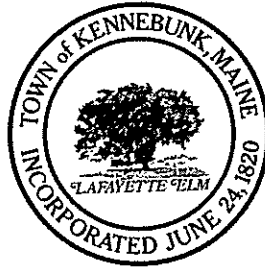


Town of Kennebunk, Maine



Site Plan Review Board

MEETING MINUTES

February 17, 2022

Zoom Teleconferencing Meeting

Present: Gary Dugas [Chair], Jeanne Dunn [Vice Chair], Brenda Robinson [Secretary], Christopher Carroll [Member], Albert Kolff [Member], Keith Hafer [Alternate], and Tim Sommers [Alternate]

Absent: None

Also Attending: Brittany Howard [Town Planner], Craig Burgess [Sebago Technics], Jason Pollard [CHA Consulting], Matthew Bush [Revision Energy]; and Michael Noble [Facility Manager, Norway Savings Bank]

1. **Call to Order:** Chair and presiding officer G. Dugas called the meeting to order at 7:02pm on February 17, 2022. Members introduced themselves. There were five voting members present for the purpose of this meeting: Dugas, Dunn, Carroll, Robinson, and Kolff.

2. **Approval of Prior Minutes:** G. Dugas led the Board in a page-by-page review of the minutes of January 20, 2022.

Motion: **Move to accept the Minutes of January 20, 2022 as presented.**

Moved: J. Dunn

Second: A. Kolff

Vote: **Roll call vote. 5 votes in favor, none opposed; the motion carried.**

3. Agenda Items

a. **Public Hearing — Major Site Plan Application — 89 Fletcher Street — Map 59 Lot 24 — Kennebunk High School Field Project**

B. Howard reminded members that Kennebunk High School had originally come before the Board on January 20, 2022 requesting authorization to remove, replace, or alter its running track, athletic field, and practice field. At that meeting,

the Board had granted two submission waivers: (1) waiver of the high intensity soil survey otherwise required by Article 11, Section 6.B.3; and (2) waiver of the landscaping plan otherwise required by Article 11, Section 6.B.7.

The Board, Howard added, had conducted a site walk on January 24, 2022. The Police Department had also reviewed the plan and requested that the following condition be a requirement for the Board's approval:

The Kennebunk Police Department shall coordinate with the RSU on the development and review of facility safety operations plan. This plan should be prepared, reviewed, and approved by the Kennebunk Police Chief or designee prior to commencement of use of the facility.

Kennebunk's Fire Chief informed Howard that the High School's new grandstand would need to meet the standards of NFPA 101 (2018), Chapter 12. The Fire Department additionally requires "labeled ambulance parking" for use when it covers School events. This, Howard stated, would be another condition for approval.

The applicant's representatives, B. Howard noted, had met with owners of the properties abutting the practice field and, following up on prior Board feedback, had amended their plan to add landscaping between the field and abutters. Howard observed, too, that applicant had already applied for the required State permits, and she urged the Board to require approval of those permits as another condition for project approval.

Craig Burgess, representing the School Board, showed an aerial diagram of the proposed field and track. The turf will be artificial, he said. One portable bleacher will have ADA access in response to the Board's previous recommendation. There will also be ADA paved parking spaces and reserved parking for the Fire Department with a sign.

Burgess explained that new LED lighting will be more narrowly focused. The practice field, he stated, had been slightly reduced in size to keep within the buffer setbacks as the Board had previously suggested.

Jason Pollard, also speaking on behalf of the applicant, reported that he and School representatives had met with "8 or 9 abutters" on February 12, 2022. The abutters, he said, had no significant concerns and were overall "quite enthusiastic" about the project. The new sound and light systems, Pollard reiterated, should be better for all neighbors.

A. Kolff posed questions about the existing trees, and C. Burgess affirmed that the trees around the portable bleachers between the athletic and practice fields will be removed. In response to follow-up questions by G. Dugas, Burgess added that a "dense patch" of trees and/or shrubbery will be located along the pinch point of the buffer to augment the practice field's separation from abutters.

T. Sommers thanked Messrs. Burgess and Pollard for adjusting their plan in response to Board feedback. B. Robinson and J. Dunn concurred. C. Carroll

questioned the impact of the proposed irrigation system on sports play, and Pollard responded that “little or no impact” was likely.

G. Dugas then formally opened a public hearing, soliciting public questions and comments. Kortney Nedeau, a Select Board member and abutter, voiced “full support” for the field improvements, but also expressed concerns. Past School field and construction projects, she stated, had caused her and other abutters to incur significant flooding, wall, and pavement damages which have yet to be remedied or reimbursed. Nedeau suggested that two additional conditions for approval of this project be considered: (1) a vibration study, and (2) requirement that the School Board respond to claims for the remedy of past damages.

There being no other public comment, the Chair formally closed the public hearing. However, C. Burgess addressed K. Nedeau’s flooding and vibration concerns. “Storm water drainage,” Burgess said, “should be significantly better with the proposed changes.” None of the runoff, he affirmed, will be directed toward Fletcher Street. Burgess also stated that there will be no blasting or massive vibration. A “vibratory roller,” he said, will go over the new pavement, but should not be felt by abutters. J. Pollard concurred: “Any traffic or noise impact will be minor.”

B. Howard asked about loud speaker use, and Joe Schwartzman, a coach and School spokesman, explained that music and announcements would be made in a limited fashion – again, without inconvenience to abutters.

Discussion then shifted to signage. B. Howard suggested that press box and any other signage should be reviewed separately by the Code Office to ensure compliance with the signage regulations set forth for the VR Zone. Such separate review, she said, should also be a condition for approval.

G. Dugas then proceeded to Findings of Fact.

**Town of Kennebunk
Site Plan Review Board
Findings of Fact**

1. Project Name: Kennebunk High School Field Project
2. Date of Action Taken: February 17, 2022
3. Site Location: 89 Fletcher Street
4. Zoning District: Village Residential & Shoreland Overlay
5. Lot Size: 49 acres
6. Assessor’s Map 47 Lot 1

7. Property Owner: RSU 21

8. Representative: Sebago Technics - Craig Burgess

9. The applicant has shown legal interest in the property by deed.

10. 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

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 _

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

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

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

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

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

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

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

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

11. In their review, the Board finds that the criteria of Article 11, Section 8 and of the Zoning Ordinance:

- Have been met or are not applicable
- Have been met with the conditions and/or waivers noted below or are not applicable
- Have been met with the conditions and/or waivers noted above
- Have not been met (list criteria not met) or are not applicable

Based upon the information above, the Board therefore:

- approves the Site Plan.
- approves the Site Plan with conditions **which are to be completed & evidence filed in the Planning Office no later than sixty (60) days after plan approval; and prior to permit.**

Waivers:

1. Article 11 Section 6.B.3 – High Intensity Soil Mapping – waived due to geotechnical study completed on the property - 1/20/2022
2. Article 11 Section 6.B.7 – Landscaping Plan – waived to allow for a minimum landscaping plan due to the nature of the project – 1/20/2022

Conditions:

1. The Kennebunk Police Department shall coordinate with the RSU on the development and review of facility safety operations plan. This plan should be prepared, reviewed, and approved by the Kennebunk Police Chief or designee prior to commencement of use of the facility.
2. All applicable state permits.
3. Verification that the grandstands would need to meet the standards of NFPA 101 (2018), Chapter 12 and the plan updated to show “labeled ambulance parking” for use when the Fire Department covers School events.

4. The proposed signage shall be reviewed and approved by the Code Enforcement Officer for compliance with the Towns Zoning Ordinance.
5. Update the plan set per the letter dated February 16, 2022 from Sebago Technics

_____ denies the Site Plan.

12. PLEASE NOTE THAT THE FOLLOWING APPLY:

 X AFTER SITE PLAN APPROVAL AND PRIOR TO OCCUPANCY, THE APPLICANT MUST RECEIVE A BUILDING AND OCCUPANCY PERMIT FROM THE CEO.

 X A BUILDING PERMIT SHALL NOT BE ISSUED BY THE CODE ENFORCEMENT OFFICER UNTIL THE APPLICANT FILES A PERFORMANCE GUARANTEE IN CONFORMANCE WITH ARTICLE 11. SECTION 10. (ZONING). **THIS GUARANTEE SHALL BE REVIEWED PRIOR TO ISSUANCE AND THE AMOUNT SHALL BE AGREEABLE WITH TOWN.**

13. This approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant, as well as any oral representations made to the Board during the final review of the project. Any variation from the plans, proposals and supporting documents is subject to review and approval by the Site Plan Review Board, except for de minimus changes, which the Town Planner may approve.

APPROVED BY: _____ DATE: _____

Motion: **Move that the Site Review Board of the Town of Kennebunk approve the Findings of Fact.**

Moved: A. Kolff

Second: J. Dunn

Vote: **Roll-call vote; 5 votes in favor, none opposed; the motion carried.**

Motion: **Move that the Site Review Board of the Town of Kennebunk approve this site plan and overall application with the following conditions: (1) the plan is to be updated with the minor changes noted at this and prior meetings; (2) approval of State permits; (3) satisfaction of the Police Department requirements cited above; (4) separate pre-fact review and approval by the Town's Code Enforcement Office of all signage to be displayed; and (5) satisfaction of all building, electrical, and other permits.**

Moved: B. Robinson

Second: J. Dunn

Vote: **Roll-call vote; 5 votes in favor, none opposed; the motion carried.**

After further discussion, Board members moved to add to the list of approval conditions or requirements.

Motion: **Move that the Site Review Board of the Town of Kennebunk additionally require for the approval: (1) an occupancy permit; and (2) applicant to provide a performance guarantee in compliance with Article 11, Section 10 and in such amount as to be agreed upon with the Town of Kennebunk.**

Moved: B. Robinson

Second: A. Kolff

Vote: **Roll-call vote; 5 votes in favor, none opposed; the motion carried.**

b. Minor Application/Amendment — Norway Savings Bank — 68 Portland Road — Map 38 Lot 01 — Solar Project

B. Howard introduced this petition as a minor site plan application for authorization to add solar panels at the rear of Norway Saving Bank's property.

In the advance materials provided to the Board, Howard noted that Norway Savings Bank had originally come before the Board in 2011 and the Board had then approved the Bank's building project. As part of that prior approval, the Board had permitted some site work within the wetland buffer as well as some wetland filling on the property.

The proposed solar panels, Howard noted, would be located within the same wetland buffer area which had been disturbed and revegetated.

Matthew Bush, a spokesman for the applicant, explained the project in further detail. The Bank, he said, wants to transition to clean energy and therefore seeks authorization to erect six, separate, pole-elevated arrays of solar panels at the rear of its property. Each array would be connected to the local power grid by Kennebunk Light and Power.

A. Kolff questioned whether the panels could be installed farther back on the property behind the wetland. However M. Bush responded that the wetland impact, cost considerations, and grid connection logistics make changing the location undesirable.

B. Robinson professed "great support" for the project in principle, but sought more detailed documentation. She asserted that the existing materials lacked (1) an introduction and summary; (2) notation of the dates, page numbers, and identification labels on support documents; (3) more detail about snow storage; (4) a statement confirming that the project will have no impact on street traffic; and (5) spec sheets for the solar panels, themselves. B. Robinson will give written examples of such detail to B. Howard for dissemination. However, Howard and

the applicant's spokesmen pointed out that a "narrative summary" and considerable detail had already been included in the information packet given to the Board, and urged Board members to revisit those materials.

C. Carroll posed questions about the height of the panels and their likely visibility. In response, M. Bush stated that the back of each array would be 12 feet tall and the front 5 feet tall. Each panel, he said, would have a 35-degree tilt, so "no glare."

Kolff again asked if the installation could be moved behind the wetland and "perhaps be significantly enlarged to generate even larger amounts of energy." M. Bush and the Bank's Facilities Manager, M. Noble, responded that this was not a commercial project meant to produce public energy, but rather a private, small scale initiative meant to produce energy for the Bank, itself.

Board members and the Bank's representatives then agreed to a site walk at 3:30pm on March 7, 2022. B. Robinson asked that "stakes" be put up for the site walk to show the locations and heights of the proposed solar panels. M. Bush agreed to install such proxies in "roughly the same locations where the arrays will be erected after a formal survey."

Board members and the representatives also agreed to hold a public hearing on this application on March 24, 2022.

4. Other Business

Board members then discussed the content of their regularly scheduled March 17th meeting. B. Howard will confirm the date and content later this month.

5. Adjournment: There being no further business, the presiding officer adjourned the meeting at 9:10 pm.

Motion: **Move to adjourn today's meeting.**

Moved: B. Robinson

Second: A. Kolff

Vote: **Roll-call vote; 5 votes in favor, none opposed; the motion carried.**

Respectfully submitted by,
J. Schlagheck

Adopted by the Site Plan Review Board at its meeting
of March 24, 2022.

Signed by


Site Plan Review Board

