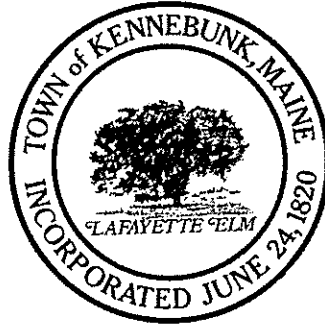


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

October 23, 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], and Edward Trainer [Member];
- Absent: Daniel Kiley [Alternate];
- Also Attending: Brittany Howard [Town Planner], Christopher Osterrieder [Director, Community Development], Gregory Braun [Bergen & Parkinson LLC], Jason Vafiades [Atlantic Resources], and William Walsh [Walsh Engineering].

1. **Call to Order:** Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on October 23, 2023. The meeting was held in person at Town Hall. There were five [5] voting members in attendance.

2. Agenda Items

a. **Contract Zone Supplemental Submittal – Wedding Cake House – 104 Summer Street – Map 81 Lot 16**

B. Howard reintroduced this application for the creation of a Contract Zone to enable the use of a dwelling at 104 Summer Street as (a) an inn and (b) a community venue. The applicants, Howard said, sought relief from the minimum guest-room size and private bath requirements to maintain the historic authenticity of the interior of the building. They also sought authorization to reduce the green perimeter strip from 25 feet to 10 feet.

Howard reminded Board members that they had previously asked for a number of clarifications and additional details — to include, among others, detail about the proposed

location and signage of the river's edge fence, information about the use of on-site security personnel, a statement confirming no "back-to-back" events, and specification of the maximum number of event guests to use the site. Howard noted, as well, that the applicants sought waivers of (a) the lighting detail otherwise required by Article 11 Section 6.A.(3)(v), and (b) of the federal and state approvals otherwise required by Article 11 Section 6.A.(3)(w).

G. Braun, an attorney representing the applicants, addressed the Board next. The purpose of the Contract Zone, he said, was to permit events to be held at the site in order to generate revenue to defray the expense of renovating and maintaining the property on an on-going basis.

Describing the house as "a local treasure", Braun re-iterated that the site would be used for small, intimate social settings. Up to 150 guests would be hosted — a number higher than the 100 "event cap" previously proposed as up to 150 guests would be needed for sufficient venue appeal and revenue according to event planners. "The applicants have changed the number based on business projections," Braun explained.

Some events, the attorney said, would take place outdoors. Many or perhaps most would be held indoors. The applicants had provided a Rental Policy, Special Use Policy, Special Event Insurance Guidelines and Police Department Scheduling Policy. However, these policies were not part of the Contract Zone Agreement language, *per se*.

G. Braun stated, on the other hand, that the property owners had amended the Contract Zone Agreement to formally "commit to maintain and preserve the property's singularly unique architectural and historic characteristics." A new Contract Zone Agreement clause, Braun said, expressly stated that the "Property Owner shall endeavor to use the proceeds, after accounting for costs and expenses... for the purpose of maintaining and restoring the Property." This was enforceable language, Braun said.

G. Braun then proceeded to enumerate other changes that had been made to the Contract Zone Agreement and Site Plan as well.

Changes to the Contract Zone Agreement and Exhibit B

- (1) Limited the number of event guests to 150;
- (2) Included a statement committing present and future owners to the long-term upkeep and historic preservation of the property;
- (3) Included "wharves", "docks", and "piers" under "Prohibited Uses";
- (4) Removed unnecessary uses;
- (5) Amended off-street parking details; and,
- (6) Designated the Suburban Residential District as the district whose signage standards would be honored.
- (7) Revised the "Performance Standards" for off-site parking and the calculation of parking requirements.

Changes to the Site Plan

- (1) Included a note concerning fencing to limit access to the river;
- (2) Reduced the drive aisle in the parking lot to increase the buffer to the abutter;

- (3) Provided specifics about the tent(s) to be used: size, distance from the property line, etc.;
- (4) Updated the parking table and revised the public assembly space; and,
- (5) Removed Note #8 from the Plan regarding a waiver of the driveway width.

These changes, G. Braun opined, addressed most of the Planning Board's prior concerns, recommendations, and desired modifications.

Hunt Edwards, owner and applicant, spoke next. He showed slides of the cranes required to put some of the restored molding and finials into place. The work being done, he said, was considerable and very costly.

J. Vance inquired whether the owners planned to erect other buildings on the site. G. Braun responded in the negative. J. Vance and R. Smith also posed questions about the number of guest rooms to be rented. G. Braun replied that, "as an inn", the building would have up to eight [8] bedrooms for rent.

J. Vance then asked to be shown the location of the proposed "river fence". G. Braun showed an aerial diagram of the property and indicated the general location.

R. Metcalf thanked the applicants for the changes that had been made. He noted that the proposed driveway was two [2] feet wider than required by Ordinance. If the width was reduced, Metcalf said, more space could be added to the vegetation buffer between this property and the abutter's.

Board members then posed questions about parking on or near the site. "We don't want the street clogged with on-street parking," R. Smith said. H. Edwards responded that event parking would be the responsibility of event planners. They would secure off-site parking and might provide shuttle service to the site. The Police attendants at events would likewise enforce on-street parking restrictions.

R. Smith questioned why all of the Planning Board's recommendations or concerns had not been addressed by the changes which G. Braun had cited. What items had been left out?

G. Braun responded that the originally proposed cap of a maximum 100 guests had to be changed to 150 for realistic event and income projections. The Planning Board, Braun added, had also asked for a "hard schedule" of repairs and renovations. The owners, Braun said, would undertake repairs "as income permitted". Storm damage, leaks, or wood rot might take place, too, which could change repair priorities.

R. Smith explained that he had not sought a fixed repair schedule when he brought up the topic previously. He had instead sought commitment that event income would be used for historic renovations. That was now provided. Smith also concurred with R. Metcalf that the driveway width should be reduced to increase the buffer.

E. Trainer asked if the guest rooms in the inn would exclusively accommodate "event guests". Would non-event guests also be permitted to stay? G. Braun responded that the inn might take in "non-event" guests, but was expected to "primarily serve" event participants. H. Edwards affirmed that the guest rooms were meant to serve both "inn" as well as "event" clients.

E. Trainer noted that some of the submitted documents state that the owners “commit” to preserving the property while other documents state the owners “will endeavor” to preserve it. Trainer opined that “all documents should show language consistency — whether the actual wording used is ‘endeavor’ or ‘commit’.”

C. MacClinchy commented on the need for the Town to measure and enforce compliance. C. Osterrieder suggested that the owners provide a list of “major capital-outlay projects” or “major upgrades” which could be used as “directional milestones”. H. Edwards countered that renovation of the entire house was the priority. Edwards added that committing to a list of priority repairs by particular dates without pre-fact revenue experience was unrealistic. R. Metcalf suggested that the applicants provide “a target list of priority projects even without a time line”. It would be an attachment and help Town Hall staff apprise whether renovations were generally being carried out as “directionally” planned. C. Osterrieder concurred.

G. Braun then summarized the “deliverables” which the Planning Board now sought: (1) language consistency [“meaning we use the same words like “the Owner shall use the revenue to...”]; (2) reaffirmation that up to eight [8] guest rooms might be used by event and/or inn guests; and (3) submission of a priority list of renovations without a fixed time line.

C. MacClinchy next observed that, in his view, the changes cited above and the increase in the “event cap” to 150 guests were material changes, warranting another Public Hearing. J. Vance and R. Smith agreed. “The public,” Vance said, ‘should have an opportunity to comment.’”

R. Metcalf stated that a joint Public Hearing with the Select Board might be feasible. Board members initially considered a joint Hearing and discussed possible dates, but ultimately concluded that a Public Hearing hosted by the Planning Board alone was preferable. “The Select Board,” C. MacClinchy said, “relies heavily on the Planning Board’s views and there should be Planning Board consensus with public input before the Select Board takes up this application.”

G. Braun countered that the “guest gap” [150 versus 100 guests] was the only significant change and it was not grounds for more delay. The Select Board, he said, would need to convene a Public Hearing in any event. H. Edwards complained that two more Public Hearings and more and more documentation changes were causing him huge expense. He asked the Planning Board to make a prompt decision on the merit of his application without further delay.

C. MacClinchy responded that increasing the maximum guest count impacted traffic, parking, security, noise, and other considerations. MacClinchy re-iterated that it was important for the public to be able to comment. Planning Board members agreed to hold a Public Hearing — *not*, however, a joint Public Hearing with the Select Board — on November 13, 2023.

b. Sketch Plan — Subdivision — 6 Oakwood Lane — Map 47 Lot 100

B. Howard next reintroduced an application for 6 Oakwood Lane, which site had originally come before the Planning Board in January, 2023 as a multi-family project under

a different applicant. The new applicant, Howard said, now proposed to create four [4] lots on 58,618 sq. ft. of property for single-family dwellings.

Jason Vafiades, representing the applicant, addressed the Board after Howard. He stated that the four houses to be built would have public water and sewer. However, there was no space for a full-scale emergency-vehicle turnaround, so guidance from the Fire Department was needed.

E. Trainer said that a site walk would be helpful to re-appraise the site and "see if the project matched the aesthetic of the neighborhood." R. Metcalf concurred.

R. Smith remarked that, in his view, the aerial diagrams provided "looked good for three dwellings, but not four." The angular building layout being proposed, Smith said, was difficult and crowded.

J. Vance asked where snow would be stored, and J. Vafiades responded that it would have to be stockpiled in between two driveways. Vance then posed questions about water drainage and landscaping. Vafiades replied that the land was basically flat and drainage should not be an issue. Vegetation beds, he said, would facilitate proper drainage and initial soil tests showed that the soil was highly absorbent.

Board members and Mr. Vafiades then agreed to conduct a site walk on Friday, October 27, 2023 at 7:30am.

c. Sketch Plan – Multi-Family and Commercial – 29 York Street – Map 54 Lot 91

Before any discussion took place, R. Metcalf disclosed that he was a friend of the property owner, but could participate in this review in an objective manner. All other Board members concurred, stating they had no objection to Metcalf's continued participation.

B. Howard then introduced this application for the creation of two [2] commercial units and 22 residential units --- six [6] of the latter to be "affordable housing" --- on 126,324 sq. ft. of property. The site, Howard said, was located in the MRCU district and had to conform to Article 10 Section 23 Design Review standards. The applicant also sought a waiver of the 50 -ft. buffer requirement, proposing a 20-ft. buffer instead.

W. Walsh, representing the applicant, showed an aerial diagram of the proposed buildings. An existing Victorian-style home on Route One would be renovated for commercial use as two commercial units. Twenty-two [22] residential units would be built behind it. Of these, six [6] residential units would be "affordable" and would be so identified in their respective deeds.

R. Metcalf asked if much clearance and grading would be required. W. Walsh responded that those requirements had yet to be determined.

R. Smith questioned whether the proposed entryway to the project posed a potential traffic problem as it was directly across from the entryway of a school. Smith also questioned the need for a waiver of the 50-ft. buffer. "We need the width," Walsh explained, "in order to accommodate the affordable housing."

E. Trainer agreed that "clear and careful" justification for the buffer reduction was necessary. The Planning Board, Trainer said, would also want to closely review the traffic

impact given the location of the New School's entry directly across the street from the proposed entry of this project.

In response to questions by C. MacClinchy, W. Walsh reported that the residential units would be set up as "condominiums", but a single individual would own them and rent them out. A few residential units would have garages, Walsh additionally noted.

Board members and Mr. Walsh then agreed to conduct a site walk on Saturday, November 11, 2023 at 8:00am.

3. Minutes of Prior Meetings

C. MacClinchy next led the Board in a review of the minutes of its meeting of September 25, 2023. Several errors were identified and corrected.

Motion: **Move to accept the minutes of September 25, 2023 as amended.**

Moved: R. Smith

Second: J. Vance

Vote: **Show of hands vote, 4 in favor, none opposed, 1 abstention [R. Metcalf had not attended the 9/25/23 meeting]; the motion carried.**

4. Other Business

There was none.

5. Adjournment:

There being no further business, the Chair adjourned the meeting at 9:17pm.

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 November 13, 2023

Signed by:

 11/13/23

PLANNING BOARD