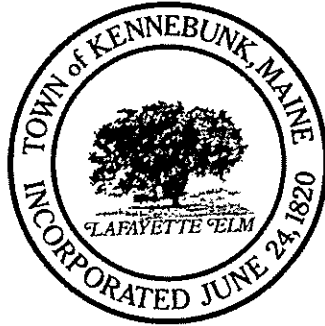


# Town of Kennebunk, Maine



## Planning Board

### MEETING MINUTES

September 12, 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], David Smith [Secretary], Robert Metcalf [Member], Janice Vance [Member], and Edward Trainer [Alternate];

Absent: Richard Smith [Vice Chair], and Daniel Kiley [Alternate];

Also Attending: Brittany Howard [Town Planner], Steve Doe [Sebago Technics], and Greg Patterson [Patco Construction Inc.].

- 1. Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on September 12, 2022. The meeting was held in person and four voting members were initially present: C. MacClinchy, J. Vance, R. Metcalf, and D. Smith. C. MacClinchy first explained the procedural sequence of the meeting: (1) brief overviews of each application by the Town Planner; (2) comments by the applicants, themselves; (3) Board questions; (4) a public hearing on each item so the public could voice comments and questions; (5) applicants' responses to Board and public remarks; and (6) the Board's concluding comments and action (if any).

## 2. Agenda Items

### a. Public Hearing — Subdivision Revision — 4 Peyton Way and 284 Alfred Road — Map 17 Lots 72 and 21

B. Howard re-introduced this application, reminding the Board that applicants Paul and Chris Hollis sought a lot line revision to an already approved minor subdivision plan. The Planning Board had approved this subdivision on February 18, 2021. The Board

subsequently gave its preliminary approval of the lot line revision at its August 8, 2022 meeting. Since then, the Town Attorney had recommended a changes to the language in Note 18 of the plan so that: (1) the land to be conveyed to Mousam River Campground [MRC] Partnership would be solely used as a buffer; (2) said land is to stay in its natural state with no permissible site work or construction; and (3) the present and future owners of the land would only have the right to remove dead trees or limbs.

Paul Hollis, the developer, then addressed the Board to explain the lot line change in more detail. He re-iterated that Note 18 of the plan had been added with the limitation language recommended. He also reported that a minor language change was also needed on the deed to align it with the plan's language.

D. Smith urged the applicant to add Plan Note 19, as well, to state that "no vehicles, trailers, boats, water craft, snow machines, storage units, or ice sheds" would be permitted in the Emergency Vehicle Turnaround area. That language was subsequently simplified to state that "no cars, trucks, trailers, recreational or sports vehicles, storage or other structures" were permitted. P. Hollis agreed to include the new note. The Board further simplified the language by directing the Town Planner to provide Mr. Hollis with "the standard language for keeping a turnaround area clear".

D. Smith also observed that the letter from the MRC acknowledging the limitations on the use of the land did not cite the more extensive limitation language contained in Note 18. He called on the applicants to inform the MRC of the discrepancy and obtain a revised MRC acknowledgement.

J. Vance, E. Trainer, and C. MacClinchy had no questions. The Chair then formally opened a public hearing and invited public comments and questions. Bryan Collin of 1 Wisteria Lane asked the Board to clarify the non-development limitation cited in Note 18. C. MacClinchy explained that Note 18 prohibits any site development, construction work, and any other development on the buffer land being conveyed to MRC.

There being no other public comments, the Chair formally closed the public hearing. C. MacClinchy elevated alternate member E. Trainer to voting status for the purpose of this meeting. The number of voting members consequently became five. Board members then enumerated the several conditions of approval cited in this meeting:

- (1) P. Hollis is to convey to the MRC the correct language to be cited in its acknowledgement of the conveyed land's development limitations and will seek an amended acknowledgement from the MRC with the correct, fuller language;
- (2) Applicant shall likewise add Note 19 to the plan, citing the "standard no parking or storage" language to be provided by the Town Planner; and,
- (3) Applicant shall take steps to amend the language of the deed to align with the language contained in the plan.

Board members then proceeded to Findings of Fact.

**Town of Kennebunk  
Planning Board**

**FINDINGS OF FACT AND CONDITIONS OF APPROVAL**

**FINAL MINOR SUBDIVISION PLAN OF Peyton Way  
Subdivision Name**

1. Property Owner: Home Innovations LCC has shown legal interest in the property (deed).
2. Site Location: Peyton Way
3. Scope of Work: A Lot Line Revision on Already Approved Plan.
4. Zoning District (s): West Kennebunk Village Residential (WKVR)
5. Assessor's Map: 17 Lot: 21 & 72
6. Applicant/Representative: Paul and Christian Hollis
7. Planning Board Dates:
  - Completeness: 8/8/2022
  - Public Hearing: 9/12/2022

**CONDITIONS**

- The applicant is to convey to M.R.C. Partnership the correct language to be cited in its acknowledgement letter of the conveyed land's development limitations;
- Applicant shall add Note 19 to the plan, citing the "standard no parking or storage" language to be provided by the Town Planner;
- Applicant shall take steps to amend the language of the deed to align with the language contained on the plan.

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. The Kennebunk Planning Board has reviewed the above noted development utilizing the Kennebunk Standards for Reviewing Land Subdivisions and the Kennebunk Zoning Ordinance. Based upon the application and materials submitted in support of the application, together with the evidence submitted at the public hearing on the application, the Planning Board makes the following findings with respect to the standards of Title 30-A § 4404 and Article 11, Section 8 of the Zoning Ordinance Guidelines listed below:

**A. M.R.S.A. 30-A §4404**

1. **Pollution.** Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above the sea level and its relation to the floodplains, the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations.

Standard is met  X , not met  , n/a  , met with following conditions and or waivers

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

2. **Sufficient water.** Has sufficient water available for the reasonably foreseeable needs of the subdivision.

Standard is met  X , not met  , n/a  , met with following conditions and or waivers

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

3. **Municipal water supply.** Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

Standard is met  X , not met  , n/a  , met with following conditions and or waivers

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

4. **Erosion.** Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Standard is met  X , not met  , n/a  , met with following conditions and or waivers

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

5. **Traffic.** Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed, and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of the Town, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.

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

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

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6. **Sewage disposal.** Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on Town services if they are utilized.

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

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

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7. **Municipal solid waste disposal.** Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.

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

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

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8. **Aesthetic, cultural and natural values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

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

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

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9. **Conformity with local ordinances and plans.** Is in conformance with the duly adopted subdivision regulation, comprehensive plan, and zoning ordinance of the Town of Kennebunk.

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

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

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10. **Financial and technical capacity.** The sub divider has adequate financial and technical capacity to meet the standards of these regulations.

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

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

11. **Surface waters; outstanding river segments.** Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

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

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

12. **Ground water.** Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

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

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

13. **Flood areas.** The sub divider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures in the subdivision shall be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation.

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

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

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

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

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

15. **River, stream or brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.

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

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

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

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

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  X , not met \_\_\_\_\_, n/a \_\_\_\_\_, met with following conditions and or waivers  
\_\_\_\_\_

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

18. **Lake phosphorous concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

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

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

19. **Impact on adjoining municipalities.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

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

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

20. **Lands subject to liquidation harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

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

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

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**B. Article 11, Section 8** (As applicable for multi-family and non-residential subdivisions) – N/A the project is single family subdivision.

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

approve,  
 approve with the conditions noted above, or (5-0)  
 deny

The Final Plan Application of

**Peyton Way - Revision**

Subdivision Name

Motion: **Move that the Town of Kennebunk Planning Board approve the Findings of Fact, conditions of approval, and subdivision plan revision for 4 Peyton Way and 284 Alfred Road, tax assessor's Map 17 Lots 72 and 21, Paul and Chris Hollis developers.**

Moved: D. Smith

Second: R. Metcalf

Vote: **Show of hands vote, 5 in favor [C. Metcalf, D. Smith, R. Metcalf, J. Vance, and E. Trainer], none opposed; the motion passed.**

**b. Preliminary – Contract Zone Revision/Site Plan Review – 6 Independence Drive – Map 20 Lot 2-3**

B. Howard next re-introduced the application of Kennebunk Port Hotel LLC to amend the One Alfred Road Contract Zone to permit an expansion of the existing Hampton Inn and Suites Hotel as well as create additional parking where Unit D on the original plan was shown.

The applicant, Howard said, had initially submitted documentation for this revision in July of 2022. The submission had been reviewed by the Town Planner and Town Engineer. The Town Engineer called for the applicant to obtain Maine DEP sign-off and to likewise review the impact of the project's additional stormwater on the Independence Drive storm drain system. The Town Engineer, Howard said, likewise urged the applicant to consider an additional drainage structure upstream of the Freedom Way crosswalk to intercept runoff before it gets to CB-4.

S. Doe and G. Patterson, representing the Hotel, addressed the Board next, explaining that the new plan is for 33 (instead of 30) additional rooms and added parking. S. Doe described the modifications to the parking lot contained in the revised plan and stated that an access ramp would be added. A small infiltration basin, Doe said, would also be added to account for the additional lot coverage.

S. Doe displayed an illustration of the completed project, and indicated on an aerial diagram where the additional rooms and parking would be located.



D. Smith called S. Doe's attention to a letter to the Town Planner dated September 3, 2022. The letter asks for identification of the abutting zoning districts, Smith said, and should be added to the plan. D. Smith also noted that the plan does not show the external sewer connection, and S. Doe affirmed that it would be added. In response to other questions by D. Smith, S. Doe also confirmed that the same hotel signage would be used, but simply moved to another location.

R. Metcalf observed that traffic circulation will be better because of the revisions. However, Metcalf asked if there would be a lawn area, and S. Doe showed the Board on his diagram where such an area would be located.

J. Vance recalled that the Board's site walk had prompted the Board to recommend a buffer or fence to separate the hotel addition from abutters. S. Doe said he would welcome discussing fence ideas and alternatives with abutters at a public meeting. Vance also asked if Unit D would be eliminated, and S. Doe affirmed that Unit D would now be parking and owned by the same owner as Unit C, the hotel.

In response to questions from R. Metcalf and C. MacClinchy, S. Doe next confirmed that the driveway near Cummings Market would be the same width as originally planned. It will not be made narrower, Doe said, but a paved shoulder will be added for heightened safety.

E. Trainer commended S. Doe and G. Patterson for their "good neighborliness" in addressing Board and abutter concerns.

C. MacClinchy expressed concern about ongoing traffic use of the road, and S. Doe responded that that would be minimal disruption and that he would paint-mark the shoulder. MacClinchy also observed that several trees were likely to be lost because of the revised drainage plan, and S. Doe said he would do less grading in that area. C. MacClinchy also posed questions about the ramp and stairs, and S. Doe pointed out their locations on his diagram.

In response to questions by C. MacClinchy and R. Metcalf, S. Doe re-iterated that there would be very little disruption of traffic during construction. D. Smith asked if the construction work was likely to disturb the soil field near Freedom Way, and S. Doe answered in the negative. When asked how long the construction was likely to take, Doe answered "about one year".

Motion: **Move that the Town of Kennebunk Planning Board consider the Contract Zone amendment for the Kennebunk Port Hotel LLC, address 6 Independence Drive, Map 20 Lots 2 and 3, represented by Sebago Technics, [to be] complete with the changes proposed to building construction, utilities, and stormwater management.**

Moved: D. Smith

Second: R. Metcalf

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

After the vote, Board members agreed to hold a public hearing on the application on October 24, 2022.

### 3. Approval of Meeting Minutes

C. MacClinchy then led the Board in a page-by-page review of the Minutes of its meeting of August 22, 2022. A number of errors were identified and corrected.

Motion: **Move that the Town of Kennebunk Planning Board approve the Minutes of its meeting of August 22, 2022 as corrected.**

Moved: D. Smith

Second: R. Metcalf

Vote: **Show of hands vote, 4 in favor, none opposed, 1 abstention [E. Trainer had not attended the August 22<sup>nd</sup> meeting]; the motion passed.**

### 4. Other Business

a. **Meeting Format:** Members agreed to continue conducting in-person meetings for the foreseeable future.

b. **Abutter Feedback:** A public commentator, Charles Tucker, then approached the Board and distributed the printout of a PowerPoint presentation about protecting the Branch Brook wetlands. The handout was abutter commentary on a variance proposal before the Board for 165 High Street. C. MacClinchy directed the Town Planner to share the packet with the High Street applicant, but said the Board would not comment on the material since that applicant was not present. This feedback, MacClinchy stated, would nevertheless be taken into consideration by the Planning Board.

c. **Election of Officers:** Board members then informally agreed to take up their election of officers at a future meeting when fuller membership was present.

### 5. Adjournment:

There being no further business, the Chair adjourned the meeting at 7:54pm.

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

Moved: D. Smith


Second: J. Vance

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 26, 2022

Signed by:

 10/24/22  
\_\_\_\_\_  
PLANNING BOARD