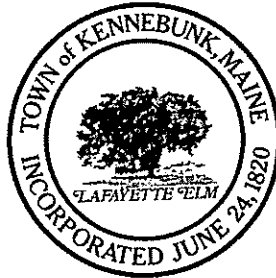


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

March 14, 2022

Zoom Teleconferencing Meeting

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

Absent: David Smith [Secretary], and Dan Kiley [Alternate];

Also Attending: Brittany Howard [Town Planner], Kylie Raymond [Applicant], Nickolas Raymond [Applicant], Langdon Thaxter [Norman, Hanson & DeTroy], Jennifer Shack [Chair, Conservation Commission], and William Ward, Jr. [Select Board Liaison].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:01pm on March 14, 2022 via Zoom teleconferencing in keeping with the Board's "Remote Meeting Policy" for COVID safety.

2. Agenda Items

a. Preliminary Review – Wetland Mitigation Ordinance

B. Howard introduced this topic, explaining that changes to Kennebunk's wetland mitigation ordinance language were being made to achieve several important improvements: (1) better maintain surface and ground water quality; (2) better manage flood and storm water runoff; (3) open outdoor recreation space; and (4) preserve fish and wildlife habitats.

The Planning Board, Howard said, had last reviewed this language on September 13, 2021. At that hearing, the Board agreed to a 500-foot "wetland fill threshold" as the minimum to trigger the wetland mitigation requirements. The language had also been vetted by the Town's Attorney, Howard said.

Jennifer Shack, Chair of the Conservation Commission, then cited a number of language changes which the Town Attorney and Town Engineer had recommended. Among others, these changes included:

- (1) An expanded statement of purpose with references to the Town rather than the State;
- (2) No filling of wetlands except as approved by the Planning Board under the provisions of Article 2, Sections 2.B and 3.B as well as Article 15, Section 4.
- (3) Any plan should show photographs of existing conditions;
- (4) The Ordinance will likewise call for an “administrative” fee. The Board discussed administration fee in the ordinance the fee stated it would be a flat 5% charge, the Board agreed it should be set fee set by the Select Board. The compensation fee which is calculated using the state formula would be paid to a “Wetland Compensation Fund” modeled on State practice. This Fund is to be created within thirty [30] days of the effective date of the Ordinance.
- (5) Board members will seek clarification about the function and status of the “Kennebunk Conservation Land Purchase Account”. B. Howard will investigate.
- (6) A Wetland Mitigation Permit issued pursuant to the Ordinance will remain effective for one [1] year and can, if necessary, be extended for up to one [1] additional year to match the validity of the NRPA permit; and,
- (7) Members agreed to delete the “measurable” standard requirements for projects which seek to fill less than 500 feet of wetland.

R. Metcalf, J. Vance, and R. Smith deemed these changes to be satisfactory and the language ready to be moved forward. No motion was entertained. However, members agreed to hold a public hearing on April 11, 2022 to solicit public comment and questions.

b. Contract Zone Proposal – “Pilot House” – 2-4 Harbor Lane – Map 88 Lots 11 & 12

B. Howard reminded the Board that the owner of the “Pilot House” restaurant, Kyick Holding LLC represented by Kylie and Nick Raymond, had come before the Board for a preliminary review on February 28, 2022. The Board subsequently held a site walk on March 5, 2022.

In response to Board feedback during those sessions, Howard said, applicant updated this plan in several ways:

- Added depiction of the existing drains in the travelift area;
- Added a new curb in the parking lot along the river and catch basins;
- Added the “Ports of Italy/Seven Fishes” building;
- Repositioned the location of the dry-docked ship so the bowsprit is no longer over the waterway;
- Repositioned the ADA-approved egress ramp to the left side of the ship;
- Install removable curb stops within travel ways in place of the permanent ones originally proposed;
- Depicted the storage trailer next to the dumpster in the revised plan;
- Depicted the ADA-approved ramp and stair entrance to the Pilot House, itself;

- Depicted the existing wash tank to the boat-lift area; and,
- Also added topography and site elevation points to the plan.

Howard additionally reported that applicant had also provided three narratives per the Board's request: (1) applicant's rationale for a contract zone; (2) the public benefit of such a zone; and (3) explanation of how this plan complies with the Town's Comprehensive Plan.

Howard provided Board members with copies of the feedback obtained from the Town Engineer, Fire Chief, Police Chief, and Code Enforcement Office.

Applicant Kylie Raymond reviewed each of plan revisions in added detail. R. Smith deemed the revised plan to be a "marked improvement". However, Smith posed questions on parking, drainage, and the 16-foot entryway. Nick Raymond and Langdon Thaxter, applicant's attorney, responded to Smith's questions, explaining the drainage improvements in more detail and the improved parking for restaurant customers, tourist buses, and marina users. Smith nevertheless urged the applicant to consider making the entryway wider.

E. Trainer expressed similar overall approval: "This space has always been challenging," Trainer said, "but the [revised] plan is a substantial improvement." J. Vance, R. Metcalf, and C. MacClinchy concurred. However, Vance urged the applicants to consider adding an important justification for the contract zone to their narrative — namely, that such a zone also stands to "better protect Kennebunk's working waterfront".

B. Howard reported that the Town Attorney is in the process of reviewing this application as well and will provide feedback. Applicants and Board members agreed to hold a public meeting on April 11, 2022 to seek public feedback after the Town Attorney's commentary is available.

3. Approval of Meeting Minutes

C. MacClinchy next elevated alternate member E. Trainer to voting status for the purpose of this meeting. Five voting members were therefore present: C. MacClinchy, R. Smith, R. Metcalf, J. Vance, and E. Trainer. C. MacClinchy then led the Board in a page-by-page review of the minutes of its February 28, 2022 meeting.

Motion: **Move that the Planning Board of the Town of Kennebunk approve the Minutes of February 28 2022 meeting as presented.**

Moved: R. Metcalf

Second: R. Smith

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

4. Other Business

The Board next discussed when to revert to in-person meetings. B. Howard reported that Kennebunk's Select Board was continuing to hold Zoom meetings for the time being.

Planning Board members agreed that — as the Planning Board's next meeting on April 11, 2022 will be a public hearing — it would be best to conduct it via Zoom. B. Howard will look at the logistics for holding in-person meetings and possibly "hybrid" meetings at Town Hall beginning later in April or May.

R. Metcalf then reported that the State had accepted Kennebunk's Comprehensive Plan. Metcalf thanked J. Vance and B. Howard for their extensive work in assembling that document. It should go to Kennebunk's June, 2022 warrant, Metcalf said.

5. Adjournment:

There being no further business, the Chair adjourned the meeting at 8:25pm.

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

Moved: R. Smith

Second: R. Metcalf

Vote: **Voice vote, 5 votes in favor, none opposed; the motion passed.**

Respectfully submitted,
J. Schlagheck

Adopted by the Planning Board in its Meeting
Of March 28, 2022

Signed by:



PLANNING BOARD