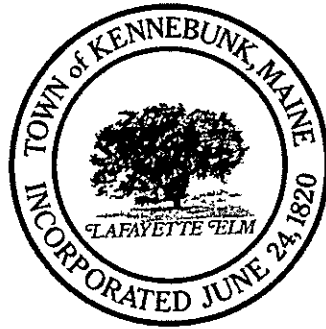


Town of Kennebunk, Maine



Planning Board

MEETING MINUTES

November 14, 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 any time at TownHallStreams.com.

Present: Chris MacClinchy [Chair], Richard Smith [Vice Chair], David Smith [Secretary], Robert Metcalf [Member], Janice Vance [Member], Edward Trainer [Alternate]; and Daniel Kiley [Alternate];

Absent: None;

Also Attending: Brittany Howard [Town Planner], Steve Doe [Sebago Technics], and Connor Ritter [Walsh Engineering Associates, Inc.].

1. Call to Order: Chair and presiding officer C. MacClinchy called the meeting to order at 7:00pm on November 14, 2022. The meeting was held in person and there were five voting members present: C. MacClinchy, J. Vance, R. Smith, D. Smith, and R. Metcalf.

2. Agenda Items

a. Public Hearing – Contract Zone Revision/Site Plan Review – 6 Independence Drive – Map 20 Lot 2-3

B. Howard re-introduced this application, reminding the Board that Kennebunk Port Hotel LLC sought to amend the One Alfred Road Contract Zone to expand the Hampton Inn & Suites Hotel and add parking where Unit D was shown on the original plan.

Howard informed the Board that, since its last hearing of this application, the applicant had decided to add a 6-ft. fence to the abutting property line and had supplied the storm-water information requested by the Town Engineer. The applicant, Howard said, had also decided to install a retaining wall in order to move the sidewalk over and submitted a truck turning plan.

The applicant, B. Howard added, had also provided information from Cummings Market regarding deliveries:

- Traffic on Freedom Way is “never blocked” by deliveries to Cummings. In the worst case scenario, one lane might be temporarily blocked when deliveries are made by larger tractor-trailers.
- Deliveries typically take 15-30 minutes.
- Traffic can easily navigate through the area during these and all other deliveries.
- Cummings Market also provided a copy of its weekly delivery schedule which Board members received and studied.

Howard also affirmed that, in the written opinion of the Town Engineer, “the technical components relative to [stormwater] drainage had been adequately addressed”.

S. Doe, representing the applicant, addressed the issue of traffic flow on Freedom Way. “We are making available an extra three feet of space,” Doe said, “by changing the sidewalk location.” Delivery trucks will approach Cummings Market and leave by the same lane. Most deliveries occur early mornings, he said, except on Tuesdays.

Doe showed an aerial diagram of the project and pointed out areas of abutter concern. Doe said he received the email regarding abutters concerns from Howard, and understood their concerns about possible noise and car headlight trespass. In response, Doe stated, the owner had agreed to install a fence to afford more privacy.

Discussion ensued about the kind and height of the proposed fence. S. Doe stated that the fence would be 6 feet high and likely be vinyl. J. Vance inquired about its specific location, and S. Doe responded that the fence would be located along the tree line on the hotel side of the property line. He indicated the location on his diagram.

D. Smith suggested that the height of the fence be increased to 8 feet and possibly higher depending on the grade. The added height, D. Smith said, would better prevent light trespass. Doe countered that additional height might not make much difference as car headlight glare at night was generally lower. However, Doe volunteered to take up the matter with the applicant.

R. Metcalf concurred with the idea of increasing the fence’s height, but also asked for more detail about the fence’s location. Metcalf then commended Doe and the applicant for the sidewalk changes and for their pro-active outreach to abutters.

R. Smith asked if the dead trees were going to be replaced, and S. Doe answered in the negative. “The trees,” Doe said, “are at the ditch line and right at the tree line – not

a good place for new trees.” According to Doe, there were ample kinds of other vegetation in place. However, R. Smith was adamant that the fence *as well as* high evergreen trees would be useful.

E. Trainer opined that the change of the sidewalk’s location “only made a marginal situation a little less marginal”. He also voiced concern that the proposed fence might not satisfy abutters and that the decision not to replace the dead trees fell short of addressing abutter concerns about light and noise intrusion. “You’re not adding much of a positive element,” Trainer said.

C. MacClinchy then opened the hearing to the public and invited public comments and questions. Ethan Davidson identified himself as an abutter and said that the plan changes addressed most abutter concerns, but the grade drop of the property in some locations meant that even a 6-ft. fence might not be particularly helpful “across the board”. He asked that the fence’s height be calibrated to grade and also asked for landscaping. His wife, Lea Davidson, added that “tall evergreens” would be useful as they would afford privacy and remain green throughout the winter.

Pamela Knight, another abutter, thanked the applicant and Mr. Doe for their attentiveness to abutter concerns.

There being no other public comments or questions, C. MacClinchy closed the public hearing. However, discussion among Board members ensued about the kinds of trees or evergreen that could be planted since the area in question is extensively shaded. “Many kinds of evergreens,” J. Vance said, “won’t work.” R. Smith and D. Smith concurred.

C. MacClinchy summarized members’ sundry remarks, concluding that there appeared to be Board consensus that the applicant should install a fence at least 8 feet high but calibrated to grade and should also plant trees or high greenery approximately six to seven feet high. MacClinchy then proceeded to Findings of Fact and, in the process, itemized the Board’s several conditions of approval.

Town of Kennebunk Planning Board

FINDINGS OF FACT

1. Project Name: Hampton Inn Expansion – One Alfred Road Contract Zone
2. Date of Action Taken: November 14, 2022
3. Site Location: 4 & 6 Independence Drive

4. Zoning District: One Alfred Road Contract Zone
5. Lot Size: 10.26 acres
6. Assessor's Map 20 Lot 2-3
7. Property Owner: One Alfred Road Associates LLC & Kennebunk Port Hotel LLC
8. Applicant: Kennebunk Port Hotel LLC
9. Representative: Sebago Technics – Steve Doe
10. The applicant has shown legal interest in the property by deed and purchase and sale.
11. The Kennebunk Planning Board has reviewed the above noted proposal utilizing the set of approval criteria in Article 11, Section 8 of the Kennebunk Zoning Ordinance as summarized below and determined:

Approval Criterion # 1

The plan preserves the natural landscape insofar as practical and adequately uses the natural features of the site and/or new landscaping to define, soften, and screen the impacts of development.

Criterion is: met X, not met , or not applicable with the following conditions, waivers, and/or comments: the six foot fence be continued along the property line between the hotel and abutters on Alfred Road. The fence will be increased to 8 feet where the grade changes. The dead vegetation will be replace with taller ever-greens.

Approval Criterion # 2

For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts.

Criterion is: met X, not met , or not applicable with the following conditions, waivers, and/or comments: see comments under 1 above.

Approval Criterion # 3

Filling, excavation and earth moving activity is carried out in a way that keeps erosion and sedimentation to a minimum.

Criterion is: met X, not met , or not applicable with the following conditions, waivers, and/or comments: The applicant submitted an erosion control plan that was reviewed by the Town Engineer.

Approval Criterion # 4

Adequate provision has been made for surface drainage, so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion, or the public storm drainage system.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments: The Town Engineer had reviewed and approved the stormwater management plan that was provided.

Approval Criterion # 5

Adequate provision has been made for water supply and sewage disposal.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments:

Approval Criterion # 6

The site plan provides for safe access to and egress from public and private streets, with adequate parking and internal circulation.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments:

Approval Criterion # 7

Vehicular access to the site will be on roads which have adequate capacity to accommodate any additional traffic generated by the development.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments

Approval Criterion # 8

The site plan provides for safe pedestrian circulation, both on-site and off-site.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments:

Approval Criterion # 9

Exterior lighting does not adversely affect neighboring properties or streets.

Criterion is: met X , not met , or not applicable with the following conditions, waivers, and/or comments:

Approval Criterion # 10

Electrical and telephone utility lines and components serving the site will be placed in a manner that is not hazardous or unsightly.

Criterion is: met X , not met , or not applicable with the following conditions, waivers, and/or comments

11. In their review, the Board finds that the criteria of Article 11, Section 8 and of the Zoning Ordinance:

- Have been met or are not applicable
- X Have been met with the conditions and/or waivers noted below or are not applicable
- Have been met with the conditions and/or waivers noted above
- Have not been met (list criteria not met) or are not applicable

Based upon the information above, the Board therefore:

- approves the Site Plan.
- X approves the Site Plan with conditions **which are to be completed & evidence filed in the Planning Office no later than sixty (60) days after plan approval; and prior to permit. (5-0)**
 - On the site plan/recording page the sheet table with revision dates shall be added.
 - Note from the Town Engineers memo dated 11/10/22: traffic patterns and loading delivery schedules be reviewed within 6 months of completion and full operation of the Hampton Inn, this information should be submitted to the Community Development Office and reviewed by staff.
 - Grade changes on the property shall have a higher eight (8) foot fence.
 - The vinyl fence detail shall be added to the plan.
 - The dead trees shall be removed and replaced with a type of evergreens of at least 6-7 feet.
 - The rear access road and area around catch basin 4 should be inspected by the Town Engineer prior to pavement.

denies the Site Plan.

12. PLEASE NOTE THAT THE FOLLOWING APPLY:

 X AFTER SITE PLAN APPROVAL AND PRIOR TO OCCUPANCY, THE APPLICANT MUST RECEIVE A BUILDING AND OCCUPANCY PERMIT FROM THE CEO.

 X A BUILDING PERMIT SHALL NOT BE ISSUED BY THE CODE ENFORCEMENT OFFICER UNTIL THE APPLICANT FILES A PERFORMANCE GUARANTEE IN CONFORMANCE WITH ARTICLE 11. SECTION 10. (ZONING). **THIS GUARANTEE SHALL BE REVIEWED PRIOR TO ISSUANCE AND THE AMOUNT SHALL BE AGREEABLE WITH TOWN.**

13. This approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant, as well as any oral representations made to the Board during the final review of the project. Any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimus changes, which the Town Planner may approve.

APPROVED BY:

DATE: _____

Motion: **Move that the Planning Board of the Town of Kennebunk approve the Findings of Fact and final plan for amendment of the One Alfred Road Contract Zone, 6 Independence Drive, Map 20 Lot 2-3, on behalf of the Hampton Inn & Suites Hotel and applicant Kennebunk Port Hotel LLC represented by Sebago Technics, with the following conditions: (1) On the site plan/recording page the sheet table with revision dates shall be added; (2) Note from the Town Engineers memo dated 11/10/22: traffic patterns and loading delivery schedules be reviewed within 6 months of completion and full operation of the Hampton Inn, this information should be submitted to the Community Development Office and reviewed by staff; (3) grade changes on the property shall have a**

higher eight foot fence; (4) the vinyl fence detail shall be added to the plan; (5) the dead trees shall be removed and replaced with a type of evergreens of at least 6-7 feet and; (6) the rear access road and area around catch basin 4 should be inspected by the Town Engineer prior to pavement.

Moved: D. Smith

Second: R. Metcalf

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

After the vote, the Board thanked S. Doe for his professionalism and wished him a pleasant retirement.

b. Sketch Plan – Multifamily – York Street – Map 59 Lot 5

Before the hearing on this application, R. Metcalf divulged that his mother owned a condo in the abutting “Waterford Green” complex, but stated that he had no conflict of interest. Other Board members concurred. R. Metcalf therefore joined this review along with the other Planning Board members.

B. Howard then introduced the application of “61 York Street LLC” on behalf of owners Daniel and Lois Bennett. The applicant, Howard said, seeks to create 10 residential units on 52,757 sq. ft. on vacant land. The property is zoned York Street Mixed Residential and Commercial Use [MRCU].

The proposed buildings, Howard stated, would be two-story structures with an 18’ x 28’ footprint for the residential buildings and a 12’ x 20’ footprint for the garages. The applicant, Howard added, had yet to decide whether the units would be rentals or condominiums.

Howard went on to explain that this plan required several waivers and/or clarifications: (1) waiver for not counting the proposed garage spaces in the plan table; (2) waiver of the minimum 24-ft. driveway width requirement (as applicant proposes 22 feet instead); (3) waiver of the 50-ft. perimeter buffer requirement (as applicant proposes a 20-ft. buffer); (4) Fire Department approval of the fire hydrant and fire-truck turnaround locations; and (5) landscaping detail.

C. Ritter of Walsh Engineering Associates, representing the applicant, addressed the Board next. He confirmed that the units would be rentals and use York Street utility connections. He also said that level spreaders would be used to dissipate stormwater on the property to prevent flow onto neighboring properties. The applicant, C. Ritter added, will meet with the Fire Chief to determine the suitability of the proposed turnaround location.

D. Kiley questioned the project's traffic impact on Route 1, and C. Ritter agreed that "it is a matter to be looked into". Ritter also said that the applicant had not contemplated making any of the units "affordable", but would surely consider it.

J. Vance questioned the project's "garage strategy", and C. Ritter responded that not every unit would have the same garage space. The garage plan, he said, was "meant to afford residents some flexibility".

D. Smith, R. Smith, and R. Metcalf spoke of the importance of affordable housing. D. Smith suggested that units without dedicated garage spaces might be rented as "affordable" units ("provided there are no structural or other differences"). D. Smith said the Board would also want to see details about stormwater management to be sure that overflows would not impact neighbors or the area's wetlands. "We will definitely seek to minimize any adverse water impact," C. Ritter stated.

R. Metcalf concurred that the project's stormwater management plan would be "critically important". Metcalf was likewise adamant that a buffer be created to shield the residences from noise and light trespass. "We'll want to see more detail about the southerly side" [of the project], Metcalf stated.

R. Smith voiced similar concerns, and noted that the turnaround proposed for fire trucks might not be adequate. R. Smith also called for a "nice buffer" between the buildings and Route 1. He re-iterated, too, that "this was an excellent project for three or four affordable units".

All Board members urged the owners to entertain the possibility of making some units "affordable". At the same time, E. Trainer, D. Kiley, and R. Smith re-iterated concerns about this project's traffic impact.

C. MacClinchy asked if car access via Waterford Green was possible, and C. Ritter responded that it was not. Waterford Green, Ritter said, was a private drive and applicant did not have right to use it.

D. Smith posed questions about fire prevention. He specifically asked Ritter to provide details about the project's fire safety features.

Members and Mr. Ritter then agreed to hold a site walk on Saturday, November 19, 2022 at 8:00am. Board members called on C. Ritter to ensure that the center line, right of way, and 20-ft. set back lines were staked for the visit, and C. Ritter confirmed that they would be. C. MacClinchy invited the public to attend the site walk as well.

C. Ritter asked if the Board agreed in principle with the idea of a 22-foot road width. C. MacClinchy observed that such widths had been approved in the past, but said that the applicant would have to make "a compelling case" to justify such an exception. R. Smith added that Fire Department endorsement of the narrower width would be needed as well.

3. Other Business

Extension Request – The Moorings Care Facility

C. MacClinchy then changed the agenda sequence of the meeting and next took up the request of Walsh Engineering Associates for a time extension.

W. Walsh explained the request of applicant Beach Glass Management LLC. At the Planning Board's last hearing of "The Mooring" project in November of 2021, the Planning Board gave "preliminary approval", but ruled that final approval was contingent upon the applicant submitting a final plan along with Maine State DEP approval by November 22, 2022. However, DEP approval had yet to be issued, Walsh said, due to State processing delays. DEP approval was now expected on or about December 9, 2022.

W. Walsh provided correspondence from the State confirming the delay and that documentation had been shared with the Board. B. Howard suggested that the Board consider a 90-day extension.

Motion: **Move that the Planning Board of the Town of Kennebunk grant a ninety [90] day extension to Beach Glass Management LLC from November 22, 2022 for submission of the final plan and DEP approval.**

Moved: R. Metcalf

Second: J. Vance

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

4. Review of Meeting Minutes

C. MacClinchy then led the Board in a page-by-page review of the Minutes of its meeting of October 24, 2022. Several errors were identified and corrected.

Motion: **Move that the Town of Kennebunk Planning Board approve the Minutes of its meeting of October 24, 2022 as corrected.**

Moved: D. Smith

Second: R. Smith

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

5. Adjournment: There being no further business, the Chair adjourned the meeting at 8:37pm.

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

Moved: D. Smith

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 November 28, 2022

Signed by:


PLANNING BOARD

11/28/22

