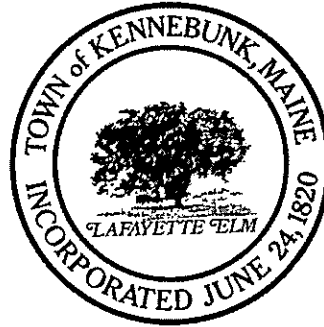


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

April 10, 2023

In Person Meeting, Town Hall, 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], Janice Vance [Member], Edward Trainer [Member], and Daniel Kiley [Alternate];

Absent: Richard Smith [Vice Chair] and Robert Metcalf [Member];

Also Attending: Brittany Howard [Town Planner], Austin Fagan [BH2M Engineering & Surveying].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on April 10, 2023. The meeting was held in person at Town Hall. There were initially three voting members in attendance: MacClinchy, Vance, and Trainer. Later in the meeting, D. Kiley was elevated to voting status as well.

2. Agenda Items

a. Preliminary Meeting — Special Exception — Wetland Crossing — Jeffreys Way — Map 24 Lot 56

B. Howard introduced this application, explaining that property owners Mike and Julie MacKinnon sought authorization to fill 605 sq. ft. of wetland to permit construction of a 12-ft. driveway. The overall property, Howard said, was zoned Rural Residential [RR], Resource Protection [RP], and Shoreland Overlay District. The property, Howard added, was currently vacant.

Howard observed that the proposed 605 sq. ft. of fill exceeds 500 sq. ft. for that reason, the applicants submitted photos of the existing conditions, a plan showing wetland impacts, and other documents as required by Article 15 for wetland mitigation.

In lieu of preservation, Howard reported, the owners propose to pay a “compensation fee” using (a) the DEP’s fee compensation equation, and (b) prevailing Kennebunk land values. The specific fee computed on this basis amounts to:

York Cty Natural Resource Enhancement & Restoration Fee p/sq.ft:	\$5.05
Plus: Average Assessed Land Value p/sq.ft. for Kennebunk:	+ 0.92
Total Fee for 605 sq. ft.: [\$5.97 x 605 sq. ft.].....	\$3,611.85

B. Howard also shared feedback from Kennebunk’s Town Engineer, Fire Chief, and Conservation Commission about this proposal.

After reviewing the submitted documentation, the Town Engineer called for: (1) investigating the possibility of using a shared driveway; (2) a review of the grading and stabilization needed around the proposed culvert; (3) additional grading along the entrance nearest the 124 contour; (4) definition of the clearing limits; and (5) more information about how electric service would be extended to serve the property and, specifically, the area which might be eventually used for a possible future house.

Kennebunk’s Fire Chief called for an approved turnaround to accommodate fire trucks. The Conservation Commission, B. Howard stated, urged the applicants to share a common driveway.

Austin Fagan, an engineer representing the applicants, provided additional detail. He responded to the Conservation Commission’s recommendation, saying that the applicants no longer own the back property that borders onto the existing driveway in question. Hence, the applicants do not have access to it.

The proposed new driveway, A. Fagan said, would be 12-ft. wide and drainage would be managed in part with a 24-inch culvert.

E. Trainer expressed general concern about the proposal. The proposed driveway, Trainer said, appeared to extend into a “highly sensitive area.” E. Trainer commented that the qualifications of the Town Engineer, Fire Department, Conservation Commission and others would have to be satisfied *a priori*. “This is a last-resort solution,” Trainer remarked.

D. Kiley inquired about the driveways specific location and purpose. A. Fagan pointed out the location on an aerial diagram showing the buildable area. Eventually, a future buyer of a lot would create his or her own house plans for a dwelling which would use the driveway. However, Kiley concurred with E. Trainer that a site walk would afford a better perspective of what was being proposed.

J. Vance then questioned how utilities would be brought in, and A. Fagan responded that the future lot owners would have to address that when they planned their houses. J. Vance countered that the applicants might want to create a trench along the proposed driveway to accommodate utilities.

C. MacClinchy posed questions about the eventual location of houses, and A. Fagan indicated possible locations on an aerial diagram. MacClinchy also asked about the right to build dwellings in the different zones of the overall property, B. Howard stated there are restrictions on building in the resource protection district based on the age of the lot, which is why the applicant is proposing to build in the rural residential district area. C. MacClinchy stated that he was nevertheless not keen on authorizing a 400-foot-plus driveway to reach different "back lots."

A. Fagan said the applicants would be willing to install a larger culvert if the Army Corps required, but they had yet to receive Army Corps feedback.

The Board and Mr. Fagan then agreed to a site walk on Saturday, April 15th, at 8:00am. In preparation for the site walk, C. MacClinchy asked A. Fagan to stake out the property's center line and delineate wetlands. In response to questions from D. Kiley, A. Fagan also agreed to show a suitable firetruck turnaround in the next set of plans as well as a "building envelope" of what a 40' by 60' dwelling on a possible building site might look like.

J. Vance stated that she likewise wanted to see more information in the next plan about how the applicants would protect wetlands -- i.e. "a buffer plan and run-off plan and other information."

At this juncture, abutter Ben Fitzpatrick asked to address the Board. C. MacClinchy permitted his comment, but cautioned that this was not a public hearing. B. Fitzpatrick told the Board that the extension of the road in question had already been done "many times." Doing so yet again, he opined, would have more ecological impact. Mr. Fitzpatrick asked that any plans submitted to the Board about this project be shared with abutters and a nearby Home Owners Association as well. B. Howard explained how abutters and the public at large have full access to this information.

Board members then agreed to hold a Public Hearing on the matter on May 8th. They asked the applicants to submit their revised plans and additional information in timely manner before the Public Hearing date. On behalf of the applicants, A. Fagan agreed to do so.

b. Preliminary Meeting — Map Correction — Shoreland Zoning Map — 262 Emmons Road — Map 30 Lot 139

B. Howard next introduced the request of property owners Donnie and Melissa Ouellette for a correction to the Shoreland Zoning Map per Article 3 Section 1.F. The Shoreland Zoning Map shows a portion of 262 Emmons Road being in the Resource Protection [RP] District due to its location in the flood zone according to FEMA maps. The applicants, Howard reported, had retained Central Post Land Surveying, Inc. to apply for a Letter of Map Amendment [LOMA] from the Federal Emergency Management Agency [FEMA]. For this Planning Board review, the applicants supplied the LOMA, elevation form, plan, and copies of the Shoreland Zoning Map.

Howard observed that Kennebunk's Shoreland Zoning Map and FEMA's flood zone maps have some inaccuracies. Because of this, landowners can request a correction.

Applicant Donnie Ouellette addressed the Board next. He explained the map error in more detail. He confirmed that he was in possession of a FEMA "Letter of Map Amendment", and a copy had been provided to the Board as "Addendum A". The applicant asked for the map correction to appear in Town documents as well.

D. Ouellette stated that his property had a higher elevation than surrounding ones. J. Vance questioned the motive for the map correction, and the applicant replied that he would eventually sell the back lot. Buyers would have to contend with flood insurance and new structures cannot be built in the Resource Protection District, he said, if the correction were not made.

D. Kiley said it was hard to visualize the wetland area even with an aerial diagram. A site walk, Kiley said, would be useful. E. Trainer asked if such map errors occurred frequently. B. Howard responded that FEMA's "flood maps" were often based on antiquated aerial photos, but evidence of map error was generally limited. C. MacClinchy stated that he had only known of "three or four" such errors in the last 20 years.

"This is a technical revision," E. Trainer concluded, "as the land is not, in fact, in a flood zone."

C. MacClinchy asked if the property was well marked, and the applicant responded in the affirmative. Members of the Board and the applicant then agreed to a site walk on Saturday, April 15th at 9:00am. Board members also agreed to hold a Public Hearing on the proposal on May 8, 2023.

3. **Prior Meeting Minutes**

C. MacClinchy next led the Board in a review of the minutes of its meeting of March 27, 2023, and he elevated D. Kiley to voting status for the purpose of the review. Several errors in the minutes were identified and corrected.

Motion: **Move that the Town of Kennebunk Planning Board approve the Minutes of its meeting of March 27, 2023 as amended.**

Moved: J. Vance

Second: D. Kiley

Vote: **Show of hands vote, 3 in favor, none opposed, 1 abstention [E. Trainer had not attended the 3/27/2023 meeting]; the motion carried.**

4. **Other Business**

B. Howard invited Board members to sign a previously approved plan and prior minutes.


5. **Adjournment:** There being no further business, the Chair adjourned the meeting at 8:00pm.

Motion: **Move that the Planning Board of the Town of Kennebunk adjourn this meeting.**
Moved: J. Vance
Second: D. Riley
Vote: **Show-of-hands vote, 4 votes in favor, none opposed; the motion carried.**

Respectfully submitted by
J. Schlagheck, Clerk

Adopted by the Planning Board in its Meeting of April 24, 2023

Signed by:

 4/24/23

PLANNING BOARD

