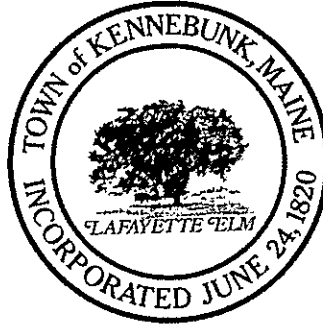


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

August 14, 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]; Janice Vance [Secretary], Robert Metcalf [Member], Edward Trainer [Member], and Daniel Kiley [Alternate];

Absent: None;

Also Attending: Brittany Howard [Town Planner].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on August 14, 2023. The meeting was held in person at Town Hall. There were five [5] voting members in attendance: MacClinchy, Smith, Vance, Metcalf, and Trainer.

2. Agenda Items

a. Contract Zone — Kennebunk Savings Bank — 7 Alewife Park Road — Map 27 Lot 14

B. Howard offered a brief update on the status of this application. The applicant, Kennebunk Savings Bank, had introduced this proposal for a Contract Zone on February 13, 2023. The Planning Board reviewed it on May 22, 2023, June 26, 2023 and July 24, 2023. The Board also conducted a site walk on June 8, 2023.

At the conclusion of the Public Hearing on the proposal on July 24, 2023, the Planning Board asked the applicant to revise its proposal so there was clear language affirming that one lot ["Lot #2"] would be conveyed to the Land Trust and would not be developed. This and other revisions were to be reviewed by the Planning Board, Howard said, at today's meeting. However, the applicant requested an extension of this next review

until September 25, 2023 to give the Bank more time to continue its outreach initiatives in the community and better explain the housing plan to abutters and the public at large.

Howard reminded the Board that, in accordance with Article 13 Section 2.C.4 of Kennebunk's Zoning Ordinance, the Board had 120 days from the date of such an application to act on it unless the Board and the applicant agreed to extend the timeline. This application will reach 120 days on September 1, 2023. Howard therefore suggested that the Board consider the applicant's request for an extension and review postponement.

Motion: Move to approve Kennebunk Savings Bank's request for a three [3] month extension.

Moved: J. Vance

Second: R. Metcalf

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

After the vote, R. Smith clarified that the 3-month extension would begin on September 1, 2023.

b. Contract Zone – Wedding Cake House – 104 Summer Street – Map 81 Lot 16

B. Howard reminded members that this request for a Contract Zone was first heard by the Planning Board on June 26, 2023 and Public Hearing on July 24, 2023. Applicants Hunt and Katie Edwards sought approval for a Contract Zone to use the property as a "community venue".

The applicants, B. Howard said, intended to resubmit documentation for additional review within their application's 120-day time line. No specific meeting date was agreed upon or stipulated. No motion was considered.

c. Public Hearing – Subdivision Revision – Lois Lane – Map 39 Lot 61

The Board changed the sequence of the meeting and moved this application to the end of the agenda to give the applicants time to join as they were not in attendance. When the applicants advised by email much later in the meeting that they would not attend due to an emergency, Board members agreed to continue this application until August 28, 2023.

B. Howard advised the public that abutters' notices about the August 28th review date would not be posted as this was a continuance.

d. Public Hearing – Special Exception – Kennebunk Land Trust Board Walk – Cole Road – Map 3 Lot 7

This proposal had come before the Board for preliminary review on July 10, 2023 and Board members conducted a site walk on July 19, 2023. At today's review, Sandy Gilbreath, Executive Director of the Land Trust, briefly summarized the application, explaining that the Land Trust sought authorization to install a 320-ft. "boardwalk" on preservation land to guide the movement of visitors and help keep them off make-shift paths and muddy areas.

S. Gilbreath showed photos of the locations where the boardwalk would be installed. She affirmed that the structure would conform to "standard park and preservation guidelines" for such walkways. The boardwalk would primarily be built of cedar wood, she added.

J. Vance asked if signage would be erected asking visitors to restrain their dogs during nesting season in accordance with Maine Inland Fisheries and Wildlife [IFW] recommendations. S. Gilbreath responded that "standardized" signs to this effect would, indeed, be posted.

R. Smith and E. Trainer thanked the Land Trust for its thorough presentation and due diligence. C. MacClinchy then opened a Public Hearing and invited public comments and questions. Paul Magee, a public commentator, voiced support for the boardwalk as a means of affording visitors a view of the large pond at this site.

There being no other public comments or questions, C. MacClinchy formally 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: Kennebunk Land Trust
2. Site Location: Cole Road, in the Resource Protection (RP) & Shoreland Overlay
3. Assessor's Map: 3 Lots: 7
4. Description of proposed use: Special Exception – installation of a boardwalk along Alewife Pond – Alewife Woods Preserve.

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:.

- (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 applicant provided an erosion control plan and recommendations were provided by Maine DEP about how to manage erosion during the project. The applicant will follow those instructions.

- (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: The proposal has been reviewed by Inland Fisheries and Wildlife and Maine DEP and the applicant will follow the recommendations regarding protection of wildlife habitat such as signage, etc.

- (b) will conserve Shoreland vegetation;

Met: X Not Met: Not Applicable:
with the following conditions or comments: The proposal is to build a boardwalk so as to provide access to the shoreline while preserving shoreline vegetation with as minimal disturbance as possible.

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

Met: X Not Met: Not Applicable:
with the following conditions or comments: The intent is to provide better access to waters from these public facilities.

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

Met: X Not Met: Not Applicable:
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: The project enhances and allows more access and easier access to the Towns open space areas.

(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: The applicant will provide the archeological survey letter to the Town Planner as requested by the State Historic Preservation Office.

(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: See (a) above.

(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: This section is not applicable as the proposal is not for any residential uses.

(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 per-

formance 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:
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:
with the following conditions or comments: This project is not for a Telecommunications Facility.

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

Approves:

Approves with conditions: (5-0)

1. The Maine DEP permit shall be submitted once approved and prior to construction.
2. The applicant shall follow the Maine DEP recommendations regarding construction timeline and erosion control (best management practices), etc. .
3. The applicant shall follow the Inland Fisheries and Wildlife recommendations with regards to constructions, signage, etc.
4. The archeological letter shall be submitted to the Town Planner.

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 ONE (1) YEAR OF THE DATE ON WHICH THE PERMIT IS GRANTED, AND IF THE EXTERIOR WORK OR CHANGE IS NOT SUBSTANTIALLY COMPLETED WITHIN EIGHTEEN (18) MONTHS OF THE DATE GRANTED.**

During the above discussion, Board members agreed to the following conditions of approval: (1) The Maine DEP permit shall be submitted once approved and prior to construction; (2) The applicant shall follow the Maine DEP recommendations regarding construction timeline and erosion control (best management practices), etc.; (3) The applicant shall follow the Inland Fisheries and Wildlife recommendations with regards to constructions, signage, etc. (4) The archeological letter shall be submitted to the Town Planner.

Motion: **Move to approve the special exception application, Findings of Fact, and site plan of the Kennebunk Land Trust for the construction of the proposed boardwalk subject to the conditions cited above.**

Moved: J. Vance

Second: R. Metcalf

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

3. Prior Meeting Minutes

C. MacClinchy next led the Board in a page-by-page review of the minutes of its meeting of July 24, 2023. R. Metcalf questioned one line in these minutes.

Motion: **Move to approve the minutes of July 24, 2023 with one line to be double-checked by the meeting clerk.**

Moved: J. Vance

Second: R. Metcalf

Vote: **Show of hands vote, 4 in favor, none opposed, 1 abstention [E. Trainer had not attended the 7/24/23 meeting]; the motion carried.**

4. Other Business

The Board next discussed member attendance at the "Municipal Client Seminar" to be held in Portland, Maine on September 14, 2023. A number of housing topics to include LD 2023 will be explored at the workshop.

B. Howard reported that hard copies of the Town's Zoning Ordinance would be available at the Board's next meeting. Howard additionally noted that October 9, 2023 was a holiday ("Indigenous Peoples' Day"), hence no Planning Board meeting would take place. She also reminded members that the Town was hosting a "Volunteer Appreciation" event on August 30, 2023 at the Waterhouse Center.

5. Adjournment:

There being no further business, the Chair adjourned the meeting at 7:55pm.

Motion: **Move to adjourn.**

Moved: J. Vance
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 August 28, 2023

Signed by:  8/28/23

PLANNING BOARD