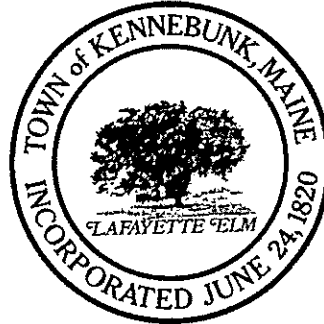


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

June 12, 2023

In Person Meeting, Town Hall, Room 301, 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], Richard Smith [Vice Chair]; Robert Metcalf [Member];
Janice Vance [Member], and Edward Trainer [Member];

Absent: Daniel Kiley [Alternate];

Also Attending: Brittany Howard [Town Planner], Austin Fagan [Bh2m], Conrad Ritter [Walsh Engineering], Lucien Langlois [Atlantic Resource Consultants], and James Logan [Longview Partners, LLC].

- 1. Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on June 12, 2023. The meeting was held in person at Town Hall. There were initially four [4] voting members in attendance: MacClinchy, Smith, Vance, and Trainer. (R. Metcalf joined the meeting later.) The Chair explained the procedural sequence of the meeting, then proceeded to change the Agenda sequence and review the minutes of the Board's prior meeting next.

- 3. Prior Meeting Minutes**

C. MacClinchy led the Board in a page-by-page review of the minutes of its meeting of May 22, 2023.

Motion: **Move that the Town of Kennebunk Planning Board approve the Minutes of its meeting of May 22, 2023 as presented.**

Moved: J. Vance

Second: R. Smith

Vote: **Show of hands vote, 4 in favor, none opposed, 1 absent [Metcalf]; the motion carried.**

After the vote, R. Metcalf joined the meeting and the number of voting members became five [5]: MacClinchy, Smith, Metcalf, Vance, and Trainer.

3. Agenda Items

a. Public Hearing — Wetland Crossing — Jeffrey's Way — Map 24 Lot 56

B. Howard reintroduced this application, reminding the Board and public that this was a request to fill 605 sq. ft. of wetland for a driveway crossing. It required an exception as the proposed fill exceeded the 500 sq. ft. maximum permitted by Town Ordinance. The applicant therefore proposed to pay a fee of \$3,611.85 [i.e. \$5.97 per sq. ft. times 605 sq. ft.] in lieu of preservation.

The applicant, Howard said, had first come before the Board for preliminary review on April 10, 2023. At that review, the Board had requested a vernal pool study and asked that additional information be shown on the plan as well: (1) the building footprint; (2) arrows showing the directional flow of wetlands; (3) driveway length; (4) utilities; (5) clearing limits; and (6) site distance out of the driveway.

B. Howard confirmed that applicant had provided the vernal pool study and included the above information in the plan as requested. She also noted that the Board had conducted a site walk on April 15th, 2023.

The presiding officer then formally opened a Public Hearing and invited Board as well as public comments and questions.

Austin Fagan, speaking on behalf of the applicants, addressed the Board and public next. He confirmed that this proposal would create approximately 8,900 sq. ft. of impervious surface and require the fill of 605 sq. ft. of wetland.

A. Fagan showed an aerial depiction of the property and indicated where overhead utilities would be located. Site distances of "well over 300 feet in either direction" had been added. There was also, A. Fagan said, ample turnaround space for Fire Department and emergency vehicles.

A. Fagan then confirmed that professional specialists had visited the site and found no vernal pools. On the other hand, some abutters, Fagan said, had expressed concern about "road degradation" — i.e. the possibility of damage to Jeffrey's Way caused by construction on this site. Fagan assured the Board and public that any road damage would be corrected. "Any damage caused by construction," Fagan specifically stated, "would be remedied to today's standard."

R. Metcalf asked for clarification about this so-called "roadway fix." Were the applicants, Metcalf asked, committing to repair the road for damage caused by (a) the driveway, alone; or (b) the driveway and house? Fagan responded that the applicants would make repairs for any damage caused by the construction of the driveway only.

R. Smith asked about the need for a culvert. A. Fagan responded that a 2-ft. stormwater drain culvert was already noted in the plan. If the Army Corps deemed a larger culvert necessary, Fagan said, the plan would be duly revised.

E. Trainer thanked Fagan's group for responding to Board and abutter concerns. However, Trainer inquired about the Conservation Commission's stance on the project. B. Howard replied that no further Conservation Commission commentary was likely as it had already expressed satisfaction in writing that a vernal pool study had been completed and no vernal pools found.

After several other Board comments and questions, C. MacClinchy formally opened a Public Hearing and invited public comments and questions.

Kathy Webster, an abutter, expressed concerns about any intrusion on wetlands and the impact of this project on neighbors' privacy. The project, she said, would eliminate the natural tree line that buffers her property. She also decried the already poor condition of Jeffrey's Way which, she alleged, was sure to be further damaged by the proposed construction.

Sara Brinnel, another Jeffrey's Way resident, described her "passion" for preserving the environment and wetlands. She expressed concern about the project's long-term impact on the eco-system and the likelihood of drainage problems and "stumping" damage. The Town, she added, had expressed clear concerns about wetlands in its Comprehensive Plan. This project threatened wetlands, in her view, and countermanded the Comprehensive Plan.

Patrick Tiller, another public commentator, concurred. This project, Mr. Tiller said, would endanger the environment and was not in synch with the Comprehensive Plan's stated goals and objectives. The speaker also voiced concern about the damage to Jeffrey's Way which this project was likely to cause. He specifically asked the Board to impose two conditions of approval: (1) require a formal guarantee that any water runoff accumulation would be corrected by the applicants if it occurred; and (2) require the establishment of a \$10,000 escrow account for eventual road repairs if road damage occurs.

Lauren DelVecchio addressed the Board next and re-iterated the importance of formalizing the applicants' obligation to fix any road damage caused by *either* driveway or house construction. Tarama Deeny, another abutter, concurred. The project, Ms. Deeny said, would cause road damage and impact privacy. She questioned why a driveway proposal was being contemplated in the first place without any plan for an actual house. The Board, T. Deeny said, could not apprise the full impact of this project in bits and pieces.

Paul Brinnel questioned the "slope" language contained in project findings, and Board members explained it.

Benjamin Fitzpatrick then gave a brief history of Jeffrey's Way (previously known as "McKinnon's Road"). He alleged that the applicants had repeatedly created and sold

lots and houses which impacted the quality of the road and neighborhood. Mr. Fitzpatrick stated that drainage issues were likely to occur and insisted that a joint driveway-*and-house* plan should be required. He also called on the Planning Board to require the “same time” construction of the driveway and house to minimize the impact on the environment, road, and neighborhood.

There being no other comments from attendees, B. Howard proceeded to read emails from members of the public who were unable to attend the Public Hearing. Jeffrey and Caroline Ferris, David Hicks, and Judith Stark voiced similar concerns about (1) the road damage likely to be caused by the construction of both the driveway and an eventual house, and (2) the environmental impact of both.

Austin Fagan spoke to these concerns. The fill of the wetlands, he countered, was being reviewed by the Army Corps of Engineers and its feedback was imminent. The applicants, he said, intended to mitigate the number of trees to be cleared. However, he acknowledged that some “tree stumping” would take place.

Fagan said that, although an eventual house was likely to be constructed, there was no Ordinance requirement that a house design be submitted at this time.

E. Trainer expressed concern about “the driveway going to nowhere.” “A driveway into an open space,” Trainer said, “raises issues.” The Board, he stated, did not have a complete picture of the overall project and its overall impact. However, Trainer did not agree that the project was in conflict with the Comprehensive Plan. He concluded that he was sympathetic to the abutters’ legitimate concerns, but suggested that some of the problematic outcomes which abutters envisioned might be speculation rather than likelihood.

R. Smith observed that Jeffrey’s Way was a private road over which the Town had no “corrective authority.” Smith agreed that there should be “some commitment in writing” from the applicants guaranteeing that Jeffrey’s Way would be returned to its “pre-drive-way condition.” The project, he concluded, met the letter of Kennebunk’s Ordinance, but perhaps not the Town’s pro-environment “spirit.”

R. Metcalf advised the public that the subdivision of the original property had been done on the basis of the State of Maine’s then-prevailing “family subdivision rule”, not the Town’s own subdivision guidelines. Metcalf added that the Board needed to see “confirmation that the property in question is buildable” before there is any final Board ruling.

J. Vance questioned how many houses already existed on Jeffrey’s Way, and A. Fagan and several abutters confirmed there were now eleven [11] homes there. Vance then cited several missing pieces of information needed for a final Planning Board determination: (1) formal feedback from the Army Corps of Engineers; (2) a planting plan for the buffer between this property and that of abutters; (3) confirmation that development or the “buildability” of the lot is possible; and (4) legal guidance for the creation of an enforceable road-repair guarantee.

C. MacClinchy concurred with the concerns voiced by his colleagues. He added a concern of his own: The owners, he said, were seeking a remedy for a hardship which they, themselves, had created. The applicants, he opined, had once owned an adjacent lot which could have permitted a shared driveway to the lot now in question. But the applicants sold the adjacent lot, eliminating the possibility of a shared driveway and therefore doubling the impact of driveway construction.

There being no other comments or questions, C. MacClinchy formally closed the Public Hearing. He concluded the Board would not act until it had: (1) proof of the ability to develop or build on this property; (2) legal assistance for the creation of an enforceable performance guarantee; (3) feedback from the Army Corps of Engineers; (4) a planting or landscaping plan for a wetland buffer; (5) a maintenance plan for the one-foot swale; and (6) inclusion in the plan of the prohibition of parking or snow storage in the turnaround area designated for Fire Department use only.

B. Howard then advised attendees and the public in general that --- as the Public Hearing had been closed --- additional abutter notices would not be mailed out. The Town Planner instead urged interested parties to consult the Town's website for the date(s) of future Planning Board meetings at which this application would be discussed.

b. Final Review — Multi-Family Project — 61 York Street — Map 59 Lot 5

B. Howard then re-introduced this application for the creation of 12 residential units (3 of the 12 affordable) on 52,757 sq. feet. At the Board's Public Hearing of April 24, 2023, the Board had requested a number of plan additions or revisions. These, Howard confirmed, had been duly made.

Connor Ritter, representing the applicant, spoke about the 12-unit project. The applicants, he said, were consulting with specialized agencies for guidance about appropriate rent and income guidelines for affordable housing. The Town's Attorney, he said, was also looking into the matter.

Ritter reported that Kennebunk Light and Power had reviewed the project, as well, and had no concern about the guy wire. The other conditions of approval cited previously by the Board, he re-affirmed, had been duly added to the plan.

J. Vance thanked C. Ritter's group for its responses to the Board's concerns and recommendations. Vance posed questions about drainage system maintenance, and C. Ritter explained how maintenance would be carried out. J. Vance nevertheless envisioned the need for continual, long-term maintenance follow-up.

R. Metcalf suggested that the applicants consider committing to undertaking storm-water system inspections every two [2] years and maintaining records of those inspections. Metcalf, too, thanked the Walsh group for the thoroughness of its plan. He also suggested that, as a condition of approval, the applicants submit their final landscaping plan to the Town Engineer and/or the Town Planner prior to any planting to determine whether any vegetation "holes" needed to be addressed or remedied.

R. Smith concurred. The drainage management plan, Smith said, was thorough and should give abutters reasonable confidence that flooding was unlikely. The proposed vegetation buffers, Smith added, were also good. E. Trainer concurred with these observations.

C. MacClinchy said that another Public Hearing would not be necessary. He instead proceeded to Findings of Fact.

**Town of Kennebunk
Planning Board**

FINDINGS OF FACT AND CONDITIONS OF APPROVAL

FINAL SUBDIVISION PLAN OF: 61 York Street

Subdivision Name

1. Property Owner: Daniel & Lois Bennett
2. Site Location: 61 York Street
3. Size and # of lots/units: 52,757 sq. ft. – 12 units (3 affordable)
4. Zoning District (s): York Street Mixed Residential & Commercial Use (MRCU)
5. Assessor's Map: 59 Lot: 5
6. Applicant: Dan Seavey (representing 61 York Street LLC) has shown legal interest in the property by purchase and sale.
7. INFORMATION REVIEWED BY PLANNING BOARD:
 - Staff reviews (Engineer, Fire Chief, Planner, Code Enforcement Officer) X
 - Conservation Commission: X
 - State/Federal Reviews: N/A
 - Sketch: 11/14/2022
 - Site Walk completed by Board: 11/19/2022
 - Completeness Meeting: 2/13/2023
 - Public Hearing: 3/27/2023 & 4/24/2023

CONDITIONS/WAIVERS:

1. The Planning Board granted the following waivers on 4/24/2023
 - a. Zoning Article 10 Section C.10.D.3 - 50-Foot Perimeter Buffer Requirement
 - b. Zoning Article 11, Section 8.6.C - 100-ft. separation between the proposed driveway and the intersection
 - c. Zoning Article 11, Section 8.8.b - 2-ft. wide planting strip between the on-site walkway and the parking area

APPROVED BY: _____ DATE: _____

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: _____
 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 Board has a letter from the Kennebunk, Kennebunkport, Wells Water District stating they can sufficiently serve this project.
 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: _____
 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: A traffic study was completed and results provided to the Planning Board showing negligible impact to existing traffic conditions.

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 project will be utilizing public sewer and the Board has a letter from the Kennebunk Sewer District stating they can serve the needs of this project.

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 sub divider 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 _____, not met _____, N/A X, 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 _____, met with following conditions and or
waivers: The property is not in a 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 stormwater management plan was reviewed and approved by the Town Engineer.
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: There are no river, streams, or brooks on the project site.
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: There are no wetlands on the project site.
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 _____
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 _____
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 _____
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 _____
Rationale for negative determination: _____

B. Article 11, Section 8 (As applicable for multi-family and non-residential subdivisions)

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.

Standard is met X _____, not met _____, N/A _____, met with following conditions and or waivers: A robust landscaping has been designed and reviewed by the Planning Board with conditions to follow.
Rationale for negative determination: _____

2. For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts.

Standard is met _____, not met _____, N/A X _____, met with following conditions and or waivers: _____
Rationale for negative determination: _____

3. Filling, excavation and earth moving activity is carried out in a way that keeps erosion and sedimentation to a minimum.

Standard is met X _____, not met _____, N/A _____, met with following conditions and or waivers: The erosion control plan was reviewed and approved by the Town Engineer.
Rationale for negative determination: _____

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.

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

Rationale for negative determination: _____

5. Adequate provision has been made for water supply and sewage disposal.

Standard is met X , not met _____, N/A _____, met with following conditions and or waivers: See A. #2 and #6 above.

Rationale for negative determination: _____

6. The site plan provides for safe access to and egress from public and private streets, with adequate parking and internal circulation.

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

Rationale for negative determination: _____

7. Vehicular access to the site will be on roads which have adequate capacity to accommodate any additional traffic generated by the development.

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

Rationale for negative determination: _____

8. The site plan provides for safe pedestrian circulation, both on-site and off-site.

Standard is met X , not met _____, N/A _____, met with following conditions and/or waivers: The applicant increased the width of the sidewalks to 6 feet to make sure adequate pedestrian circulation is provided for and maintained.

Rationale for negative determination: _____

9. Exterior lighting does not adversely affect neighboring properties or streets.

Standard is met X , not met _____, N/A _____, met with following conditions and or waivers: The applicant provided a photometric plan that showing the limits of the lighting.

Rationale for negative determination: _____

10. Electrical and telephone utility lines and components serving the site will be placed in a manner that is not hazardous or unsightly.

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

Rationale for negative determination: _____

*** Based on the above noted findings, the Kennebunk Planning Board votes to
_____ approve,

X approve with the conditions noted above, or

1. Prior to the installation of landscaping the Town Planner and/or Town Engineer shall review the existing retained buffer to ensure that an adequate buffer is provided by supplemental plantings where inadequate conditions occur additional plantings shall be provided.
2. Per the Town Engineer's memo dated March 22, Units 1 & 2 shall be laid out by a license surveyor to ensure the foundation meets the setback.
3. If snow storage areas are at capacity, snow shall be removed from the site.
4. Prior to the issuance of a building permit, the affordable housing restrictive covenants shall recorded at the registry after review by both the Town and applicant.

_____ deny

the Final Plan Application of

61 York Street
Subdivision Name

In the course of establishing these Facts, the Board also agreed upon the following Conditions of Approval:

1. Prior to the installation of landscaping the Town Planner and/or Town Engineer shall review the existing retained buffer to ensure that an adequate buffer is provided by supplemental plantings where inadequate conditions occur additional plantings shall be provided.
2. Per the Town Engineer's memo dated March 22, Units 1 & 2 shall be laid out by a license surveyor to ensure the foundation meets the setback.
3. If snow storage areas are at capacity, snow shall be removed from the site.
4. Prior to the issuance of a building permit, the affordable housing restrictive covenants shall recorded at the registry after review by both the Town and applicant.

Motion: **Move to approve the Findings of Fact, Conditions of Approval, and final subdivision plan for a multi-family project for 61 York Street, LLC, 61 York Street, Map 59 Lot 5.**

Moved: J. Vance

Second: E. Trainer

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

c. Preliminary Meeting — Subdivision — 7 Traditional Way — Map 62 Lot 19

B. Howard reminded the Board that this project was for the creation of three [3] lots and had first come before the Board for a sketch plan on October 24, 2022.

The property in question, Howard observed, straddled four districts: BP District, B-BPA District, BBA district, and BBB district. There is also an existing office building on the site.

B. Howard likewise noted that the application before the Board was for lot creation, not any proposed uses on the lot. She stated that the project would require the fill of 7,232 sq. ft. of wetlands for the installation of a roadway. As this exceeded the Town's 500 sq. ft. fill threshold, the applicant proposed to pay a fee of \$43,175.04 [i.e. \$5.97 per sq. ft. times 7,232 sq. ft.] in lieu of preservation.

The applicant, Howard additionally reported, sought four waivers since the lots would only be created but not developed at this time:

- (1) Waiver of the public water connection otherwise required by Article 10 Section 10.11.3.1;
- (2) Waiver of the public sewer connection otherwise required by Article 10 Section 10.11.4.1;
- (3) Waiver of the advance review of site plans for commercial-use lots otherwise required by Article 6 Section 6.3.D.15; and,
- (4) Waiver of the turnaround standard for a commercial/industrial roadway otherwise required by the Addendum, Section 8.6.2 as the applicant proposes a "T"-turn.

The Conservation Commission, B. Howard added, had reviewed this proposal at its meeting of June 5, 2023 and would forward its comments to the Board.

Lucien Langlois, speaking on behalf of the applicant, said the lots had suitable soil for septic systems. Public water connection was, in principle, feasible too, he said. Overall, the waivers requested were meant to be temporary in nature until the lots were actually created and sold.

James Logan, the property owner, interjected that he needed to create the three lots at this time without the usual sewer, water, and other commercial detail for bank financing and mortgage reasons "until final buyers emerge."

E. Trainer opined that it was hard for him to assess the overall impact of this development without understanding the longer-term uses. The wetland impact, Trainer added, was "very big" and a matter of concern.

R. Smith concurred. Kennebunk's Ordinance, Smith said, *requires* public water and sewer connections in most instances. Smith therefore saw no need for granting the water and sewer waivers. He expressed concern, as well, with the "very large amount" of wetland fill being sought. "It bothers me," R. Smith remarked.

L. Langlois countered that, once the lots were sold, the future lot owners would come before the Board with sewage, water, and other details. That, he insisted, would happen after the lots were approved and sold "but before a shovel went into the ground for any roadway." Langlois affirmed that, if the lots were approved, the applicant would build the driveway "within 12 months of approval."

R. Metcalf said that he could envision scenarios in which a roadway or driveway built early on might need correction or rerouting later. Even if decisions about sewer and

water connection are postponed, Metcalf said, the Planning Board should nevertheless see detail about the eventual location of the water main, confirmation from the Water District that its service to the lots is feasible, indication of where the sewage would go in, and so on.

"You need more detail," R. Metcalf concluded. But he went on to express personal willingness to endorse this application if additional and satisfactory detail were provided.

J. Vance expressed concern that property uses "change all the time", and there would be fees for eventual sewer and water hook-ups in different use scenarios. Vance also voiced concern about the significant wetlands impact. J. Logan countered that rerouting the driveway or roadway to skirt some of the wetlands only created other drainage issues which were equally or even more problematic.

C. MacClinchy stated that he was "fine" with the lot split being requested. The buyers of the three lots, MacClinchy said, would eventually have to come before the Planning Board with sewer, water, and use details. MacClinchy said that he was therefore willing to favorably entertain the waivers.

Board members and the applicant agreed to a Public Hearing on the application to take place at the Board's July 24, 2023 meeting. Messrs. Langlois and Logan agreed to supply revised materials and the information requested to the Town Planner on or by July 5th, 2023 so the information could be disseminated to Board members and posted for public inspection.

Motion: **Move to deem the preliminary subdivision application complete for 7 Traditional Way, Map 62 Lot 19.**

Moved: J. Vance

Second: E. Trainer

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

4. Other Business

There was none.

5. Adjournment: There being no further business, the Chair adjourned the meeting at 9:57pm.

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


Moved: J. Vance

Second: R. Smith

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

Adopted by the Planning Board in its Meeting of June 26, 2023

Signed by:

 6/26/23

PLANNING BOARD

