviewed the above noted proposal utilizing the set of approval criteria in Article 11, Section 8 of the Kennebunk Zoning Ordinance as summarized below and determined.

Approval Criterion # 1

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

Criterion is: met X, not met _____, or not applicable _____ with the following conditions, waivers, and/or comments.

None

Approval Criterion # 2

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

Criterion is: met X, not met _____, or not applicable _____ with the following conditions, waivers, and/or comments.

None

Approval Criterion # 3

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

Criterion is: met X, not met _____, or not applicable _____ with the following conditions, waivers, and/or comments.

A permanent waiver for Article 11, Section 6 B (3) for submission of a high intensity soil survey (HISS) granted at the Site Plan Review Board meeting of September 22, 2016

Approval Criterion # 4

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

Criterion is: met X, not met _____, or not applicable _____ with the following conditions, waivers, and/or comments.

None

Approval Criterion # 5

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

Criterion is: met X, not met _____, or not applicable _____ with the following conditions, waivers, and/or comments.

None

Approval Criterion # 6

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

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments.
None

Approval Criterion # 7

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

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments.
None

Approval Criterion # 8

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

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments.
None

Approval Criterion # 9

Exterior lighting does not adversely affect neighboring properties or streets.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments.
None

Approval Criterion # 10

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

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments.
None

Concluding his review of the Findings of Fact, **Dugas** asked for a motion.

A motion was made to approve the Findings of Fact for the 92 York Street project.

MOVED: *Dunn*

SECONDED: *Robinson*

DISCUSSION: *None*

MODS: *None*

VOTE: *5 in favor, 0 opposed; the motion carried.*

Robinson noted that previously approved permanent waivers should be included in the approval motion as indicated by line #13 of the Site Plan Review Board, Findings of Fact, Page 4.

The previous motion was amended as follows:

In their review, the Board finds that the criteria of Article 11, Section 8 of the Zoning Ordinance have been met for the 92 York Street project with the conditions and/or waivers noted above and/or as follows:

- 1. A permanent waiver for Article 11, Section 6 B (3) for submission of a high intensity soil survey (HISS) granted at the Site Plan Review Board meeting of September 22, 2016; and**
- 2. A waiver of the design criteria on the Route 1 corridor to allow parking on the front side of the building due to the site constraints, lot size, lot shape, and impact to existing on-site wetlands granted at the Site Plan Review Board meeting of September 22, 2016.**

MOVED: Dunn
SECONDED: Robinson
DISCUSSION: None
MODS: None
VOTE: 5 in favor, 0 opposed; the motion carried.

Dugas asked for an approval motion.

A motion was made that based upon the information above; the Board approves the Site Plan for the 92 York Street project.

MOVED: Parker
SECONDED: Dunn
DISCUSSION: None
MODS: None
VOTE: 5 in favor, 0 opposed; the motion carried.

Dugas proceeded to the next agenda item.

4. Other Old/New Business

Bernstein informed that Board that site plan reviews are scheduled for the Garden Street Market Bowling Alley project at 11 Garden St. and GymNation at 117 York St. on Thursday, October 20, 2016 at 7:00 P.M.

Kenney requested that a Design Criteria check list, similar to the Findings of Fact check list, be produced for the Board to use when reviewing site plans.

Bernstein agreed.

A discussion developed regarding applicants presenting materials and color samples as part of their submittal. Highlights included:

- The requirement is not in the Ordinance;
- All applicants should be subject to the same submission requirements;
- Renderings do not portray true color hues;
- Printers produce different shades of the same color;
- Consistency is driven by the Ordinance requirements;
- Applicants may not have chosen a specific product prior to Board review; and
- An Ordinance amendment would be required to make it mandatory.

Dugas proceeded to the next agenda item.

5. Adjournment

Dugas asked for a motion to adjourn.

A motion was made to adjourn the meeting at 8:19 p.m.

MOVED: *Parker*

SECONDED: *Robinson*

DISCUSSION: None

VOTE: 5 in favor, 0 opposed; the motion carried.

Date signed: *17 November 2016*

Signed by: *Brenda Robinson*
Brenda Robinson