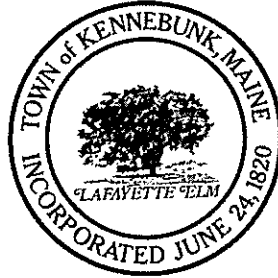


# Town of Kennebunk, Maine



## Planning Board

### MEETING MINUTES

May 23, 2022

#### In Person, Kennebunk Town Hall Meeting

Present: Chris MacClinchy [Chair], David Smith [Secretary], Robert Metcalf [Member]; Janice Vance [Member], Edward Trainer [Alternate]; and Daniel Kiley [Alternate];

Absent: Richard Smith [Vice Chair],

Also Attending: Brittany Howard [Town Planner], Michael Tadema-Wielandt [Terradyn Consultants], and Geoff Bowley [Terradyn Consultants].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:01pm on May 23, 2022.

## 2. Agenda Items

### Final Meeting — Subdivision — Millstone Farm — 231 Alewife Road — Map 30 Lot 99

B. Howard introduced this agenda item, reminding the Board that applicant sought to create nine residential lots on 15.78 acres in West Kennebunk. The existing lot area is 687,376 sq. ft. and the minimum Net Lot Area per lot is 20,000 sq. ft. The land is vacant and located in the West Kennebunk Village Residential zoning district. There are wetlands on the property, Howard said.

This application, Howard added, was now before the Board for final review. The plan amendments proposed by the Board at its prior April 25, 2022 hearing of this item had been duly made. B. Howard also confirmed that the Town Engineer had signed off on the applicant's supplemental stormwater information.

M. Tadema-Wielandt, representing the applicant, offered to answer any questions. J. Vance asked that wetlands on Lots #7 & 8 be permanently marked, and M. Tadema-Wielandt affirmed that markers would be added and are now shown in project plans. D. Smith inquired about the size of Lot #4, and M. Tadema-Wielandt responded that Lot #4 meets minimum standards and will border a large stretch of vacant land, as well.

D. Kiley inquired about test pits, and M. Tadema-Wielandt explained their purpose and locations. Homeowners, M. Tadema-Wielandt said, would have some flexibility in choosing the actual location of their homes, but would require new pits if they deviated from the building locations currently shown.

C. MacClinchy then elevated E. Trainer to voting status for the purpose of this meeting. There were, consequently, five voting members in total: C. MacClinchy, D. Smith, J. Vance, R. Metcalf, and E. Trainer.

**Town of Kennebunk  
Planning Board**

**FINDINGS OF FACT AND CONDITIONS OF APPROVAL**

**FINAL MAJOR SUBDIVISION PLAN OF: Millstone Farm**  
Subdivision Name

1. Property Owner: Binnhill Phase 2 LLC
2. Site Location: 231 Alewife Road
3. Size and # of lots/units: Creation of 9 residential lots on 15.78 acres – 1 lot will have an existing single family home and 7.85 acres will remain as open space
4. Zoning District (s): West Kennebunk Village Residential (WKVR)
5. Assessor's Map 30 Lot 99
6. Applicant: Binnhill Phase 2 LLC has shown legal interest in the property by deed.
7. INFORMATION REVIEWED BY PLANNING BOARD:
  - Staff reviews (Fire Chief, Police Chief, Planner, Town Engineer): X
  - Sketch: 11/8/2021
  - Site Walk completed by Board: 12/4/2021
  - Completeness: 3/28/2022
  - Public Hearing: 4/25/2022
  - Conservation Commission: X
  - State/Federal Reviews: X
  - Utilities – KKWWD: X

CONDITIONS/WAIVERS:

1. The following waivers were granted at the public hearing on 4/25/22
  - a. Waiver from Planning Board Standards - Article 6.3.C.3 - Hydrogeologic Assessment

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
\_\_\_\_\_

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8. The Kennebunk Planning Board has reviewed the above noted development utilizing the Kennebunk Standards for Reviewing Land Subdivisions and the Kennebunk Zoning Ordinance. Based upon the application and materials submitted in support of the application, together with the evidence submitted at the public hearing on the application, the Planning Board makes the following findings with respect to the standards of Title 30-A § 4404 and Article 11, Section 8 of the Zoning Ordinance Guidelines listed below:

**A. M.R.S.A. 30-A §4404**

1. **Pollution.** Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above the sea level and its relation to the floodplains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations.

Standard is met  X , not met  , N/A  , met with following conditions and or waivers

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Rationale for negative determination:

2. **Sufficient water.** Has sufficient water available for the reasonably foreseeable needs of the subdivision.

Standard is met  X , not met  , N/A  , met with following conditions and or waivers

The project has approval from Kennebunk, Kennebunkport, and Wells Water District.

Rationale for negative determination:

3. **Municipal water supply.** Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

Standard is met  X , not met  , N/A  , met with following conditions and or waivers  
See #2 above.

Rationale for negative determination:

4. **Erosion.** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Standard is met  X , not met  , N/A  , met with following conditions and or waivers:  
The erosions control measures were reviewed and approved by the Town Engineer.

Rationale for negative determination:

5. **Traffic.** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed, and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of the Town, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.

Standard is met  X , not met \_\_, N/A \_\_, met with following conditions and or waivers:  
This project is not outside the urban compact area.

Rationale for negative determination: \_\_\_\_\_

6. **Sewage disposal.** Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on Town services if they are utilized.

Standard is met  X , not met \_\_, N/A \_\_, met with following conditions and or waivers:  
The applicant is proposing private septic systems and they have supplied evidence that each lot can support individual systems.

Rationale for negative determination: \_\_\_\_\_

7. **Municipal solid waste disposal.** Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

Standard is met  X , not met \_\_, N/A \_\_, met with following conditions and or waivers:

Rationale for negative determination: \_\_\_\_\_

8. **Aesthetic, cultural and natural values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

Standard is met  X , not met \_\_, N/A \_\_, met with following conditions and or waivers:

Rationale for negative determination: \_\_\_\_\_

9. **Conformity with local ordinances and plans.** Is in conformance with the duly adopted subdivision regulation, comprehensive plan, and zoning ordinance of the Town of Kennebunk.

Standard is met  X , not met \_\_, N/A \_\_, met with following conditions and or waivers:

Rationale for negative determination: \_\_\_\_\_

10. **Financial and technical capacity.** The subdivider has adequate financial and technical capacity to meet the standards of these regulations.

Standard is met  X , not met \_\_, N/A \_\_, met with following conditions and or waivers

Rationale for negative determination: \_\_\_\_\_

11. **Surface waters; outstanding river segments.** Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Standard is met  X , not met \_\_\_\_, N/A\_\_\_\_, met with following conditions and or waivers:

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_

12. **Ground water.** Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

Standard is met  X , not met \_\_\_\_, N/A\_\_\_\_, met with following conditions and or waivers:

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_

13. **Flood areas.** The sub divider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation.

Standard is met  X , not met \_\_\_\_, N/A  X , met with following conditions and or waivers:

There is no development in the flood zone.

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_

14. **Stormwater.** The proposed subdivision will provide for adequate storm water management.

Standard is met  X , not met \_\_\_\_, N/A\_\_\_\_, met with following conditions and or waivers

The Town Engineer has reviewed and approved the stormwater plan.

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_

15. **River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.

Standard is met  X , not met \_\_\_\_, N/A\_\_\_\_, met with following conditions and or waivers

\_\_\_\_\_  
Rationale for negative determination: \_\_\_\_\_

16. **Freshwater wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Standard is met  X , not met  , N/A  , met with following conditions and or waivers

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Rationale for negative determination: \_\_\_\_\_

17. **Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of these lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

Standard is met  , not met  , N/A  X , met with following conditions and or waivers

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Rationale for negative determination: \_\_\_\_\_

18. **Lake phosphorous concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

Standard is met  , not met  , N/A  X , met with following conditions and/or waivers

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Rationale for negative determination: \_\_\_\_\_

19. **Impact on adjoining municipalities.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Standard is met  , not met  , N/A  X , met with following conditions and or waivers

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Rationale for negative determination: \_\_\_\_\_

20. **Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

Standard is met  , not met  , N/A  X , met with following conditions and or waivers

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Rationale for negative determination: \_\_\_\_\_

- B. Article 11, Section 8** (As applicable for multi-family and non-residential subdivisions): N/A – this is for a 9-lot single family subdivision

\*\*\* Based on the above noted findings, the Kennebunk Planning Board votes to  
 X  approve,  
  approve with the conditions noted on first page or above, or  
  deny

the Final Plan Application of

Millstone Farm  
Subdivision Name

Motion: **Move that the Planning Board of the Town of Kennebunk approve the Findings of Fact for a major subdivision and creation of nine [9] residential lots at 231 Alewife Road, Map 30 Lot 99.**

Moved: D. Smith

Second: R. Metcalf

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

Motion: **Move that the Planning Board of the Town of Kennebunk approve the major subdivision proposed by applicant Binhill Phase 2, LLC for the creation of nine [9] residential lots at 231 Alewife Road, Map 30 Lot 99.**

Moved: D. Smith

Second: R. Metcalf

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

**3. Approval of Meeting Minutes**

C. MacClinchy then led the Board in a page-by-page review of the minutes of its May 9, 2022 meeting. Several errors were identified and corrected.

Motion: **Move that the Planning Board of the Town of Kennebunk approve the minutes of its May 9, 2022 meeting as corrected.**

Moved: J. Vance

Second: E. Trainer

Vote: **Show-of-hands vote, 3 in favor, none opposed, 2 abstentions [R. Metcalf and D. Smith had not attended the May 9, 2022 meeting]; the motion passed.**

**4. Other Business**

B. Howard next informed the Planning Board that Kennebunk's Select Board had changed its meeting format policy at its [the Select Board's] meeting of May 10, 2022. At that meeting, the Select Board elected to hold remote, rather than in-person, meetings whenever the Maine CDC indicates that the COVID-19 community level of transmission is "medium" [yellow] or "high" [red] based on the CDC's weekly color code advisory. The Select Board also affirmed, Howard said, that each Town Committee or Board could determine its own policy on the matter.

J. Vance, C. MacClinchy and E. Trainer voiced support for adoption of a similar safety policy. "If infection levels stay where they are at present," J. Vance said, "I prefer going remote." However, D. Smith urged the Board to continue to conduct in-person site walks. Board members agreed to check on CDC advisory "color ratings."

C. MacClinchy proposed that the Planning Board use the same guidelines as the Select Board regarding meeting format and "go remote" as of June 13, 2022 given the Board's noticing requirement. All Board members informally agreed. There was no motion or vote, and B. Howard affirmed that a formal vote for this was not needed.

**5. Adjournment:** There being no further business, the Chair adjourned the meeting at 7:32pm.

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

Moved: D. Smith

Second: E. Trainer

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

Respectfully submitted by  
J. Schlagheck, Clerk

Adopted by the Planning Board in its Meeting  
of June 13, 2022

Signed by:

 , chair 6/13/22  
\_\_\_\_\_  
PLANNING BOARD