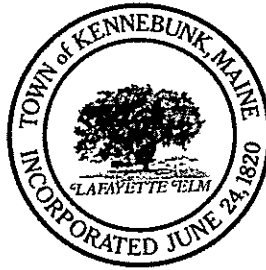


Town of Kennebunk, Maine



Site Plan Review Board

MEETING MINUTES

March 24, 2022

Zoom Teleconferencing Meeting

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

Absent: Keith Hafer [Alternate];

Also Attending: Brittany Howard [Town Planner], Steve Doe [Sebago Technics], Matthew Bush [Revision Energy]; and Allison Barbour [Revision Energy].

1. **Call to Order:** Chair and presiding officer G. Dugas called the meeting to order at 7:03pm on March 24, 2022. 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 February 17, 2022. Several errors were identified and corrected.
Motion: **To accept the Minutes of February 17, 2022 as amended.**
Moved: B. Robinson
Second: J. Dunn
Vote: **Roll call vote. 5 votes in favor, none opposed; the motion carried.**
3. **Agenda Items**
 - a. **Minor Application Amendment — Norway Savings Bank — 68 Portland Road — Map 38 Lot 1 — Solar Panel Project**

B. Howard summarized this application as an amendment to Norway Saving Bank's previously approved plan to permit the addition of 6 solar arrays behind the bank building. The Board, she said, had held a Site Walk on the property on March 7, 2022.

In response to Board feedback, Howard said, the applicant had: (1) provided renderings showing how the panels will look from Route 1; (2) added landscaping to the plan for screening; (3) agreed to remove snow from the site if needed; (4) amended the plan to show how the panels would connect with the local power grid; and (5) added a revised signature block as well as graphic scale.

Allison Barbour, a representative for the applicant, noted that the location of the proposed landscaping is being shifted for safety reasons. The Bank believes the location originally designated for landscaping might visually impair car traffic moving into and out of the Bank's parking lot. Matthew Bush, another spokesperson for the applicant, offered additional information on drainage as well.

A. Kolff identified two errors in the findings of fact which B. Howard will correct. Kolff also cited passages of the Town's Ordinance on wetlands, emphasizing that wetlands and trees are to be protected to the maximum extent possible. He called for the solar panels to be erected at the rear of the property which would require a temporary wetland crossing and far back from the proposed location.

A. Kolff explained his view: A temporary road, he said, could be built across the wetland so that the solar panels could be erected at the very back of the property. Once the panels were in place, the building equipment would be removed and the temporary road dismantled. In this way the panels would be located on "free" land, not in wetland buffer space.

Other Board members were not of the same view. B. Robinson cited Town plans which could potentially require the use of the Bank's rear property for a new road. Robinson was adamant that the back property should be kept unencumbered.

In response to sundry questions by C. Carroll and B. Robinson, A. Barbour and M. Bush defended the proposed original location of the panels. They confirmed that the footings for the posts under the panels would (1) be 6 to 8 feet deep; (2) be located entirely on buffer land, not wetland; and (3) specifically be located on land on which disturbance and revegetation had previously been authorized in the original approval for the bank.

C. Carroll then questioned the applicant's rationale for not using the rear property as A. Kolff suggested. A. Barbour and M. Bush replied that changing the location of the panels to the back of the property would be highly problematic on multiple counts: (1) it would require that a temporary road be built across the wetland to move in heavy equipment; (2) that road would eventually have to be dismantled, "doubly" impacting the wetland upon construction and, then again, upon dismantling; (3) there would be significant "logistic issues" moving heavy equipment that distance and across a temporary road; (4) trenches would have to be built across the wetland to accommodate the cables connecting the panels to the power grid, and those trenches would be a permanent intrusion on the wetland; and (5) the Bank would incur "prohibitively higher expense" for longer distance cables.

J. Dunn opined that, in her view, authorizing the Bank to erect the panels as originally proposed was not a problem. She did not agree with the idea of requiring a different, "back lot" location. G. Dugas concurred and proceeded to Findings of Fact.

**Town of Kennebunk
Site Plan Review Board**

FINDINGS OF FACT

1. Project Name: Norway Savings Bank - Solar
2. Date of Action Taken: March 24, 2022
3. Site Location: 68 Portland Road
4. Zoning District: Suburban Commercial
5. Lot Size: 12.57 acres
6. Project Scope: Installation of six (6) solar arrays within the wetland buffer.
7. Assessor's Map 38 Lot 1
8. Property Owner: Norway Savings Bank
9. Representative: Revision Energy
10. Applicant: Norway Savings Bank
11. The applicant has shown legal interest in the property by deed.
12. The Kennebunk Site Plan Review Board has reviewed the above noted proposal utilizing the set of approval criteria in Article 11, Section 8 and Article 10 Section 23 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 Erosion control will be installed prior to construction, maintained during construction, and removed when the project is complete.

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 __, not met ____, or not applicable X 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 __, not met ____, or not applicable X 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 __, not met ____, or not applicable X 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 __, not met __, or not applicable X with the following conditions, waivers, and/or comments

Approval Criterion # 9

Exterior lighting does not adversely affect neighboring properties or streets.

Criterion is: met __, not met __, or not applicable X 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

13. In their review, the Board finds that the criteria of Article 11, Section 8 and Article 10 Section 23 of the Zoning Ordinance:

- X Have been met or are not applicable (4-1)
- 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 and according to the Addendum
- Have not been met (list criteria not met) or are not applicable

Based upon the information above, the Board therefore:

- approves the Site Plan.
- X 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.** (4-1)
 - Erosion control shall be installed per criteria 3 above.
 - The Article 10 Section 23 Design Review checklist shall be updated since the applicant is adding landscaping to the site plan to help screen the arrays.
- denies the Site Plan.

14. PLEASE NOTE THAT THE FOLLOWING APPLY:

_____ AFTER SITE PLAN APPROVAL AND PRIOR TO OCCUPANCY, THE APPLICANT MUST RECEIVE A CHANGE OF USE PERMIT 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).

15. 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: **To accept the Findings of Fact.**
Moved: B. Robinson
Second: J. Dunn
Vote: **Roll-call vote; 4 votes in favor, 1 opposed [Kolff]; the motion carried.**

C. Carroll then questioned whether a favorable response from the Conservation Commission should be a condition for approval. B. Howard, the Town Planner, replied that the Conservation Commission had been apprised of this application, but had yet to provide feedback. "If the Commission has significant concern with a project," B. Robinson added, "it usually sends a prompt letter to us or send a representative to our meeting to voice opposition — and that is not the case." Consequently, the Board did not make feedback from the Commission a condition for approval, but cited two other conditions instead.

Motion: **To approve this site plan with two conditions: (1) erosion controls are to be installed during construction; and (2) an update is to be made to the checklist to show the changes in landscaping.**
Moved: J. Dunn
Second: B. Robinson
Vote: **Roll-call vote; 4 votes in favor, 1 opposed [Kolff]; the motion carried.**

After the vote, G. Dugas stated that this ruling should not be construed to bind future Board rulings in any way. "This is not a precedent," Dugas insisted, "as today's approval is specific to this particular project."

b. Minor Site Plan Application — "The Grand" — 1 Chase Hill Road — Map 88 Lot 25 — Restaurant and Parking Plan

B. Howard introduced this proposal as a minor site plan application to amend the previously approved plan for "The Grand," a hotel and art gallery complex in the Lower Village. Applicant proposes to convert part of the existing building into a restaurant and, to do so, requires five (5) additional parking spaces. Applicant would lease the five spaces at 186 Port Road.

Howard explained that the existing lot area is 0.36 acres and the zoning is "Lower Village Business District." The property is currently being used as an inn with retail/commercial space.

This site plan, B. Howard said, was originally approved in 2010. Subsequent approved amendments to the plan in 2011 and 2012 allowed, successively, for a series of changes to the building or changes of space use.

Applicant now seeks to revert back to the 2012 restaurant use of the building, and the restaurant would have the same number of seats as previously approved. There would be no exterior changes, Howard said. However, the restaurant will require five [5] additional parking spaces to comply with Kennebunk's latest parking ordinance.

The applicant, Howard stated, proposes to satisfy this parking requirement by leasing five parking spaces from 186 Port Road. The Code Office, she said, has confirmed that the lessor would continue to have adequate parking if it yielded the five spaces to the applicant.

B. Howard also reported that she had just received an email from an abutter with questions about the proposal. Howard said she would share a copy of the email with Board members and applicant so they could address the abutter's comments.

Steve Doe, representing the applicant, showed drawings and an aerial depiction of the site, illustrating how pedestrians would access the proposed leased parking locations via existing sidewalks and crosswalks.

Doe itemized the sundry parking space requirements for the inn, restaurant, and retail spaces. The complex, he reported, needs 27 parking spaces in total, but only has 22 available.

In response to B. Robinson's questions, S. Doe affirmed that the 5 leased parking spaces would be delineated "for Grand customers." However, Robinson made the strong suggestion ("but not a condition of approval") that signs be put up expressly reserving the spaces for Grand customers only. Robinson also recommended that

the applicant consider having more than one reserved parking space for the handicapped in the complex's main parking lot.

C. Carroll inquired about the tenor of the parking lease, and S. Doe confirmed that the lease would be "for one year and renewable," which he described as being "standard" for parking leases.

A. Kolff urged the Board to conduct a site walk, but members elected not to schedule one due to the parking-specific nature of this application. However, members did agree to hold a public hearing on the petition at their regular meeting of April 21, 2022. B. Howard noted that the April 21st session was likely to be a Zoom meeting as Town Hall is still testing "hybrid" meeting technology.

4. Other Business

There was none.

5. Adjournment: There being no further business, the Chair adjourned the meeting at 8:33pm.

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

Moved: C. Carroll

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 April 21, 2022.

Signed by


Site Plan Review Board