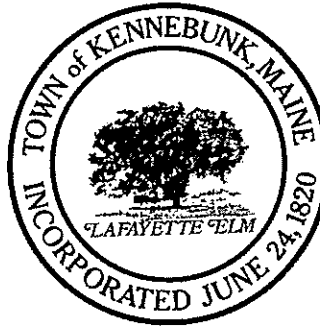


# Town of Kennebunk, Maine



## Planning Board

### MEETING MINUTES

August 28, 2023

In Person Meeting, Town Hall, Room 301, 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]; Janice Vance [Secretary], Edward Trainer [Member]; and Daniel Kiley [Alternate];

Absent: Robert Metcalf [Member];

Also Attending: Brittany Howard [Town Planner], Austin Fagan [Bh2m], 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 August 28, 2023. The meeting was held in person at Town Hall. The number of voting members in attendance was initially four: MacClinchy, Smith, Vance, and Trainer.

## 2. Agenda Items

### a. Final Review — Special Exception — Jeffrey's Way — Map 62 Lot 19

B. Howard re-introduced this application for authorization to fill 605 sq. ft. of wetland for a driveway crossing. The Board, she said, had reviewed the application on April 10, 2023, held a site walk on April 15, 2023, and held a Public Hearing on the application on June 12, 2023.

At the Public Hearing, the Board requested several kinds of supplemental and support documentation. The applicants, Howard said, had provided it. The applicants had specifically included language in the plan which prohibits parking and snow storage in the turnaround area. They supplied an approved Army Corps Permit as well as the results of soil tests proving that installation of the septic system was feasible.

J. Vance inquired about the likely construction dates and A. Fagan responded that the applicants did not have specific dates in mind, but proposed to sell the lot — if this application were approved — without first constructing a roadway.

R. Smith remarked that Note 16 of the plan concerning road damage called for enforcement by the Town's Code Enforcement Office. The Code Enforcement Office, Smith said, had no such enforcement authority. C. MacClinchy concurred. A. Fagan agreed to strike the "code enforcement" part of the Note language.

E. Trainer also posed questions about the roadway. "Are we building a road to nowhere?" Trainer asked. A. Fagan responded that the permit to build a roadway was sought to help make the land marketable. According to A. Fagan, the eventual buyers, not the present owners, would build the road according to plan.

Board members also posed questions about landscaping. A. Fagan said that a 5-ft. high "vegetation buffer" would be installed, but specific plants were not named in the plan. J. Vance opined that landscaping along the downslope side of the property near the wetland should have planting specificity.

B. Howard ventured that a "wetland mix" or deer-resistant shrubs were typically installed by other applicants needing to protect wetlands from downslope water run-off.

After discussion, members agreed that specific types of wetland mix and/or deer-resistant vegetation should be cited in the plan for wetland protection, but left the detail up to the applicants and their landscaping advisors. Members then proceeded to Findings of Fact.

**Town Of Kennebunk  
Planning Board  
Special Exception  
FINDINGS OF FACT**

1. Property Owner: Mike and Julie MacKinnon
2. Site Location: Jeffreys Way, in the Rural Residential (RR), Resource Protection (RP) and Shoreland Overlay
3. Assessor's Map: 24 Lot: 56
4. Description of proposed use: Special Exception and Permit to Fill and Grade in the Shoreland Zone – the installation of a driveway to access uplands with a 605 sq. ft. wetland fill.
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:

- (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: The proposal is for a single family house in a neighborhood of single family homes.

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

- (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:

(f) will avoid problems associated with floodplain development and use;  
Met: X Not Met: \_\_ Not Applicable: \_\_  
with the following conditions or comments: The property is not located 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 proposed single family home is located outside the Resource Protection district.

(9) If located in the Branch Brook Aquifer Protection District the proposed use:  
Met: \_\_ Not Met: \_\_ Not Applicable: X  
with the following conditions or comments: The property is not in the Branch Brook Aquifer 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: The application is not for the installation of a Telecommunications Facilities.

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: X  
with the following conditions or comments: This application is for a driveway 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: X Not Met:    Not Applicable:

with the following conditions or comments: The site of the driveway crossing is at the narrowest point of the wetland.

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

Met: X 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: X 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: X 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: X 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: Details of the maintenance plan are shown on the plan.

7. The Kennebunk Planning Board has reviewed the above noted proposal utilizing the following set of approval criteria from Article 15, Wetland Mitigation, of the Kennebunk Zoning Ordinance and determined:

(1) The project will not fill or disturb a Wetland of Special Significance or its setback

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

Rationale for negative determination:

(2) For projects that fill or disturb one (1) to four hundred and ninety-nine (499) square feet of wetland the applicant has made a clear showing that:

(a) No reasonable alternative exists and no greater setback from the shoreland/wetland area can be achieved. The applicant shall provide evidence that the following alternatives are not feasible:

- i. Utilizing, managing or expanding one (1) or more other sites that would avoid or reduce the wetland impact.
- ii. Reducing the size, scope, configuration or density of the project as proposed, thereby avoiding or reducing the wetland impact.
- iii. Developing alternative project designs, such as cluster development that avoids or lessens the wetland impact.

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

Rationale for negative determination: The wetland impact is unavoidable to gain access to the upland areas outside the Resource Protection

(b) The project meets all applicable Federal and State permit requirements, and the applicant provides evidence that those agencies have approved the application.

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

Rationale for negative determination: The applicant provided documentation with their submittal.

(3) In addition to meeting the criteria in Subsection 2 of this Section, for projects filling or disturbing from five hundred (500) to fourteen thousand, nine hundred ninety-nine (14,999) square feet of wetland, or as otherwise required by the reviewing authority, the applicant shall submit a wetland compensation plan showing proposed compensation measures (as set forth in Section 4.C) to be taken to offset potential adverse environmental impacts to the resource. Mitigation includes the preservation of upland adjacent to the affected wetland, and compensating for an impact by replacing or restoring affected resources.

The reviewing authority may consult with technical experts, including but not limited to a wetlands consultant, during the course of its review of the project to ensure that proposed methods of compensation are adequate. The applicant is responsible for reimbursing the Town for all consulting fees charged to the Town for this review.

Standard is met X, not met\_\_\_, N/A\_\_\_\_\_, met with following conditions and or waivers: The applicant is choosing to pay in lieu of preservation. The fee is determined to be \$3,611.85 which will be due upon issuance of the shoreland permit. This project is for a wetland fill of 605 square feet.

Rationale for negative determination:

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

Approves:

Approves with conditions:   X   (5-0)

1. Note #16 be revised to remove the language referring to the Code Enforcement Officer and enforcement of the road conditions by the Town.
2. Revising and adding more detail to the landscaping plan. To revegetate and provide a landscaping buffer to the neighbors and adequate protection to the wetland on the southern portion of the driveway.

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.\*\***

In establishing these Findings, members agreed upon two conditions of approval: (1) Note 16 of the plan was to be revised to eliminate mention of Kennebunk's Code Enforcement Office as the enforcement agency; and (2) more landscaping detail was to be added to the plan for the privacy buffer for neighbors as well as for the downslope landscaping meant to protect the wetland.

**Motion: Move to approve the Town of Kennebunk Planning Board's Special Exception application and Findings of Fact for Mike and Julie McKinnon, Jeffrey's Way, to fill in and grade in the Shoreland Zone and install a driveway to access uplands with a 605 square ft. wetland fill as conditioned.**

Moved: J. Vance

Second: R. Smith

**Vote: Show of hands vote, 4 in favor [MacClinchy, Smith, Trainer, Vance], none opposed; the motion carried.**

**b. Public Hearing continued --- Subdivision Revision --- Lois Lane --- Map 39 Lot 61**

B. Howard reminded the Board that this was an application for an amendment of an already approved subdivision plan for Longwood Terrace #4, 17 Rosewood Circle. The amendment specifically sought to change the proposed building's site location to rotate the building closer to the driveway and slightly closer to the wetland setback.

The Planning Board, Howard said, had held a preliminary review of this application on June 26, 2023 and a Public Hearing on August 14, 2023. The latter was continued because the applicant has an emergency.

B. Howard noted that the Fire Chief had opined on the application as well. D. Kiley inquired about parking in front of the garage as it could impede turnaround for emergency vehicles. Applicant Liimatainen responded that a note in the plan obligated the owners to keep the turnaround area clear at all times.

R. Smith expressed concern about the turnaround area as well. Smith observed that a car parked on the right side of the driveway might, indeed, impede turnaround. However, Smith said he would defer to the Fire Chief's approval.

C. MacClinchy then formally opened a Public Hearing and invited public comments and questions. As there were none, MacClinchy closed the Public Hearing. The presiding officer elevated D. Kiley, an Alternate Member, to voting status for the remainder of this meeting, and members proceeded to Findings of Fact.

## **Town of Kennebunk Planning Board**

### **FINDINGS OF FACT AND CONDITIONS OF APPROVAL**

**FINAL RE-SUBDIVISION PLAN OF: Longwood Terrace #4 - Johnson – 17 Rosewood Circle - Amendment**

Subdivision Name

1. Property Owner: Kyle Liimatainen & Anna Ivanova has shown shown legal interest in the property (deed).
2. Site Location: 3 Lois Lane
3. Size and # of lots/units: The relocation of a building footprint
4. Zoning District (s): Village Residential and Shoreland Overlay
5. Assessor's Map: 39 Lot: 61
6. Applicant: Kyle Liimatainen
7. INFORMATION REVIEWED BY PLANNING BOARD:
  - Staff reviews (Engineer, Planner, Fire Department): X
  - Site Walk completed by Board: N/A
  - Public Hearing: X - 8/23/2023



CONDITIONS:

An updated grading plan shall be submitted before the issuance of a building permit.

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 \_\_\_\_\_, met with following conditions and or waivers  
There is no change from the previous approval.  
 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 \_\_\_\_\_, met with following conditions and or waivers  
 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 \_\_\_\_\_, met with following conditions and or waivers  
 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 \_\_\_\_\_, met with following conditions and or waivers  
An updated grading plan shall be submitted before the issuance of a building permit.  
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 \_\_\_\_\_, met with following conditions and or waivers  
There is no change from the previous approval.  
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 \_\_\_\_\_, met with following conditions and or waivers  
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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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  N/A , not met \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, met with following conditions and or waivers

No changes from the previous approval.

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

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

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

No changes from the previous approval.

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 \_\_\_\_\_, met with following conditions and or waivers

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

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

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

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  N/A , not met \_\_\_\_\_, 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  N/A , not met \_\_\_\_\_, 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  N/A , not met \_\_\_\_\_, 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  N/A , not met \_\_\_\_\_, 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) – **N/A the project is not a multi - family or non-residential subdivision. The project is for a single family house.**

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

The Final Plan Application of

**Longwood Terrace #4 – Johnson – 17 Rosewood Circle - Amendment**  
**Subdivision Name**

In establishing the above Findings, members agreed to one condition of approval: namely, that an updated grading plan be submitted before a building permit were issued.

Motion: **Move to approve the Town of Kennebunk Planning Board Findings of Fact and conditions of approval and subdivision plan for Longwood Terrace #4, 17 Rosewood Circle, amendment for the relocation of a building footprint, as conditioned.**

Moved: J. Vance

Second: R. Smith

Vote: **Show of hands vote, 5 in favor [Smith, Vance, Trainer, Kiley, MacClinchy], none opposed; the motion carried.**

**c. 7 Traditional Lane – Approval Discussion**

B. Howard next re-introduced the application of James Logan which had been approved by the Planning Board on July 24, 2023 for the division of property at 7 Traditional Lane into three [3] lots. The applicant, Howard said, sought clarification about the Board's approval.

C. MacClinchy stated that the minutes of the July 24, 2023 meeting made clear that the approval was expressly for the creation of three lots and not any road construction. Applicant James Logan countered that bank financing would only be available if and when his plan was approved and at least a road foundation installed. Logan said that he had misunderstood the Board's July approval and believed that it permitted him to begin removing trees and putting in the road foundation or base.

R. Smith interjected that the applicant's representative, Lucian Langlois, had clearly stated at the July 24<sup>th</sup> meeting that "no road construction" would take place until the lots were sold.

C. MacClinchy asked if the applicant could provide detail about the water and sewer lines to be installed. The applicant responded that he did not have that information, but could obtain and provide water line detail within two [2] weeks, but not, however, sewer line detail. Obtaining the sewer detail, he said, would take longer.

MacClinchy re-iterated the Board's "deep respect" for the applicant's professionalism and past interactions with the Board. However, the Chair also stated that it would be hard for the Planning Board "to approve a road without detailed plans for the roadway along with water and sewer detail".

J. Vance inquired about the proposed road foundation base. Didn't the applicant need to install water and sewer lines at the same time the road foundation was built? she asked. J. Logan responded that the road base needed to be installed first, and the water and sewer lines only afterward.

R. Smith observed that the Planning Board was not disposed to approve wetland fill unless there was a clear development plan and buyers ready to acquire the lots and develop the property. J. Logan responded that he was already in discussion with prospective buyers and counted on selling the properties.

C. MacClinchy inquired about the prospective buyers. J. Logan responded that they were landscaping firms. However, Mr. Logan also stated that a Town Code Enforcement Officer had voiced concern about property usage in this zone. B. Howard read passages from the Town's Ordinance about permissible uses.

C. MacClinchy then suggested that the Planning Board might act favorably on Mr. Logan's request and "reconsider our approval" provided that the applicant: (1) submit a water line plan; (2) provide some detail about the sewer line (sometimes described as "even an email from the Sewer District"); and (3) come before the Planning Board and public again at another Public Hearing. C. MacClinchy and B. Howard added that a second Public Hearing could take place on September 25, 2023 or October 23, 2023. The Board made clear that B. Howard would need Mr. Logan's water and sewer information at least two [2] weeks before either date.

No motion was entertained. Mr. Logan thanked the Board for its consideration.

**d. Workshop – Zoning Discussion**

B. Howard next called on Board members to begin considering possible improvements or changes to Kennebunk's Zoning Ordinance which members might wish to advance to the Select Board and public at large for approval. Discussion ensued, and members identified the following items which, they said, warranted consideration and further research:

- (1) Establish more clarity about the Contract Zone approval process [J. Vance];
- (2) Review the Board's Findings of Fact language with the Town Attorney to ensure that the Board's language is "legally correct", in need of finer-tuning, or in need of added specificity [R. Smith and D. Kiley];
- (3) Consider organizing joint board and commission reviews — for example, joint Planning Board and Historic Preservation sessions — to streamline the review process for applicants [J. Vance];
- (4) Re-consider the merger of Kennebunk's Planning and Site Plan Review Boards given the vacant positions on both boards and the infrequency of Site Plan sessions [R. Smith];
- (5) Set standards for small cell phone towers [J. Vance];
- (6) Review setback and landscaping buffer standards in different zones [B. Howard];

- (7) Ensure that ADU and related housing standards are in alignment with State laws and re-consider a “proportional ADU cap” vis-à-vis the size of the principal residence on a property [E. Trainer and C MacClinchy];
- (8) Create a list of permitted land uses in all zones [J. Vance];
- (9) Compare Zoning standards with Comprehensive Plan priorities [C. MacClinchy]; and,
- (10) Propose standards for lighting on docks [C. MacClinchy].

Members agreed to discuss these items further at a later date.

### 3. Prior Meeting Minutes

C. MacClinchy next led the Board in a page-by-page review of the minutes of its meeting of August 14, 2023. No errors were identified.

Motion: **Move to accept the minutes of August 14, 2023 as presented.**  
Moved: J. Vance  
Second: R. Smith  
Vote: **Show of hands vote, 5 in favor, none opposed; the motion carried.**

### 4. Other Business

B. Howard reminded the Board that the Town was honoring its volunteer board and committee members with an “Appreciation Event” on August 30, 2023 at 5:30pm.

Howard also reported that the Municipal Client Seminar will take place at the Double Tree Hotel in South Portland on September 14, 2023.

### 5. Adjournment:

There being no further business, the Chair adjourned the meeting at 9:22pm.

Motion: **Move to adjourn.**  
Moved: J. Vance  
Second: R. Smith  
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 September 11, 2023

Signed by:

  
\_\_\_\_\_  
PLANNING BOARD

