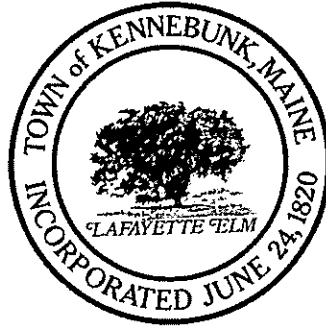


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

July 25, 2022

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 TownHallStreams.com.

Present: Chris MacClinchy [Chair], Richard Smith [Vice Chair], and Janice Vance [Member],
Absent: David Smith [Secretary], Robert Metcalf [Member], Edward Trainer [Alternate]; and
Daniel Kiley [Alternate];
Also Attending: Brittany Howard [Town Planner], Jason Vafiades [Atlantic Resources Consultants],
and Craig Burgess [Sebago Technics].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:04pm on July 25, 2022. The meeting was held in person and there were three voting members present.

2. Agenda Items

- a. **Public Hearing — Special Exception — Heath Road — Map 76 Lot 22 [parent lot]**
B. Howard re-introduced the application of Juan Sebastian Libonatti Lema to fill 4,039 sq. ft. of Priority II wetlands to build a single-family dwelling. The project, she reminded the Board, had been approved in 2018, but had not moved forward and the special exception consequently expired.

Howard reported that, in response to feedback from the Board during its more recent June 13, 2022 hearing of this request, the applicant had submitted additional information

regarding the vernal pools on the property. The applicant likewise amended the owner information on the original submission. The property was currently vacant, Howard said.

For its past 2018 approval, Howard stated, the Board had set two conditions: (1) no tree clearing activity was to occur from July 1 through July 31 of any year to minimize the potential impact on the area's bat population; and (2) applicant was likewise directed to provide signage identifying the 100-ft. buffer around Vernal Pool #1.

B. Howard likewise reported that the Conservation Commission had reviewed the applicant's current plans and asked him to include the results of the vernal pool survey in his application packet. This was provided in the recent submittal. The Fire Department had opined as well, reporting that the applicant would need to commit to keep the access road clear after snowfalls. The Army Corps of Engineers and DEP permits, Howard stated, were still valid.

Owner and applicant Juan Sebastian Libonatti Lema then addressed the Board, stating that he primarily sought approval for an internal road to permit him to construct two small cabins. Only a limited number of trees would be cleared, he said.

C. MacClinchy asked the applicant to confirm that he would mark or delineate the 100-ft. perimeter with "permanent metal markers", and the applicant agreed to do so. R. Smith raised the same point, re-iterating that marking the perimeter was highly important.

J. Vance asked if there would be a barrier or low fence to prevent cars from skidding into the pond, and applicant agreed to provide a sketch or rendering of "such a fence, ramp, or similar".

The Chair then opened a public hearing and solicited public comments or questions. Kari Gates, an abutter, asked if the Board was taking into account other factors likely to impact this property's wetlands — to include "the two buildings, themselves, power lines, and so on". "There is more to take into consideration," Ms. Gates opined.

In response, C. MacClinchy explained that the plans for this project show that the proposed cabins would be built on uplands, not wetlands. The Planning Board meeting, MacClinchy added, is to determine the merits of the request for authorization to carry out wetland fill for the internal road only.

There being no other public comment or question, the Chair closed the public hearing and the Board proceeded to Findings of Fact.

Town Of Kennebunk
Planning Board
Special Exception
FINDINGS OF FACT

1. Property Owner: Northshore 22 LP
2. Site Location: Heath Road, in the Suburban Residential (SR) & Shoreland Overlay

3. Assessor's Map: 76 Lots: 22 (parent lot)
4. Description of proposed use: Special Exception and Permit to Fill and Grade in the Shoreland Zone – installation of a driveway with wetland crossings.
5. The Kennebunk Planning Board has reviewed the above noted proposal utilizing the following set of approval criteria from Article 7, Special Exceptions, of the Kennebunk Zoning Ordinance and determined:

- (1) The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility afforded to pedestrians and the operators of motor vehicles;

Met: X Not Met: Not Applicable:

with the following conditions or comments: This is a driveway serving two house

lots.

- (2) The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;

Met: X Not Met: Not Applicable:

with the following conditions or comments: The Town Engineer reviewed has reviewed and approved the erosion control measures as shown on the plan.

- (3) The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

Met: X Not Met: Not Applicable:

with the following conditions or comments:

- (4) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties;

Met: X Not Met: Not Applicable:

with the following conditions or comments:

- (5) The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;

Met: X Not Met: Not Applicable:

with the following conditions or comments:

- (6) The proposed use has no unusual characteristics atypical of the generic use which proposed

use will depreciate the economic value of surrounding properties; and

Met: X Not Met: Not Applicable:
with the following conditions or comments:

(7) If located in the Shoreland Area Overlay District, the proposed use:

(a) will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

Met: X Not Met: Not Applicable:
with the following conditions or comments:

(b) will conserve Shoreland vegetation;

Met: X Not Met: Not Applicable:
with the following conditions or comments:

(c) will conserve visual points of access to waters as viewed from public facilities;

Met: Not Met: Not Applicable: X
with the following conditions or comments:

(d) will conserve actual points of access to waters;

Met: Not Met: Not Applicable: X
with the following conditions or comments:

(e) will conserve the town's Open Space Plan priority areas;

Met: X Not Met: Not Applicable:
with the following conditions or comments:

(f) will avoid problems associated with flood plain development and use;

Met: X Not Met: Not Applicable:
with the following conditions or comments: The property is not in a flood plain.

(g) will protect archaeological and historic resources as designated in the comprehensive plan and State Historic Pres. Office; and

Met: X Not Met: Not Applicable:
with the following conditions or comments:

(h) will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

Met: X Not Met: Not Applicable:
with the following conditions or comments:

- (8) If located in the Resource Protection District, the following additional standards are met for any residential use proposed:

Met: Not Met: Not Applicable: X
with the following conditions or comments: The project area is not located in the Resource Protection District.

- (9) If located in the Branch Brook Aquifer Protection District the proposed use: (a) the proposed use meets the specific requirements set forth in this Ordinance and will be in compliance with all applicable state and federal laws; (b) the proposed use will meet all applicable performance standards; (c) the proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone A.; (d) the proposed use does not involve uses or activities which could cause a violation of the performance standard for pollution levels; (e) any control measures proposed to prevent adverse impacts on water quality are adequate and reliable, considering the threat to water quality which would result if control measures failed; (f) the use will not involve disposal of solid waste, hazardous materials or leachable materials (other than specifically allowed by Ordinance); and (g) oil, fuel, and other petroleum products stored on-site will be properly contained so as to prevent contamination of the groundwater from leaks or spills.

Met: Not Met: Not Applicable: X
with the following conditions or comments: The property is not located in the Branch Brook Aquifer Protection District.

- (10) For Special Exception requests regarding Telecommunications Facilities the Board has considered the following additional issues in making its decision:

Met: Not Met: Not Applicable: X
with the following conditions or comments: This project is not for a Telecommunications

Facility.

6. The Kennebunk Planning Board has reviewed the above noted proposal utilizing the following set of approval criteria from Article 10, Section 3-G Roads, Driveways and Parking Areas of the Kennebunk Zoning Ordinance and determined:

- (1) Existing public roads may be expanded within the legal road right-of-way regardless of

its setback from a water body, tributary stream or wetland.

Met: Not Met: Not Applicable:

with the following conditions or comments: This is not a public road

(2) New roads and driveways are prohibited in a Resource Protection District, except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

Met: Not Met: Not Applicable:

with the following conditions or comments: The property is not located in the Resource Protection District.

(3) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical:

Met: Not Met: Not Applicable:

with the following conditions or comments:

(4) Road and driveway grades shall be no greater than ten (10) percent, except for short segments of less than two hundred (200) feet.

Met: Not Met: Not Applicable:

with the following conditions or comments:

(5) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip:

Met: Not Met: Not Applicable:

with the following conditions or comments:

(6) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient column or heat to erode the road, driveway or ditch.

Met: Not Met: Not Applicable:

with the following conditions or comments:

(7) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis

To assure effective functioning.

Met: X Not Met: Not Applicable:
with the following conditions or comments:

Based upon the above noted findings, the Kennebunk Planning Board votes the following:

Approves:

Approves with conditions: X (3-0)

1. There is to be no clearing activity from July 1 through July 31st of any year, due to the Northern Long Eared Bat
2. The applicant is to install a short fence suitable to prevent cars from sliding off the driveway into the pond; and
3. The applicant shall install metal or permanent markers delineating the 100-ft. buffer perimeter around Vernal Pool #1.

Denies:

APPROVED BY:	_____	DATE:	_____
	_____		_____
	_____		_____
	_____		_____
	_____		_____

****PLEASE NOTE THAT AFTER PLANNING BOARD APPROVAL, THE APPLICANT MUST RECEIVE A CHANGE OF USE PERMIT AND/OR BUILDING PERMIT FROM THE BUILDING INSPECTOR BEFORE BEGINNING WORK AT THE SITE.**

A PERMIT GRANTED BY THE PLANNING BOARD UNDER THE PROVISIONS OF THIS ARTICLE (7) SHALL EXPIRE IF THE WORK OR CHANGE INVOLVED IS NOT COMMENCED WITHIN SIX (6) MONTHS OF THE DATE ON WHICH THE PERMIT IS GRANTED, AND IF THE EXTERIOR WORK OR CHANGE IS NOT SUBSTANTIALLY COMPLETED WITHIN ONE (1) YEAR OF THE DATE GRANTED.**

Motion: Move that the Planning Board of the Town of Kennebunk accept the Findings of Fact and approve this application for a Special Exception to fill in 4,039 square feet of wetlands on Heath Road, Map 76 Lot 22 with the conditions that: (1) there is to be no clearing activity from July 1 through July 31st; (2) applicant is to install a short fence suitable to prevent cars from sliding off the driveway into the pond; and (3) applicant is to install metal or permanent markers delineating the 100-ft. buffer perimeter around Vernal Pool #1.

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

b. Public Hearing – Multi-Family Project – 44 York Street – Map 54 Lot 129

B. Howard then re-introduced the application of owners Pedro and Katie Gay for approval to construct 12 residential units – 2 triplexes and 3 duplexes – on 1.36 acres at 44 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. (or 60,000 sq. ft. in total for 12 units). The zoning, Howard stated, is "York Street Mixed Residential and Commercial". There is an existing building on the site with an office and apartment. This project will have an affordable housing component which allows for a denser development.

The Town Engineer, Howard added, had reviewed consultant Jason Vafiades's response memo [attached], and the Conservation Commission had no comment on the application. To comply with the Fire Department's condition for a turn-around, Howard said, the applicant originally proposed to buy adjacent, abutting property on which the turnaround was to be built but now is proposing a cross connection with a gate and knoxbox.

B. Howard likewise reminded the Board that applicants sought five waivers:

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].

Howard pointed out that the applicants propose to maintain a 20-ft. buffer instead of the 50-ft. perimeter buffer required. This would technically not require a formal waiver, Howard said, as the Planning Board had flexibility on such approvals. Nevertheless, the Town's Ordinance calls for a 50-ft. buffer unless applicants can demonstrate the inability to comply due to lot size, topography, or the impediment of other natural features.

Jason Vafiades, the engineer representing the owners, then addressed the Board, highlighting key features of the project for the benefit of the public. He stated that the abutting land being considered for purchase and the turnaround was owned by the Town and that purchase of that land, consequently, "could be a slow process". Instead of taking on the risk of any delay, the applicants now propose to emergency access *on site* with a locked gate. The owners, Vafiades said, will continue to pursue the acquisition of the abutting land as originally envisioned, but do not want to delay the Planning Board's approval of the project.

J. Vance observed that the driveway had been changed in the plan, but there had not been a revision of the landscaping plan. J. Vafiades responded that he would submit a final landscaping plan.

J. Vance also asked how the owners proposed to differentiate between “market” and “affordable” structures and rents. Owner Pedro Gay responded that there would be little difference in the quality of the structures, but the affordable units may be the middle units in the tri-buildings. He could not provide “hard rent numbers” at this time for the market rate units. “Construction costs are escalating,” Mr. Gay said, “and the rents will hinge on the final, all-in costs.”

R. Smith asked if the project would have sufficient parking now the 2 spaces are being lost to emergency access, and J. Vafiades answered in the affirmative, explaining the project’s parking calculations. R. Smith also asked for confirmation that “at least three of the new units” would be affordable, and J. Vafiades answered in the affirmative again. P. Gay then re-iterated that there would be “few, if any” differences between the affordable and market structures. “There will be no reduction of quality or standards [as regards the affordable units],” Mr. Gay stated.

R. Smith asked if the plan would be amended in anticipation of the possibility of buying the abutting land for the turnaround, and J. Vafiades replied that the current plan would *not* be amended unless the purchase took place imminently. “If the purchase happens,” Vafiades said, “we would come back for a plan amendment.”

R. Smith then encouraged the owners to plant mature trees to afford neighbors “as much visual privacy as possible”. Neither P. Gay nor J. Vafiades commented.

C. MacClinchy posed questions about the lighting to be installed on the rear of the buildings, and J. Vafiades said that most of lights would be 60 watts. “Lighting should not be an issue,” Vafiades assured the Board. J. Vafiades went on to explain how unit decks would be illuminated with “retro-facing lighting” so that light would be focused “backward onto the decks” and not in the direction of neighbors. He also stated they can install privacy screening on top of the railings of the decks.

The Chair then opened a public hearing and solicited public comments and questions. He called on commentators to express their views first, and on applicants to only then respond.

Kenneth Thornton, an abutter on York Street, expressed the view that this project would cause “too much density” and congestion. He specifically asked to know what he would see from his back yard if the project went forward. He asked, too, if Board members were likewise concerned about overcrowding and the impact on privacy.

Jeffrey Pettit, another abutter, voiced similar concerns. “All the decks of this project,” he said, “will be close to my bedroom windows and deck lighting will also be an issue.” The area, Mr. Pettit said, is “becoming overdeveloped”, going from duplexes to triplexes with fewer trees and less visible nature. A fence, he suggested, might mitigate the visual impact.

Deborah Perry, another abutter, expressed concern that the project would add to traffic congestion. Steven Horn, an abutter at 41 York Street, criticized the project on several counts, stating that creating 12 additional residential units in duplexes and triplexes would (1) necessarily result in overcrowding, (2) increase traffic, (3) depress property

values, (4) impair neighborhood safety, and (5) “erode the small town character of Kennebunk”.

There being no other public comments, J. Vafiades then addressed each of the remarks. He used an aerial rendering of the project to show Mr. Thornton where mature trees would stand. “You’ll be the least affected,” Vafiades stated. However, J. Vafiades also offered to take Mr. Thornton on a site walk to explain the project and landscaping in more detail.

In response to Mr. Pettit’s concerns, J. Vafiades said that a fence could be considered and that specialized exterior lighting should prevent light trespassing. As for comments about density and overdevelopment, J. Vafiades assured all parties that “the applicants are strictly keeping within the Town’s development limitations and guidelines”. C. MacClinchy added that voters had recently [June, 2022] approved the Town’s Comprehensive Plan which encourages more housing close to downtown where infrastructure already exists. Added density, MacClinchy stated, is permissible for affordable housing, as well.

J. Vance added that towns in Maine are now required to comply with State law LD-2003 which mandates towns to encourage more density and make more housing available. J. Vafiades then said that the applicants had considered constructing fewer units, but construction costs made the prospect of fewer units financially impractical.

R. Smith agreed that “this is a pretty dense project, but it fits the Town’s zoning” and matches the Town’s voter-endorsed plans for downtown housing. Smith encouraged Town residents to join public discussions and planning about density, housing, and State laws like LD-2003. J. Vafiades volunteered that under LD-2003, the applicants would actually be entitled to build 30 rather than 12 units on this property.

When there were no further comments, the Chair closed the public hearing. R. Smith stated that he agreed with public concerns about density, but opined that J. Vafiades and his team had, in Smith’s view, “done their utmost to situate the buildings and locate landscaping to make these units fit in well in the neighborhood”.

J. Vafiades again volunteered to meet with Pettit, Thornton, and other abutters to show them which existing trees would remain and where new, mature trees would be planted. “If neighbors object to the removal of particular trees,” Vafiades said, “we could consider some alternative”.

The Board then took up each of the waivers sought (however, not in the sequence originally cited):

1. Waiver of Zoning Article 10 Section 9.D.1 requiring unobstructed parking.

J. Vafiades affirmed that each unit would have parking space for one car in its garage and parking space for one car outside on the driveway.

Motion: **Move that the Planning Board of the Town of Kennebunk grant the waiver for 44 York Street of Article 10 Section 9.D.1. by allowing one parking space inside the garages and one space on the driveways.**

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

2. **Waiver of Zoning Article 10 Section 10.C requiring internal roads to be built in accordance with Town Street Design Standards.**

J. Vafiades explained that multi-family projects require wider internal roads — “but that means more asphalt, less greenery, and more speed”. He suggested that a 20-ft wide roadway with a sidewalk should be satisfactory.

Motion: **Move that the Planning Board of the Town of Kennebunk grant the waiver of Article 10 Section 10.C.**

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

3. **Waiver of Article 11 Section 8.6.e requiring multi-family driveway widths of 24 to 30 feet.**

J. Vafiades explained that a larger driveway width would take up needed space and heighten congestion.

Motion: **Move that the Planning Board of the Town of Kennebunk grant the waiver of Article 11 Section 8.6.e requiring a driveway width of 24-30 feet.**

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

4. **Authorization for a 20-ft. buffer perimeter**

J. Vafiades stated that the 50-ft. perimeter otherwise sought by Town Ordinance would intrude on the project’s limited space and make the project unfeasible.

Motion: **Move that the Planning Board of the Town of Kennebunk permit a 20-ft. buffer perimeter as proposed.**

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

5. **Waiver of Article 10 Section 23 Design Review.**

J. Vafiades justified this waiver as access to the buildings would be via Day Street, not York Street.

Motion: Move that the Planning Board of the Town of Kennebunk grant a waiver of Article 10 Section 23 as requested.

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

6. **Waiver of Article 11 Section 6.B.3 requiring high intensity soil mapping.**

J. Vafiades stated that high-intensity soil mapping and a nitrates assessment for a septic system were not required as the units would have public water and sewer.

Motion: Move that the Planning Board of the Town of Kennebunk grant a waiver of Article 11 Section 6.B.3 as requested.

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

After these deliberations, the Board took up this motion:

Motion: Move that the Planning Board of the Town of Kennebunk approve the preliminary plan for the application of the multi-family project at 44 York Street, Map 54 Lot 129.

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

c. **Preliminary — Special Exception — 165 High Street — Map 64 Lot 01**

B. Howard then re-introduced the application to fill 192 sq. ft. of Priority III wetlands to facilitate the construction of a single-family house at 165 High Street. The zoning, Howard said, is "Branch Brook Aquifer Protection District Zone A & B" as well as "Shoreland Overlay District".

The Planning Board, Howard reminded members, had first heard this application on June 27, 2022. Howard explained that applicants Sylvain and Maxine Theriault had updated their plan per the Board's requests. Feedback has since been received from the Conservation Commission and Town Engineer. The applicants, Howard stated, had also solicited feedback from the Maine DOT, but had yet to receive that agency's response.

Manon Cote, wife of applicant Sylvain Theriault, distributed a revised plan which incorporated the comments of the Town Engineer and addressed the Planning Board's comments from its July 5th, 2022 site walk. The revised plan contained additional notes. The emergency turnaround had been added with an amended radius. The well had been located further away from the leach field. There was, as well, detail regarding the culvert.

In response to questions from J. Vance, M. Cote affirmed that the yellow lines on the revised plan depict the proposed boundary line between Lots A and B. Vance also inquired about the comments of the Conservation Commission, but M. Cote said she was not sure how to respond as the Commission's comments were unclear.

C. MacClinchy said he was satisfied with the applicants' submissions. MacClinchy nevertheless had questions about the Town Engineer's comments concerning the culvert and drainage. However, the applicants could not respond to MacClinchy's engineering questions, and representatives of Longview Partners, the applicant's engineering consultants, were not in attendance. R. Smith urged the applicants to have Longview Partners present at future meetings to answer such questions.

The Board then agreed to hold a public hearing on the proposal on Monday, August 22, 2022.

d. Preliminary — Special Exception — Port Road — Map 79 Lot 40

B. Howard next re-introduced the application of Jim Logan to fill 4,299 sq. ft. of Priority III wetlands to permit construction of a single-family house on Port Road. The Board had originally heard this application on June 13, 2022.

The applicant, Howard affirmed, had amended the plans per the Board's prior recommendations and added a note regarding the rock sandwich. The Board had also conducted a site walk of the property on June 16, 2022.

Property owner Wayne Berry addressed the Board next, confirming his responses to the Board's prior meeting and site-walk comments. He stated that the size of the rock sandwich would be determined "after the area is opened up".

C. MacClinchy posed questions about the rock sandwich and gravel covering, and W. Berry showed the Board where this information is provided on the plan. J. Vance asked whether maintenance inspections of the rock sandwich would take place annually or bi-annually. Vance also opined that the maintenance responsibility for the sandwich and the inspection frequency should be set forth in writing. W. Berry agreed to amend the plan to state that annual inspections would take place.

C. MacClinchy also asked that applicant add a radius number on the plan regarding the proposed turnaround. The Board then scheduled a public hearing on this application for Monday, August 22, 2022.

e. Preliminary — Subdivision Amendment — Homes at West Meadow

B. Howard then introduced the application of Chinburg Development LLC to revise an already approved plan to include provision of a drainage easement to Lots #2 and #3 for the benefit of Lots # 1, #2, and #3.

The Planning Board, Howard said, had approved this subdivision on November 19, 2021. However, Article 14 of Kennebunk's Subdivision Regulations states that for "minor modifications of the approved plan such as moving lot lines, street alignment, building window

configuration, or other minor alterations which do not result in additional lots or dwellings, the procedures for final plan approval for a minor subdivision shall be followed.”

Howard affirmed that the applicant was not proposing to add lots or dwellings – only the drainage easement.

Craig Burgess, representing the owners, explained that the applicants seek to create full basements for the houses on the three lots and, hence, seek the drainage alteration to keep the basements dry. The three lots would share a single drainage system and conduit.

C. MacClinchy asked where the water would go, and C. Burgess explained that this “French-style drain” would move the water underground to “drain naturally” on Lot #3. MacClinchy asked if this meant that increased amounts of ground water would likely accumulate on Lot #3. C. Burgess responded in the negative, stating that this “is strictly a foundation drain, not a culvert system”. Burgess further ventured that the amount of water produced by this drainage would be negligible.

C. MacClinchy nevertheless repeated his concern that tri-dwelling drainage might result in more surface ground water accumulating on Lot #3. B. Howard affirmed that the Town Engineer, C. Osterrieder, did not have a problem with the drainage proposal. “It’s something not typically addressed in most plans,” C. Burgess added, “since the amount of water produced is minor.”

R. Smith asked for confirmation of how much water would specifically to be moved to the surface. However, C. MacClinchy countered that the Planning Board should defer to the opinion of the Town Engineer. “If the Town Engineer is okay with it,” MacClinchy said, “we should be, too.”

Board members then agreed to hold a public hearing on the application on August 22, 2022 and proceeded to the following motion.

Motion: Move that the Planning Board of the Town of Kennebunk consider the preliminary review for the Subdivision Amendment, West Meadow, Map 30 Lot 176 to be complete with the condition that the Town Engineer signs off [on the proposal].

Moved: J. Vance

Second: R. Smith

Vote: Roll-call vote, 3 in favor, none opposed; the motion passed.

3. Approval of Meeting Minutes

C. MacClinchy then led the Board in a review of the minutes of its July 11, 2022 meeting. Board members identified several word omissions, and corrections were duly made.

Motion: Move that the Planning Board of the Town of Kennebunk approve the minutes of its July 11, 2022 meeting as corrected.

Moved: J. Vance

Second: R. Smith

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

4. Other Business

- a. **Climate Action Plan Task Force:** B. Howard next reported that on April 22, 2022 the Governor’s Office had awarded State funding to a consortium of four southern Maine municipalities – Kennebunk, Kennebunkport, Kittery, and Biddeford – to create a Climate Action Plan [CAP]. A public engagement consultant will coordinate with the four communities to help develop the Plan.

As part of this program, Howard explained, each community is required to create a “Climate Action Plan Task Force”. Task Force members will work with the engagement consultant to (1) involve the community, (2) garner community support and input, (3) help identify and recommend specific mitigation measures, (4) develop specific goals for Kennebunk’s own Climate Action Plan, and (5) serve as a liaison to the Town’s Select Board throughout the process.

The Select Board, Howard added, had formally created this Task Force at its [the Select Board’s] July 12, 2022 meeting. The Planning Board was now required to appoint its representative.

Members agreed to table the appointment of a representative until more members were present. There was no vote or postponement motion.

- b. **Virtual Workshop:** C. MacClinchy then reported that a “virtual workshop” was taking place on Tuesday, August 9, 2022 from 5:00 to 6:00pm on the topic of “York Country Coastal Planning”. B. Howard will provide the Internet link for participation.

5. Adjournment: There being no further business, the Chair adjourned the meeting at 9:40pm.

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, 3 votes in favor, none opposed; the motion carried.

Respectfully submitted by
J. Schlagheck, Clerk

Adopted by the Planning Board in its Meeting of August 22, 2022

Signed by:  9/7/22

PLANNING BOARD

