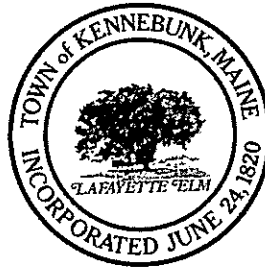


Town of Kennebunk, Maine



Site Plan Review Board

MEETING MINUTES

Wednesday, March 16, 2023 Town Hall, Kennebunk, Maine

This meeting was held in person in Room 301, Town Hall, 1 Summer Street, Kennebunk. A recording of the meeting is available on the Town's website and the hearing can be viewed at any time at www.TownHallStreams.com

Present: Gary Dugas [Chair], Jeanne Dunn [Vice Chair], Brenda Robinson [Secretary], Albert Kolff [Member], Keith Hafer [Member], and Cathy Kremer [Alternate];

Absent: None;

Also Attending: Christopher Osterrieder [Town Engineer and Director, Community Development], Brittany Howard [Town Planner], Henry Hess [Sebago Technics], Alex Lehnen [Winkelman Architecture], and Kristin M. Collins [Preti Flaherty Beliveau].

- 1. Call to Order:** Chair and presiding officer G. Dugas called the meeting to order at 7:00pm on March 16, 2023 at Town Hall. This was an in-person meeting and five voting members were present: Dugas, Dunn, Robinson, Kolff, and Hafer.
- 2. Approval of Prior Minutes:** G. Dugas then led the Board in a page-by-page review of the Minutes of the Board's meeting of February 15, 2023. Several errors were identified and corrected.

Motion: Move to approve the Minutes of the Board's meeting of February 15, 2023 as corrected.

Moved: J. Dunn

Second: B. Robinson

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

3. Agenda Items

a. Public Hearing — 9 Barnard Lane — Inn — Map 43 Lot 65

G. Dugas called on the applicant, Kari Gates, to provide a brief overview of the project for the benefit of any public attendees who might not have attended the Board's prior meeting.

K. Gates explained that she and her husband sought to create an inn at 9 Barnard Lane, and she highlighted the evolution of the project. The original, main building there had been deemed "dangerous" by a structural engineer in April 2021 and was demolished. The applicants intend to rebuild it "exactly as it was," but need to comply, as well, with the Town's present-day building and safety codes. "Our intent is to rebuild it as sustainable as possible," Ms. Gates stated.

The applicant decried the Town's many approval delays which, she alleged, have caused repeat timing set-backs and mounting expenses. She called on the Board to help her proceed without further delay.

K. Gates then showed pictures of the condition of the original, main building before it was torn down, and an aerial view of the proposed, modern-day version with a parking area, driveway, and garden. There would be two entrances, the applicant said, with ADA access on the Barnard Lane side of the property. A second, "service" driveway would go from Route One straight through to Barnard Lane. The applicant added that the Inn would need to use five [5] of the 24 off-site parking spaces of an abutting office's parking lot.

Ms. Gates and the Board then focused on a memo from B. Howard supplied with their packets for this meeting which itemized the outstanding items which still needed to be addressed or submitted to the Board. The Board took up each one.

1. **North Arrow, Graph Scale and Elevations:** These should be visible on the final plan, Howard stated.
2. **Paving Detail:** K. Gates reported that she had already provided documentation about the paving and parking delineation to B. Howard.
3. **Water District Feedback:** K. Gates showed a letter from the Water District which confirmed that there was "adequate domestic water supply" available from the District's water line along Route One.
4. **Trash Enclosure:** The inn's trash enclosure, Ms. Gates stated, had to be approved by the Historic Preservation Commission [HPC]. She showed a photo of a wooden surround from a property in the HP district. The applicants propose to install a similar one at 9 Barnard.

C. Osterrieder asked for the measurements, and K. Gates responded that the surround would be "8 by 12". She later stated that the enclosure would be "six feet high." The correct dimensions, she said, were cited in the site plan.

A. Kolff asked to see a copy of the site plan with this information. A copy was inspected, but no dimensions for the surround were cited there. "That really doesn't help us," Kolff said. C. Osterrieder explained that this detail was important to ensure that the surround would not be objectionable to neighbors. K. Gates agreed to add the dimensions to the site plan.

5. **Vegetation Buffer:** Ms. Gates then stated that she was required to put an "evergreen buffer" into place on one side of the property near the property line abutting 20 Portland Road. The owner of 20 Portland, K. Gates said, had submitted a letter stating that he preferred having trees and a garden planted instead of evergreens.
6. **Parking Lot Grading Waiver:** K. Gates next observed that a parking lot abuts her property on one side and there is some greenery there. However, there was not enough space to not grade within 10 feet of the property line. The applicant therefore sought a waiver for an 8-ft. buffer instead.

B. Robinson asked for clarification. K. Gates read an excerpt from the Town's Ordinance stating that "fill, grading, and earthmoving of the top cut or the bottom of the fill should not be within ten feet of the property line." If a 10-ft. buffer were enforced, Ms. Gates said, cars parking on-site at the inn would not have room to back up. A waiver was needed for on-site parking.

C. Osterrieder asked if the location of the main building could be shifted slightly to eliminate the need for a waiver. K. Gates responded in the negative. The location of the main building, she said, could not be changed because the HPC required that the replacement building be constructed in exactly the same location as the original.

C. Osterrieder disagreed that the HPC had imposed this requirement. Kristin Collins, an attorney for the applicant, countered that the HPC had approved a "deconstruct-reconstruct plan" and "reconstruction meant rebuilding the structure in the exact same location."

C. Osterrieder remarked that the applicants had thus far supplied three different plans with the main building shown in three different locations. The building cannot encroach further into the setback than it currently does, Osterrieder said. That location had to be fixed.

Ms. Gates countered that the new building had always been shown in the same location. She stated that in some plans, the depiction of the property's boundaries was faulty, but never the location of the main house or barn. C. Osterrieder rebutted that there should be a consistent, final, and accurate reckoning of the locations. The distances from the barn to the road and from the main building to the property line, Osterrieder insisted, should be the same in all plans. That was repeatedly not the case. Different plans showed different locations.

K. Collins addressed the Board anew. The issue at hand, she said, was a request for a waiver “for hardship” since the HPC’s approval was conditional on the new building being constructed in the very same place. “We can’t do things like move the building around,” the attorney stated. “The inconsistencies in the site plan,” she added, “can absolutely be fixed.”

B. Robinson reiterated that the Board was in receipt of “three different plans which are not the same... and we need one [definitive plan] in order to consider a waiver.”

G. Dugas asked to see a grading plan, and C. Osterrieder circulated the grading plan provided by the applicants at the meeting. G. Dugas posed questions about the distance from the on-site parking area to the property line and about the grade of that area. K. Gates responded that she did not know those specifics. G. Dugas explained that if there were a steep slope in that particular area, it would be an important factor vis-à-vis the waiver request.

C. Osterrieder said that according to the plan’s scale, there are 17 feet from the tip of the dumpster to the property line, and minimum grading could probably be done to eliminate the need for a waiver. “You are likely to have room to make it [the 10-ft. buffer] work,” Osterrieder opined. K. Gates agreed and said she withdrew her request for a waiver.

7. **Neighboring Driveways:** At its prior review, the Board had requested an illustration — albeit on a different scale — of the driveways within 200 feet of 9 Barnard Lane. K. Gates showed the survey plan marked with that information. The new driveway at 9 Barnard, K. Gates said, will no longer back into Longview Terrace. But the driveway would be within 200 feet of Longview, Ms. Gates said. “So I’m asking for a waiver for the driveway to be within 200 feet of Longview Terrace,” the applicant stated.

In support of the request, C. Osterrieder volunteered that this project had one way *in* via Portland Road and one way *out* via Barnard Lane. The waiver request regarding Longview Terrace was reasonable, Osterrieder said. The applicant waited for Board approval, but the Board did not comment.

8. **Curb Cuts for the Service Driveway:** Curb cuts, per se, were not discussed. The applicant instead said that she proposed installing a gate in front of the service drive “to make it look nicer.” A. Kolff asked if there would be horse-hitching posts as well, and K. Gates answered in the affirmative.
9. **Trash Keeping Area:** K. Gates re-confirmed that the Inn will not use a front-loading trash bin, but instead keep trash in smaller “totes.” “Our goal is to not have a lot of trash,” Ms. Gates stated.
10. **ADA Access:** K. Gates then asked C. Osterrieder if a curb was needed since the ADA walkway would be on private Inn property rather than along a public

sidewalk. Osterrieder responded that “only an accessible route” was needed without the necessity of a curb.

11. **Parking:** B. Howard then called the applicant’s and Board’s attention to parking. K. Gates re-confirmed that there was ample parking space available for off-site parking on an abutting parking lot. “We have a letter [from] the owner agreeing to let us use the spaces,” she stated, and the Inn only needed five of those adjacent spaces.

B. Howard remarked that the Town had previously asked the applicants to (1) update the Table on the plan with this information, (2) provide a copy of the final off-site parking agreement to the Site Plan Review Board, and (3) provide documentation confirming that the neighbor had some specific number of excess spaces available for the Inn’s use. K. Gates asked: “You want proof that the doctor’s office has 27 parking spaces, only needs 14, and the Inn only needs five?” B. Howard and C. Osterrieder responded in the affirmative.

At this juncture, K. Gates said that she was confused. Hadn’t the Board already approved these details and the basic project plan at its last meeting except for several waivers? B. Howard replied that the Board had previously given the project a “preliminary review”, expecting the applicants to respond to the Board’s sundry comments and provide the documentation itemized in the February 15th, 2023 memo. The latter items, Howard said, were to have been submitted on or by February 28th so they could be shared with the Board and posted for public inspection in advance of this meeting. However, some of the documentation provided by the applicant, Howard said, was late or incomplete.

K. Gates countered that her submission of data on March 9th gave the Town ample advance time for today’s meeting. C. Osterrieder disagreed. It was only fair, he said, to give Board members and the public sufficient time to read and digest any additional project information. Osterrieder stated: the February 28th “submission date” for the missing information had been discussed with and agreed upon by the applicants at the previous meeting. Materials delivered at the last minute, he said, had to be posted on the Town’s website for the public and afforded little time for Board members or the public to meaningfully review them.

Ms. Gates rebutted these remarks and expressed frustration. The Board, she said, was requesting documentation that was never on its “check list” of missing information or deliverables. A professional architect had been retained by the applicants to respond to the Board’s list of outstanding items. Now the Board was asking for new things, Ms. Gates claimed.

Board members also voiced frustration. “We’ve never had a project like this,” B. Robinson said, “...and there are still many things that are not addressed that you [the applicants] agreed to have in to us by the 28th of February.” Robinson stated that the Board has continually gone out of its way to try to find

solutions to help complex projects reach fruition. However, Robinson took umbrage that agreed-upon deadlines were not being respected and that the applicant frequently interrupted Board members who were trying to help.

K. Collins asked if Ms. Robinson chose to recuse herself, and B. Robinson replied that was not at all her [Robinson's] intention. "I did not say that," Robinson stated emphatically.

K. Collins remarked that the February 28th date for submitting information and materials had been "ambitious." Moreover, the applicants now wanted to have as much clarity as possible about any additional information or revisions which the Board required. Collins reiterated that Town approval complications and delays were causing the applicants escalating costs, hardship, and frustration.

"The issue," B. Robinson concluded, "is getting a set of plans that are consistent... and getting the information that is required." So far, Robinson said, the Board had received several different sets of plans with incomplete, faulty, or inconsistent information.

K. Collins asked the Board to show flexibility "about things not in the Ordinance." G. Dugas asked what information or submissions had been requested by the Board which were not, after all, Ordinance-required. K. Gates said that aerial views of the abutting parking lot for off-site parking were not an Ordinance requirement. J. Dunn explained why this information was important and useful, whether provided as a narrative or an aerial depiction. K. Collins interjected that the applicants did not have a signed agreement with the owner of the abutting parking lot as yet, but the Board could approve off-site parking with the proviso that such an agreement be a condition of approval.

G. Dugas asked how individuals parking in the next-door, off-site parking lot would reach the Inn. K. Gates responded that there would be a pathway between the adjacent, off-site parking lot and the Inn's on-site parking spaces #8 and #9. This had already been discussed, Ms. Gates said, during the site walk.

G. Dugas observed that the grading plan provided by the applicants shows a 4-ft. grade change in the very area of this connecting pathway. How would pedestrians navigate that, he asked. Did the applicants propose to put in a ramp or perhaps several steps on that pathway? C. Osterrieder corrected the comment, noting that the grade change in that location was actually three feet.

K. Gates countered that there was absolutely "no 3-ft. grade change" in that area. The land was flat, she insisted. The grading information submitted, she said, had to be faulty. "I'll guarantee that it [the parking lot pathway] will be safe," Ms. Gates said. "But we need accurate documentation," G. Dugas commented.

K. Gates then asked the Board to proceed to a Public Hearing so as not to lose the meeting's audience. G. Dugas said he would do so after the Board

finished going over the outstanding items under discussion. The public might have comments about those items, too.

Ms. Gates again alleged that the Board was asking for information that it had not requested or identified in the past. We previously discussed fireplaces, the applicant stated, but we were never asked to supply dimensions. G. Dugas countered that, during the site walk, the Board had requested dimension information as well as information about the building materials to be used because of the possibility of a fire hazard. That information would also be sought by the HPC.

At K. Collins's suggestion, all parties refocused on the list of outstanding items and, specifically, on the topic of parking. Collins said that an aerial view of the abutting, off-site parking lot might not be helpful, but a copy of the parking agreement with the neighbor was necessary. The applicants, Collins said, will provide it. G. Dugas said that details about the transition walkway to the adjacent parking lot were also needed. K. Collins said that such detail would be provided in the revised, final site plan.

12. Fireplaces: K. Collins reiterated that the Board had not requested "cut sheets" for the fireplaces. K. Gates added that the HPC had not as yet approved them, but the Fire Department had reviewed the overall plan with fireplaces "and had no comment." However, G. Dugas redirected the conversation to ADA access.

13. ADA Ramp: G. Dugas posed questions about the Inn's proposed ADA access. He asked if an ADA ramp would be necessary to reach the Barnard Lane door. K. Gates replied that a ramp might not be necessary because the access area was generally level. If, however, a ramp were needed, Dugas said, it should be shown on the plan. G. Dugas and C. Osterrieder also noted that the ADA walkway shown in the plan stopped short of reaching the entryway. The ADA walkway should be depicted in its entirety, they said.

At 8:41pm, K. Gates left the room to take a break. K. Collins continued the conversation with the Board in Ms. Gates' place.

14. Landscaping Plan: In K. Gates's absence, K. Collins asked B. Howard and C. Osterrieder if they had received a landscaping plan. B. Howard confirmed that she had received one, "but it still shows the yews in the right-of-way." That was supposed to have been corrected. Ms. Gates returned and said a new landscaping plan would be submitted and show the trees removed.

Later in the meeting, however, Ms. Gates returned to this topic. She stated that the Board had already discussed landscaping at its previous meeting and that the applicants had confirmed then that the yews were going to be placed in movable planters and taken out of the site plan. Ms. Gates expressed frustration that she was "not being trusted to my [her] word." The trees were nevertheless still being shown in the latest plan, Board members remarked.

15. Erosion Control Plan or Details: K. Collins said the Board had an erosion control plan, a grading plan, and a stormwater plan. C. Osterrieder remarked that the applicants' erosion control plan submitted on February 28th was actually a "narrative", not a plan, and did not contain full detail. Osterrieder suggested that the applicants' engineer could easily add that missing detail to the plan. So the Board has partial satisfaction of this outstanding item, Osterrieder said, but the missing detail should be added.

K. Collins asked if the Board would accept the narrative "as is" to avoid causing extra expense. A. Kolff responded that the standard language could "just be popped on the sheet" at virtually no cost. It was quite standard.

16. Ecoraster Paving: K. Collins stated that ecoraster information showing how parking lines are to be delineated had already been provided to Town Hall staff. This should be satisfactory, Collins said.

17. Wheel Stops: The applicants' attorney next affirmed that a note had been added to site plan addressing wheel stops.

18. Signage: K. Collins stated that applicants believed that they had discussed and satisfied all signage requirements. C. Osterrieder observed that there was a requirement that all signage be cited in the plan. The plan needed to be amended as it did not contain this information.

19. Acreage: C. Osterrieder also noted that the number of acres needed to be cited in the plan, but the current plan leaves this blank. It was an easy fix, Osterrieder said.

At this juncture, Ms. Gates returned to the topic of landscaping [see "Landscaping Plan" above]. She objected to the late hour and length of the meeting as members of the public were beginning to leave. She asked if those individuals could be brought back and allowed to offer their views. G. Dugas agreed.

There was a brief lapse as Ms. Gates left the meeting room to speak with the attendees who had left. However, none came forward to share their views.

K. Collins then suggested that the Board take up the several waivers which the applicants had requested. However, G. Dugas reverted to the landscaping topic. Did he understand correctly, he asked, that a revised landscaping plan was going to be submitted showing the yew trees removed from the right of way? Ms. Gates returned and answered in the affirmative.

Discussion then ensured discrepancies in the landscaping plan and site plan. K. Gates insisted that all required information had been submitted. B. Howard showed an enlarged part of one page of the applicant's site plan and drew attention to several notes. One note read "total area of parcel is approximately xxx [sic] acres." Another read "building coverage: _____ [left blank]'".

There were, Howard demonstrated, repeat instances where information was missing or inconsistent with the detail provided in other plans.

A. Kolff asked that all plans be dated so the Board and public were clear as to which of the various plans was being discussed or final. The dates of all plan changes, he added, should likewise be cited in the final plan.

Discussion then arose about the revised set of plans to come. K. Collins stated that Jason Vafiadis, a local engineer, would draft them. The Board then returned to the project's outstanding items or issues.

20. Driveways: K. Collins remarked that the Board appeared to be in agreement with the locations of the two driveways being proposed. Board members did not comment.

21. Stormwater and Erosion Control Plan: K. Collins next observed that Board members now had a stormwater plan in hand. Like the site plan, Collins said, this plan probably had faulty scale "based on wrong data." However, the contours, Collins insisted, were correct and would not be revised. Collins asked the Board and C. Osterrieder if they had any issue with the plan. Osterrieder replied that he had not had the time to review the erosion control plan in any depth, but the plan's author and methodology at least superficially suggested that the plan should be satisfactory.

22. Lighting Plan: A lighting and photometric plan, Collins remarked, had also been provided. Board members had no comment.

K. Collins then noted that the Board had also received comments from the Fire and Police Departments. Were there any other outstanding items, she asked. C. Osterrieder replied that applicants had not responded to all of his comments of March 1st. Perhaps, he said, it was the applicants' intent to do so when they submitted a revised, final site plan. K. Gates offered no comment.

At this point, the Chair formally opened a Public Hearing and invited public comments or questions.

Chris Madden, a Barnard Lane abutter, addressed the Board and forcefully criticized Ms. Gates' treatment by it and the Town's slow, minutia-focused review and approval processes. "This [project] is something good for the community," the speaker said, "and I don't understand why she [Ms. Gates] is being put through this." The Town's review process, Mr. Madden stated, was shameful.

C. Osterrieder offered to explain why such reviews take place and how they are meant to help the Town uphold building, safety, and welfare standards. "The review process is meant to prevent adverse impacts on Kennebunk residents," Osterrieder said. The Board's job, he stated, is to ensure that the Town's requirements are met, and the applicants' job is to meet them.

K. Collins rebutted the remarks. There is also flexibility built into Kennebunk's Ordinance, she said, and the Board could demonstrate it. She called on the Board to do so.

G. Dugas offered and K. Collins accepted the idea of holding a special Site Plan Review Board meeting earlier than would normally be scheduled to move the project forward. Collins stated that the applicants needed to have all approvals in place by the end of this month, otherwise financing and securing a timber framer would be in jeopardy.

Discussion ensued about the earliest possible time for such a meeting. B. Howard suggested that it would likely be April 6th given room availability and time to obtain and disseminate revised documents, and to post them for public viewing. A meeting of the Zoning Board of Appeals is taking place on March 30th, Howard said, which will also be televised. Hence, that date would not work for a special meeting of this Board as only one Town Hall room is equipped for televised and recorded meetings.

K. Collins professed belief that the applicants' engineer, J. Vafiadis, could revise and resubmit the applicants' plans by March 24th. She asked Town Hall staff to review Vafiadis's revised materials "in 2 or 3 days."

Collins also asked if she understood correctly that C. Osterrieder had told the applicants they could not go before the Historic Preservation Commission for HPC approval of the project until the Site Plan Review Board gave its own. C. Osterrieder replied that, when the applicants next come before the HPC, they should ideally have all parking, landscaping, and other exterior details already approved by the SPRB to streamline the HPC's approval. If the HPC were to approve a feature and this Site Plan Board to subsequently disapprove or revise it, that would cause even more delay.

K. Collins countered that parking, the dumpster, the fireplaces, picket fence, and other key outdoor elements had now been reviewed by the Site Plan Review Board, "so there is no legal impediment to us going to the HPC." It was the applicants' intent, Collins added, to go before the HPC on March 22nd and they were already on that HPC agenda. Ideally, Collins added, the SPRB would agree to hold a special meeting "during the week of March 27th — after March 22nd and before March 30th."

C. Osterrieder replied that a meeting of this Board just days after receiving the engineer's revised plans on March 24th left little time to review and digest them. The applicants, he said, needed to give the Town two weeks' time to review the revised materials, post them for the public, notify the public of the hearing date, and afford advance review time for the Board, itself, as well as the public.

K. Gates interjected that she and her husband had submitted plans on November 15th, and should have been put on this Board's agenda then. "For whatever reason," she complained, "we were not allowed to be on the agenda until February."

Ms. Gates went on to decry the limited turnaround time which she, her architect, and engineer have to prepare the revised plans, themselves. Her architect was working on multi-million dollar project, K. Gates said, and was not available at the drop of a hat. The applicant went on to declare other grievances as well: (1) the applicants, she alleged, were prohibited for going onto an earlier Site Plan Board agenda; (2) applicants were told not to go before the HPC earlier on, (3) there was unequal waiver treatment, Ms. Gates alleged, being shown to this project by the Town's different boards when compared to other projects; and (4) members of the Town's Historic Preservation Commission and Site Plan Review Board appear to misjudge her [Ms. Gates'] professional competence. "You all act like I don't know what I'm doing," Ms. Gates asserted.

K. Collins asked Town Hall staff to meet with the applicant's engineer to review the revised plans to come. That might speed things up. B. Howard said that if the engineer submitted revised plans by March 24th, Town Hall personnel could review them and share them with the Board for a meeting on April 6th.

A. Kolff questioned whether the Board's approval could be granted in parts or "phases." However, K. Gates interjected that she could not obtain bank financing without a final building permit soon. She insisted that she had until April 1st to have this Board's approval, HPC approval, a building permit, bank financing, and a foundation in place. That date, she stated, was iron-cast. According to Ms. Gates, a special meeting in April would not be satisfactory.

K. Collins asked the Board if — in the spirit of Mr. Kolff's line of questioning — the Board would be willing to approve this project on the condition that a revised site plan be received, reviewed, and vetted by the Town's Engineer, thereby eliminating the need for any further Board involvement. A. Kolff said he would still like for this Board to receive and approve the final plan. B. Robinson stated that she did not choose to abrogate the Board's approval role to the Town Engineer.

G. Dugas consequently returned to the topic of waivers. K. Collins urged the Board to grant all three of the waivers sought, and the Board took up each one.

1. **Waiver of the Paved Parking Requirement [Article 10 Section 9.2]:** This Article requires off-street parking to be paved. Applicants propose to use ecoraster instead. G. Dugas reminded fellow Board members that they had discussed this during their site walk. He asked if members had any additional comments or questions, but there were none.

Motion: Move to grant a waiver of Article 10 Section 9.2 requiring paved parking.

Moved: B. Robinson

Second: K. Hafer

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

2. **Waiver of the Tree Requirement [Article 11 Section 8.1.d and Section 23.1.d]:** These Sections require applicants to install a green perimeter strip along any property abutting Route One with one shade tree per thirty [30] linear feet. K. Gates stated that she did not want to unnecessarily shield her buildings from view nor have unnecessary tree debris clogging drains. Additionally, she alleged that “no one else on Route One has been required to put in such trees.”

C. Osterrieder disagreed. He cited the examples of both Key Bank and Walgreens on Route One which had installed such trees. The Board, he said, had “consistently enforced this standard more often than not.” However, attorney K. Collins rebutted that the Inn would be a distinctive building which should be seen.

K. Gates then used an aerial depiction of the property to show where landscaping would take place and where a large spruce tree would be installed near Route One. The trees specifically called for in 30 ft. intervals, she said, would be replaced by lower rose bushes and shrubbery.

B. Robinson suggested changing the wording of this waiver request for authorization to use “perennials appropriate to the state of Maine” or, alternatively, “historic plants approved by the Historic Commission” instead of trees every thirty feet.

Motion: Move to grant the waiver as stated above.

Moved: B. Robinson

Second: J. Dunn

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

3. **Waiver of the 200-ft Driveway Restriction [Article 11 Section 8.(6)(c)]:** G. Dugas stated that the Board’s consideration of this waiver had to be predicated on a revised final site plan. C. Osterrieder concurred. A revised plan, Osterrieder said, would make it easier for the Board to approve waiver.

When the discussion of waivers ended, K. Collins enumerated the items still outstanding and materials yet to be submitted. They were:

1. Appropriately scale the base layer, then overlay the landscaping and grading plans on the corrected base;
2. Show the grading and transition between the on-site and off-site parking areas;
3. Depict the full location and extent of the ADA access to intended doorways and the location of the related ramp on the plan;
4. Show the elevation grade of the building on the site plan;

5. Show the standard erosion control measures on the drainage plan;
6. Show signage on the plan;
7. Resubmit A-122, the landscaping plan, to remove the yew trees;
8. Show the details (distances, etc.) normally shown on an engineering plan. This would include the dimensions of the trash-bin surround as one example;
9. Provide a signed parking agreement for off-site parking; and,
10. Re-check the list of outstanding items cited in the March 16, 2023 memo to ensure compliance. [This latter point was added by B. Howard.]

K. Collins stated that the applicants would submit the above information and materials to Town Hall staff on or about March 24th — and specifically agreed to do so by noon on the 24th. C. Osterrieder agreed to meet as soon as possible with Jason Vafiadis, the applicants' engineer, to review the requirements and revisions.

Collins then inquired about Findings of Fact. B. Howard gave Collins a template of the scope of typical Findings of Fact. C. Osterrieder said the actual Findings for this project would be made available before April 6th. Osterrieder agreed to prepare a "draft" or preliminary version of the Findings of Fact which the applicants could show their bank and timber framer. The Board then entertained the following motion.

Motion: Move to continue this hearing until April 6, 2023 at 7:00pm.
Moved: G. Dugas
Second: B. Robinson
Vote: Show-of-hands vote, 5 votes in favor, none opposed; the motion carried.

After the vote, C Osterrieder remarked that if the applicants' revised materials were delivered on or by noon on March 24th as planned, Board packets and information for the public would be made available on or by March 31st.

At 9:47pm the Board took a brief intermission. The meeting resumed at approximately 9:51pm.

b. Preliminary Meeting — 135 Port Road — Restaurant — Map 89 Lot 68

B. Howard introduced this application to convert the "Market Day" building at 135 Port Road into a 100-seat restaurant. Some off-site parking, Howard stated,

would be required. The applicants had previously discussed this parking requirement with the Board on December 15, 2022.

B. Howard additionally reminded the Board that there were five outstanding items from the Board's last review of this project: (1) building dimensions; (2) front view; (3) locations of nearby intersections and driveways within 200 feet; (4) signage; and (5) lighting (although there is already lighting on the existing building).

The applicant, Howard said, also sought two waivers: waiver of the landscaping requirement along a 5-ft. strip from the building; and waiver of the 2-ft landscaping requirement between the parking area and walkway. Howard additionally noted that the project is within 200 feet of a roadway, but the applicant did not propose to change the location of the existing building or driveway.

Howard then reported that the Conservation Commission had reviewed the project and submitted comments. The Commission expressed concern about snow storage on or near wetland. It also asked how the applicant proposed to mitigate that impact and urged the applicant to plant native trees and shrubs.

Henry Hess, a design professional representing the applicant, addressed the Board next. He offered more details about the project. He reiterated that the applicant sought to renovate an existing building in its current location.

H. Hess showed several architectural renderings of the proposed restaurant. There will be siding and window changes to the original building. "But the footprint is staying the same," he said. He likewise noted that the impervious area of the site would actually be reduced and parking re-arranged to achieve 12, rather than the current 11, parking spaces.

H. Hess then addressed the applicant's request for a waiver of the 5-ft. green strip otherwise required along the side of the building. The total site, he said, is less than one third of an acre and space is tight. The applicant, he said, is trying to create as much on-site parking as possible to contain the need for off-site parking. That necessitated elimination of the 5-ft. vegetation buffer, he said. But the project, Hess emphasized, will increase on-site greenery overall.

H. Hess also justified the request for a waiver of the 2-ft. vegetation strip otherwise required along the sidewalk. The waiver, he said, is primarily to make access easier for customers getting out of their cars — particularly in the winter.

Hess also reported that the applicant had not as yet finalized any agreement for off-site parking. When finalized, copies of the agreement will be provided to the Board along with confirmation of the number of free parking spaces which a neighboring lot could legally afford.

H. Hess also observed that the restaurant was expected to have seasonal changes in business activity. In the summer months and spring, it would operate with 100 seats. The windowed front of the building would open to make the front

of the restaurant “open air” and outdoor benches would afford seating, as well. In the winter months, however, the restaurant would only seat 60 customers.

A. Kolff asked to see a map showing possible off-site parking locations, and H. Hess responded that the information had already been included in the Board’s packets. The applicant, Hess affirmed, will specifically seek off-site spaces within 200-300 feet of the restaurant. A. Kolff then asked for information about the side-walks connecting the restaurant and these off-site locations, and H. Hess provided that detail. Hess acknowledged that a different or additional cross-walk might be required.

G. Dugas asked to see where the sewer line would go, and H. Hess pointed out the north-eastern trajectory of that line on an aerial map. The applicant, Hess said, plans to route the sewer line along an easement to avoid going through wetland. “The design,” he said, “will not impact even one square foot of wetland.”

A. Kolff congratulated the planners for avoiding any intrusion on wetlands. However, B. Robinson picked up on the Conservation Commission’s comment, observing that snow storage would be a problem. Perhaps, Robinson said, snow could be transported to a different location. She also urged the applicant to consider using “eco-friendly” de-icing products on the parking lot and sidewalks to avoid contaminating nearby wetlands. B. Howard added that these points should be noted in the plan.

Board members then inquired about the outdoor benches to be used, and H. Hess explained the project’s proposed seating. Members concluded that they were in receipt of a complete plan which only needed to be amended to show neighboring driveways within 200 feet.

B. Robinson suggested that hanging baskets with greenery be placed along the front of the restaurant. However, Alex Lehnen, an architect also working for the applicant, explained that wire mesh panels were going to be placed along the side walls of the restaurant so plants could grow over them. The architect showed an illustration of how the building would look in the summer with the large front windows rolled back to open the entire space, weather permitting. There would be, Lehnen stated, a lot of greenery. The roof will be weathered steel and the wood siding that is exposed will be natural hemlock.

Board members and the applicant’s representatives then agreed to conduct a site walk on Monday, March 20, 2023 at 3:00pm. A Public Hearing about the project will take place on April 20, 2023.

There being no other Board comments or questions, Board members proceeded to entertain the following motion.

Motion: Move to find this submission complete.

Moved: J. Dunn

Second: B. Robinson

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

After the vote, a public commentator addressed the Board without identifying himself. He said that at least one abutter notice had been sent to the wrong address. B. Howard said she would attempt to remedy the error before the Public Hearing on April 20th.

4. Old Business

B. Howard advised the Board that she had Findings of Fact and other materials from the "Pilot House" project which needed Board signatures.

5. Adjournment: There being no further business, the Chair adjourned the meeting at 10:24pm

Motion: Move to adjourn today's meeting.

Moved: B. Robinson

Second: J. Dunn

Vote: Show-of-hands vote, 4 votes in favor, none opposed, 1 abstention [A. Kolff did not vote]; the motion carried.

Respectfully submitted by,
J. Schlagheck

Adopted by the Site Plan Review Board at its meeting
of April 6, 2023

Signed by 
Site Plan Review Board