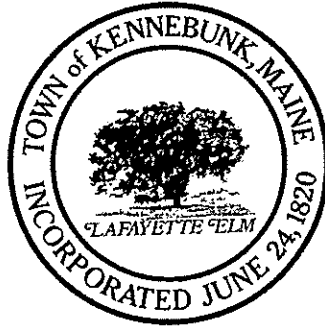


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

May 22, 2023

In Person Meeting, Town Hall, Room 300, 3rd Floor, 1 Summer Street, Kennebunk

This meeting was held in person and televised on Cable TV Channel 5.
It is available for public viewing at any time at TownHallStreams.com.

Present: Chris MacClinchy [Chair], Richard Smith [Vice Chair]; Robert Metcalf [Member], Janice Vance [Member], and Edward Trainer [Member];

Absent: Daniel Kiley [Alternate];

Also Attending: Brittany Howard [Town Planner], Christopher Coppi [Coppi Environmental, LLC], Robert A. McSorley [Sebago Technics], Craig Burgess [Sebago Technics], Dennis Byrd [Kennebunk Savings Bank], Nate Howes [Avesta Housing], and Durward Parkinson [Bergen & Parkinson].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on May 22, 2023. The meeting was held in person at Town Hall. There were five voting members in attendance: MacClinchy, Smith, Vance, Metcalf and Trainer. C. MacClinchy explained the procedural sequence of the meeting, then proceeded to consider Agenda items.

2. Agenda Items

a. **Public Hearing — Map Correction, Shoreland Zoning Map — 24 Forest Hill Lane — Map 91 Lot 55**

B. Howard re-introduced this application, reminding the Planning Board that it had first reviewed this request on April 24, 2023 and conducted a site walk on May 4, 2023. Applicants Craig and Denise Collins sought a correction of Kennebunk's Shoreland Zoning Map for 24 Forest Hill Lane based on field research. They had provided aerial views of the current and proposed border line of the Priority 1 Wetland in relation to their property.

C. Coppi, representing the applicants, showed the two aerial views. He stated that the revised delineation was based on his field research, the *de facto* location of the salt marsh, as well as the location of salt-tolerant plants. Even if a 250-ft. "Resource Protection buffer" were added to the correct border, Coppi said, the wetland plus buffer would still be some distance from the applicants' property.

J. Vance said that the Board's site walk had, in her view, confirmed Mr. Coppi's assessment.

C. MacClinchy formally opened a Public Hearing and invited public comments and questions. As there were one, he subsequently closed the Public Hearing.

Motion: Move to approve the request for a map correction for 24 Forest Hill Lane, Map 91 Lot 55, as presented to correct the Town's Shoreland Zoning Map.

Moved: J. Vance

Second: R. Metcalf

Vote: Show of hands vote, 1 votes in favor, none opposed, 1 abstention [R. Smith had not attended the Board's April 24, 2023 review of this application nor the site walk]; the motion carried.

b. Public Hearing — Map Correction, Shoreland Zoning Map — 258 Emmons Road — Map 33 Lot 10

B. Howard next introduced the application of Richard and Sandra Perkins to remove a rear portion of their property from the Resource Protection [RP] district based on a Letter of Map Amendment [LOMA] from the Federal Emergency Management Agency [FEMA]. Only a limited area would actually be removed per the FEMA revision.

Howard noted that the Board had previously reviewed this application on April 24, 2023 and conducted a site walk on May 11, 2023.

Richard Perkins, the owner/applicant, addressed the Board and public. He offered a brief history of the ownership of the property going back to 2015. In 2020, the owners "began taking steps to be able to sell the back lot." That prep work showed that the lot had an elevation of 70.9 feet — i.e. substantially above the flood zone. The Federal Emergency Management Agency [FEMA] consequently revised its delineation of the Flood Zone.

C. MacClinchy observed that FEMA's revision excluded a part of the applicants' property, but not all of it. MacClinchy asked if the applicants intended to ask FEMA to exclude all of the property. R. Perkins responded that the request was "already in the works and a letter was submitted to the Board as part of their packet".

Discussion ensued about the need for a culvert. However, C. MacClinchy reminded the Board that it was only meant to consider the map correction at this time.

C. MacClinchy then formally opened a Public Hearing and solicited public comments and questions. As there were none, he closed the Public Hearing and the Board proceeded to entertain the following motion.

Motion: **Move to approve the map correction application for Richard and Sandra Perkins, 258 Emmons Road, Map 33 Lot 10 as presented with the caveat that if the Planning Board receives FEMA certification for the entire parcel, the rest of the property would also be excluded from the Flood Zone/Resource Protection District as shown on the Shoreland Zoning Map.**

Moved: J. Vance

Second: R. Metcalf

Vote: **Show of hands vote, 4 votes in favor, none opposed, 1 abstention [R. Smith had not attended the Board's prior review of this application]; the motion carried.**

c. Sketch Plan — Subdivision — 6 Oliver Lane — Map 38 Lot 35

C. MacClinchy next introduced this application to create two [2] lots on 99,312 sq. ft. of property at 6 Oliver Lane. He explained that this was to be a sketch plan review only. Public questions or comments would be solicited and taken into consideration at a later Public Hearing, if convened.

C. MacClinchy then volunteered that he had a relative who owned a condominium near the property in question, and he offered to recuse himself if other Board members deemed it appropriate. However, all other Board members were of the view that MacClinchy's recusal was not warranted.

B. Howard then provided detail about the application. Applicants Kenneth and Julia Barbalacek she said, sought to create two [2] lots on 99,312 sq. ft. of property at 6 Oliver Lane. The land is currently vacant and zoned Village Residential [VR] and Shoreland Overlay.

Howard briefly highlighted the history of the site. Oliver Lane, she said, had come before the Planning Board in 2017 and 2018 to create lots from the back of 23 Merrifield Drive and, later, from land at 4 Glengarry Place. The applicants were now before the Board because they are within the 5-year window of the lots' creation per Maine subdivision law.

B. Howard additionally noted that, in the course of obtaining the 2017 and 2018 approvals, the roadway was reduced to 18 feet and the right-of-way was reduced to 25 feet. Fire Department officials had approved the plan in 2020-21. However, the current Fire Chief reviewed the plan and determined that it would not be satisfactory for the Town's larger fire trucks today.

R. McSorley of Sebago Technics, representing the applicants, said that he was confident that the applicants could satisfy the Fire Department's requirements without any issue. He added that the applicants proposed to build two houses: one on the upper lot, and one on the lower.

R. McSorley showed an aerial depiction of the proposed lot division with the two houses. He affirmed that the applicants had already revised their plan once for adequate turnaround space for the Fire Department. He also remarked that the applicants proposed to use block pavers instead of asphalt paving in the turnaround area, and had submitted a revised turnaround proposal to the Fire Department for its consideration.

E. Trainer, R. Smith, and J. Vance expressed concerns about drainage. "The big test you have to pass," R. Smith told the applicants, "is to ensure that drainage does not cause problems for neighbors."

E. Trainer also questioned whether the applicants proposed to create a "bed-and-breakfast" or "B&B". The owner/applicant, K. Barbalace, responded that creating a B&B was, in fact, his intent, "but economics might impede that idea for the time being." Mr. Barbalace also explained the location of the likely septic location of the houses, which location had been determined by Coppi Environmental. E. Trainer said that such detail should also be submitted for the Board's review.

R. Smith reiterated his concerns about drainage and suggested that the use of pavers for the turnaround area might be problematic given the weight of the Town's fire trucks. In response to questions by R. Metcalf, the owner confirmed that neither of the two proposed houses had, as yet, been built.

J. Vance noted that there were specific parking requirements for a B&B, and re-iterated her concern about drainage, as well.

C. MacClinchy expressed two concerns. On one hand, he said, the proposed turnaround might be problematic as the space would have to be kept clear, and that could be difficult. And, two, the property in question was, in his view, "highly sensitive" because of its location near an important stream. "Development in this area," MacClinchy said, "is a matter of general concern."

MacClinchy also observed that the original application had been for one lot, and now two lots were being proposed. "The development," he re-iterated, "is concerning."

R. McSorley explained that the proposed turnaround should be adequate and that, in any event, a revised turnaround plan had been submitted to the Fire Department for its assessment and comment.

Board members, R. McSorley, and the owner then agreed to a site walk on Saturday, June 3, 2023 at 8:00am. The site walk, B. Howard said, was open to the public, but the walk would not be a Public Hearing.

d. Preliminary Review – Kennebunk Savings Contract Zone – 7 Alewife Park Road – Map 27 Lot 14

B. Howard next re-introduced the proposal of Kennebunk Savings Bank [KSB] to create a Contract Zone under Article 13 Section 2. Howard reminded the Planning Board that it had previously reviewed an earlier Contract Zone proposal for this property in February, 2023. This updated proposal, Howard said, divides the parcel into three lots:

Lot #1: Would be an affordable housing development, comprised of two [2] buildings, with 35 residential units each or 70 units in total. The development would be managed by Avesta Housing, a specialist in the financing and management of affordable housing;

Lot #2: Would be open space connected to the Eastern Trail and donated to the Land Trust; and,

Lot #3: Would be the Bank's campus.

In support of the request, the applicant had submitted a traffic memo and a narrative explaining how the proposed Contract Zone would be consistent with Kennebunk's Comprehensive Plan. B. Howard described the narrative as "extensive", "detailed", and "more than adequate."

B. Howard also noted that the property in question was located in the Industrial District and contains a Priority 3 Wetland. She contrasted the applicant's proposed density (3,000 sq. ft. per net lot area) with the 6,000 sq. ft. density that would be consistent with the current affordable housing density bonus if applied to the VR District net lot area requirement. However, Howard observed that the applicant may anticipate a possible future expansion of the site and, if so, would require a Contract Zone amendment.

Howard also highlighted the proposed parking for the housing development. The applicant, B. Howard said, proposes to have 1.5 parking spaces per dwelling unit, but only 1 parking space for "elderly affordable rental" units. Kennebunk's Ordinance currently calls for 2.25 parking spaces per dwelling unit. If Town residents approve the proposed zoning changes in Kennebunk's June Town Meeting vote to align the Ordinance with Maine's new state law on housing [LD 2003], the parking requirement would be reduced to 2 parking spaces per 3 units.

For background, B. Howard provided Board members with the numbers of parking spaces approved in other communities for similar housing developments.

B. Howard additionally noted the Comprehensive Plan's housing, economic, and recreational objectives, and opined that the proposed contract zone met these objectives. However, she highlighted instances where the latest plan lacked some of the detail otherwise required by various subsections of Article 11 Section 6.A.(3). Howard also noted that the applicant sought seven "temporary waivers": (1) dimensions of the existing and proposed buildings; (2) existing and proposed building coverage, impervious surface, and gross floor area; (3) water supply; (4) wastewater disposal; (5) signage; (6) lighting; and (7) state and federal approvals. These waivers, Howard said, could be taken up by the Board in a Public Hearing.

In addition to these waivers, Howard said that the applicant and Planning Board should consider emergency access to the housing buildings. She likewise called on the applicant to provide a parking table and parking detail.

D. Byrd, representing Kennebunk Savings Bank, the applicant, explained the Bank's interest in creating affordable housing. "We have a long history of donating to non-profits," D. Byrd said. He noted that Kennebunk Savings Bank had thus far donated

more than \$18 million to charitable and non-profit groups. The Bank's intent, he said, was to continue to make a positive impact.

C. Burgess of Sebago Technics addressed the Board next. He explained that only a "high-level" version of the plan had been submitted at this time. Detail would be made available after Avesta examined and helped refine the plan.

Avesta's N. Howes spoke next. He confirmed that the intent was to create affordable housing for senior citizens. The apartments would all be one-bedroom units. To qualify, residents would have to be 55 years of age or older.

C. MacClinchy and J. Vance asked why only "elderly" housing was contemplated as opposed to affordable housing for "working people" and "people in any age group." N. Howes replied that housing for individuals age 55 and over "requires less infrastructure" and frees up housing in the marketplace for younger, working residents.

J. Vance countered that the location in question was "particularly good for people who have jobs". She voiced preference for "more workforce housing." Vance also said that the applicant would need to address the impact on wetlands and the need for a second access to the housing development. One access-way, she said, would not be adequate for the number of residents or for emergency reasons.

C. MacClinchy and R. Metcalf concurred. Both commended Kennebunk Savings Bank for responding to the Town's affordable housing need. However, Metcalf said that more detail about the project was nevertheless needed.

R. Smith concurred, commending Kennebunk Savings Bank's initiative as being "heart-warming." However, Smith also called on the applicant's representatives to provide more plan detail and clarity. Smith cited two areas, in particular, needing clarification: (1) the traffic study provided was specifically for "senior housing" and that distinction should be explained; and (2) the plan's underlying transportation assumptions needed to be reconsidered as well. According to Smith, adding a "metro bus stop" as stated in the plan was not a meaningful option as Kennebunk has no public bus service. How, he asked, would residents in the housing development do grocery shopping as there are no stores within easy walking distance and no public transportation of any kind?

D. Parkinson, also representing the applicant, countered that the Chamber had received or was about to receive a grant to put public transportation into place in the area. Bus service, he said, might be available. Parkinson urged the Board "not to overthink this" at the present time. The Contract Zone was meant to be a conceptual plan, Parkinson said, and not a detailed "site plan".

E. Trainer inquired about Lot #2, which would not be developed. D. Byrd responded that Lot #2 would be donated to the Land Trust. D. Parkinson interjected that a covenant could be added to prevent development on Lot #2 "in perpetuity."

C. MacClinchy re-stated his appreciation of the initiative, but re-iterated that Kennebunk's foremost need was for affordable "workforce" housing. He voiced several preferences: (1) the Bank and Avesta should consider making workforce housing available as well -- whether now or in a possible expansion of this development later in time; and (2) access to Alfred Road should be considered to alleviate traffic congestion. D.

Parkinson countered that access to Alfred Road had been considered but was deemed to be problematic. It would significantly diminish the value of the conservation land being donated to the Land Trust. R. Metcalf agreed. However, R. Metcalf also agreed with Vance that there should be two means of egress to the housing development.

Board members and the project's representatives then agreed to a site walk on Thursday, June 8th, 2023 at 6:00pm. Board members also agreed that they would need another meeting to review the project's details before a Public Hearing were convenes.

3. Minutes of Prior Meetings

C. MacClinchy next led the Board in a page-by-page review of the minutes of its meeting of May 8, 2023.

Motion: **Move that the Town of Kennebunk Planning Board approve the Minutes of its meeting of May 8, 2023 as written.**

Moved: J. Vance

Second: R. Metcalf

Vote: **Show of hands vote, 3 in favor [MacClinchy, Vance, Trainer], none opposed, 2 abstentions [Metcalf and Smith had not attended the 4/10/2023 meeting]; the motion carried.**

4. Other Business

B. Howard had documents for the Planning Board to sign and highlighted the next applications to come before the Board.

5. Adjournment:

There being no further business, the Chair adjourned the meeting at 8:56pm.

Motion: **Move that the Planning Board of the Town of Kennebunk adjourn this meeting.**

Moved: J. Vance

Second: R. Smith

Vote: **Show-of-hands vote, 5 votes in favor, none opposed; the motion carried.**

Respectfully submitted by
J. Schlagheck, Clerk

Adopted by the Planning Board in its Meeting of June 12, 2023

Signed by:

 6/12/23

PLANNING BOARD

