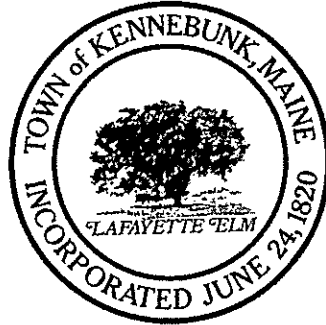


# Town of Kennebunk, Maine



## Planning Board

### MEETING MINUTES

June 27, 2022

In Person Meeting, Town Hall, 3<sup>rd</sup> 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](http://TownHallStreams.com).

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

Absent: Daniel Kiley [Alternate];

Also Attending: Brittany Howard [Town Planner], Jason Vafiades [Atlantic Resources Consultants],

- 1. Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on June 27, 2022. The meeting was held in person and there were five voting members present: C. MacClinchy, R. Smith, D. Smith, R. Metcalf, and J. Vance.

## 2. Agenda Items

### a. Preliminary – Special Exception – 165 High Street – Map 64 Lot 01

B. Howard introduced this application to fill 192 sq. ft. of Priority III wetlands to facilitate the construction of a single-family house. The zoning, Howard said, is “Branch Brook Aquifer Protection District Zone A & B” as well as “Shoreland Overlay District”.

B. Howard explained that applicant Sylvain Theriault also proposes to install a 36-inch culvert for the crossing. Details about that installation and about a cross-section of the proposed roadway had been provided to the Board.

Howard additionally reported that the applicants had provided test pit data for the potential wastewater disposal site of the home as well as a topographical map showing parcel boundaries. Feedback from the Fire Department, Howard said, had yet to be received.

Manon Cote, wife of applicant Sylvain Theriault, addressed the Board next, explaining that the family seeks to split its property on High Street into two lots – one of which already has a house occupied by the son. The senior Theriaults propose to build a second home for themselves on the split-off lot. For the second house, the applicants need to fill in 192 sq. ft. of wetland for a driveway crossing.

The wetland, Ms. Cote reported, has already been flagged. There is no alternative location for the proposed driveway or home, itself, she affirmed, given the topography and zoning restrictions. Hence, the need for a small amount of wetland fill.

M. Cote used an aerial photo to illustrate the boundaries of the proposed split-off lot and the location of the proposed turnaround for the Fire Department. She also showed a topographical map depicting the gradual slope of the land to a corner of the property.

J. Vance inquired why the wastewater disposal system would be located so far from the house, and M. Cote explained that such a system was not allowed in a BBA zone. It had to be located in the BBB zone. J. Vance also asked where the new home's well would be located, and the representative responded "within 50 ft. of the house".

D. Smith asked if the driveway would be in the BBA zone, and M. Cote responded in the affirmative. D. Smith also estimated that the proposed leach bed would be some 300 feet from the house and was likely to disturb wetland. "The wetland would have to be restored," D. Smith said. In response to other questions from D. Smith, the project's two representatives, M. Cote and S. Thibault, affirmed that any construction equipment brought onto the property to build the leach field would come across the son's abutting lot.

R. Metcalf asked if an easement would be required, and M. Cote explained why one would not be necessary. However, R. Metcalf asked for "wetland restoration language" be added to the plan, echoing D. Smith's concern.

R. Smith then inquired about the specific location of the new well, and the representatives responded that the applicants had yet to make that determination. However, M. Cote re-iterated that the well would "likely be very close to the house." E. Trainer asked if Kennebunk's Water District had been notified since this project entails construction in the BBA and BBB zones, and B. Howard responded in the affirmative. In response to other questions from J. Vance and D. Smith, the project's representatives agreed to obtain a permanent easement from the son.

C. MacClinchy next asked that stakes be set in advance of a site walk to show: (1) the property corners; (2) center line of the proposed driveway; (3) zoning lines; (4) wetland crossings; and (5) house location. The project's representatives agreed to have these areas staked. Board members and the representatives then agreed to a site walk on Tuesday, July 5<sup>th</sup> at 6:00pm. C. MacClinchy suggested that Jim Logan of Longview

Partners LLC be present, and applicants agreed to contact him. B. Howard agreed to prepare a list of all the additional information sought by the Board.

**b. Preliminary – Multi-Family – 44 York Street – Map 54 Lot 129**

B. Howard then re-introduced this application from Pete and Katie Gay for approval to construct 12 residential units [2 triplexes and 3 duplexes] on 1.36 acres on York Street. The existing lot area, Howard said, is 67,518 sq. ft. and the minimum net lot area per unit is 5,000 sq. ft. The zoning, Howard stated, is “York Street Mixed Residential and Commercial”. An earlier, quite different version of the plan had been submitted to the Board in April, 2022.

B. Howard reported that the Town’s Fire Chief had reviewed the earlier plan and recommended that the project’s fire hydrant be located in a different location. However, the applicant had already changed the location of the hydrant in this “re-designed” plan. The Fire Chief, Howard said, also recommended (a) shortening the wooded island between the 4<sup>th</sup> and 5<sup>th</sup> units to facilitate Fire Department turnaround, and (b) installing walkways at the rear of each unit for safe access by firefighters and occupants. These changes had already been made in the revised plan, as well.

Howard next informed the Board that the turnaround which applicants propose to create for the Fire Department would extend onto Town-owned land. The purchase of that property, Howard stated, had to be negotiated with Town officials.

B. Howard then summarized the sundry waivers which the applicant seeks:

1. Waiver of Zoning Article 10 Section 9.D.1 requiring unobstructed parking. [This plan envisions parking on driveways directly behind parked cars inside unit garages];
2. Waiver of Zoning Article 10 Section 10.C requiring internal roads to be built in accordance with Town Street Design Standards;
3. Waiver of Article 10 Section 23 Design Review as the project would be accessed via Day Street;
4. Waiver of Article 11 Section 6.B.3 requiring high intensity soil mapping; and,
5. Waiver of Article 11 Section 8.6.e requiring multi-family driveway widths of 24 to 30 feet [versus the 20-ft. width proposed by the applicants].

B. Howard also pointed out that Town ordinances require a 50-ft. perimeter buffer around such a site while the applicants propose a 20-ft. buffer instead. This would be another matter for Board consideration, Howard stated.

J. Vafiades, representing the applicants, showed an aerial rendering of the project and the different unit locations. “The re-designed plan,” Vafiades said, strengthens the buffer landscaping separating this property from abutters and incorporates the Fire Department’s sundry other recommendations.

E. Trainer observed that the present plan is much improved and addresses many of the concerns previously raised by the Planning Board, the Fire Department, as well as abutters. Trainer thanked Vafiades for the revisions.

R. Smith posed questions about the turnaround on abutting Town property. J. Vafiades responded that a permanent easement is being negotiated with the Town in addition to a sale/purchase agreement. Should the sale/purchase fail for any reason, Vafiades said, the permanent easement would prevail.

R. Smith then observed that while the Planning Board had exceptionally approved 20-ft. buffers in the past, such approvals required "significant and very complete" buffer landscaping to create an acceptable barrier between the new developments and all existing, abutting, single-family dwellings. J. Vafiades acknowledged the importance of such landscaping.

R. Metcalf likewise expressed concern about landscaping. "It needs to be looked at in much more detail," Metcalf said, "and take grading into account." J. Vafiades concurred. R. Metcalf also posed questions about drainage. J. Vafiades responded that applicants will install a bypass swale with gravity relief to a ditch line and also clean out the existing culvert.

D. Smith voiced concerns about (1) the amount of likely stormwater run-off; (2) the increase of run-off into the Town's system; and (3) the possibility of "light trespass" from the project's back-porch lighting into the windows of neighbors. J. Vafiades responded that his revised plan addresses these very concerns. Light trespassing will be mitigated by landscaping, Vafiades said. Board members were of the view that tall, mature trees or shrubs would be needed. R. Metcalf urged J. Vafiades to discuss the matter with his lighting advisors.

J. Vance asked where trash receptacles would be kept, and J. Vafiades responded that tenants will have to keep them inside their garages. Vance also asked how many units would actually be "affordable", and Vafiades replied that 3 of the 12 units would be so priced and the existing unit of the property also qualifies.

C. MacClinchy noted that Unit #4 rear deck steps did not connect to the walkway and he questioned the location of mail boxes. C. MacClinchy asked B. Howard to relate the Fire Department's more recent feedback, and Howard responded that the Fire Department agrees with the revised plan provided the turnaround is created.

Board members then agreed to schedule a public hearing on this application on July 25, 2022.

**Motion: Move that the Planning Board of the Town of Kennebunk consider the application complete for the construction of two triplexes and three duplexes at 44 York Street, Map 54 Lot 129, applicants Pete and Katie Gay, represented by Jason Vafiades of Atlantic Resources Consultants.**

**Moved:** D. Smith

**Second:** R. Smith

**Vote: Roll-call vote, 5 in favor, none opposed; the motion passed.**

After the vote, R. Smith asked J. Vafiades to be sure to provide “narrative” during the public hearing to explain the difference between “market-range rents” and “affordable rents”. R. Smith specifically called on Vafiades to define, explain, and quantify this project’s “affordable housing”, and J. Vafiades agreed to do so.

**3. Approval of Meeting Minutes**

C. MacClinchy then led the Board in a review of the minutes of its June 13, 2022 meeting. Board members identified several errors, and corrections were duly made.

Motion: **Move that the Planning Board of the Town of Kennebunk approve the minutes of its June 13, 2022 meeting as corrected.**

Moved: D. Smith

Second: R. Metcalf

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

**4. Other Business**

B. Howard reminded the Board that it needed to entertain proposed zoning changes at its next meeting and, at some later date, to take up the housing topics raised in Maine Law LD 2003. Howard also reported that a Town workshop on housing was taking place at the Waterhouse Center on Wednesday, June 29<sup>th</sup>, 2022 at 6:00pm. The workshop is being organized by Select Board member Kortney Nedeau. It will elicit public feedback on (1) short-term rentals, (2) accessory dwelling units [“ADUs”], as well as (3) affordable, attainable, available housing [“AAA Housing”]. Several Planning Board members affirmed that they would attend the workshop.

**5. Adjournment:** There being no further business, the Chair adjourned the meeting at 8:26pm.

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

Moved: D. Smith

Second: R. Metcalf

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 July 11, 2022

Signed by:  7/25/22  
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PLANNING BOARD

