

**Town of Kennebunkport
Board of Selectmen Meeting
Village Fire Station-32 North Street
July 14, 2016 – 7:00 PM**

Minutes of the Selectmen Meeting of July 14, 2016

Selectmen present: Stuart E. Barwise, Patrick A. Briggs, Allen A. Daggett, Edward W. Hutchins, and Sheila Matthews-Bull

Others present: Barbara Barwise, Jim Fitzpatrick, Orin Frink, David James, Scott Mahoney, Jim McMann, Lee McCurdy, Arlene McMurray, Allan Moir, Nina Pearlmutter, David Powell, Laurie Smith, and others

1. Call to Order.

Chair Barwise called the meeting to order at 7:03 PM.

2. Approve the June 18, 22, and 30, 2016, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the June 18, 22, and 30, 2016, selectmen meeting minutes. **Vote:** 5-0.

3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)

There were no comments.

4. Consider amendment to the Land Use Ordinance regarding roomers.

Growth Planning Committee member Jim Fitzgerald explained the history of the ordinance and the proposed revisions. (See Exhibits A and B).

A lengthy discussion followed. Selectmen Matthews-Bull wanted it on record that she opposes these revisions. She said taking in money in a residential area is a business; and also, neighbors have safety concerns about strangers coming and going.

Selectman Daggett stated the purpose for these revisions has changed. When this amendment was initially proposed, it was to help seasonal workers have an affordable place to reside and also be a way for seniors to acquire the additional income they need to stay in their homes. Now it seems to be for commercial use. Another concern is that he would like the length of stay for renters to be longer than two days.

Selectman Briggs stated the ordinance should have a time limit for new property owners, e.g., must live in home for three years before allowing room rentals.

He said there is nothing in the ordinance to stop someone from buying a home strictly for rental income.

Chair Barwise explained that the Board has one month to discuss this item and decide whether to place it on the November ballot. He said it sounded like the Board would like to have more discussion before making a decision. Some key issues are that the Board would like more protections to keep it from going commercial. He and Selectmen Hutchins support putting it on the November ballot.

Motion by Selectman Hutchins to place the amendment to the Land Use Ordinance regarding roomers on the November ballot. No second.

5. Approve the appointment of Werner Gilliam to the SMPDC General Assembly and Executive Committee.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the appointment of Werner Gilliam to the SMPDC General Assembly and Executive Committee. **Vote:** 5-0.

6. Appoint Boards/Committees.

Administrative Code Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Administrative Code Committee for a one-year term ending in July 2017: Wayne Adams, H. Stedman Seavey, Richard Smith, and D. Michael Weston; and to appoint April Dufoe for a one-year term ending in July 2017. **Vote:** 5-0.

Board of Assessment Review

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Board of Assessment Review for a three-year term ending July 2019: Gordon Ayer and Karen Schlegel. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to appoint April Dufoe to the Board of Assessment Review for a three-year term ending July 2019. **Vote:** 5-0.

Cape Porpoise Pier Advisory Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Cape Porpoise Pier Advisory Committee for a one-year term ending in July 2017: Peter Eaton, Peter Garsoe, Arnold Nickerson IV, Zandy Talmadge, Eric Wildes, and Robert O'Reilly; and to appoint Ben Nunan to a one-year term ending in July 2016. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Cemetery Committee for a one-year term ending in July 2017: Lynda Bryan, Ruth Fernandez, Greg Pargellis, Ann Sanders, and Rita Schlegel. **Vote:** 5-0.

Conservation Commission

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Conservation Commission Deborah Bauman and Carol Laboissonniere for three-year terms ending in July 2019. **Vote:** 5-0.

Government Wharf Committee

There were four volunteers to this committee: Lauren Brooks, Thomas Mansfield, Kathleen Anuszewski, and Reinier Nieukirk.

This committee is required to have at least 75% of the membership as registered voters of Kennebunkport. So, to keep this percentage, the Board made the following appointments:

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Government Wharf Committee for a one-year term ending in July 2017: Jeff Davis, Ron Francoeur, and Chris Welch. **Vote:** 5-0.

Growth Planning Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Barbara Barwise for a three-year term expiring in July 2019 on the Growth Planning Committee. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Paul Hogan and James McMann as alternates on the Growth Planning Committee for a three-year term ending in July 2019. **Vote:** 5-0.

Kennebunk River Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Susan Inoue to the Kennebunk River Committee for a three-year term ending in July 2019. **Vote:** 5-0.

Lighting Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint George Acker to the Lighting Committee for a three-year term expiring July 2019. **Vote:** 5-0.

Parsons Way Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Louise Spang to the Parsons Way Committee for a three-year term ending in 2019. **Vote:** 5-0.

Nina Pearlmutter and D. Scott Mahoney both volunteered to be on the Planning Board. Each of them provided a brief summary of their background and answered questions from the Board.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint David Kling to the Planning Board for a one-year term expiring in July 2017 with the understanding that he will be leaving before his term expires. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to appoint D. Scott Mahoney as an alternate member to the Planning Board for a three-year term expiring in July 2019. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to move E. Russell Grady, Jr. to full membership to the Planning Board with his term expiring in July 2019. **Vote:** 5-0.

Public Safety Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Public Safety Committee for a one-year term expiring in July 2017: Allan Moir, wastewater superintendent; Michael Claus, highway superintendent; Craig Sanford, police chief and emergency management director, and to appoint Brad Chicoine, KEMS chief of operations to a one-year term. **Vote:** 5-0.

Road Book Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Road Book Committee for a one-year term expiring July 2017: James Burrows and Richard Stedman. **Vote:** 5-0.

Sewer Advisory Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Sewer Advisory Committee for a one-year term expiring July 2017: Bob Convery, Stephen Couture, Richard Johnson, and Joseph Martin Mead. **Vote:** 5-0.

Shade Tree Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Shade Tree Committee for a one-year term: Sarah Adams, Kimberly Gurski, Suzanne Stohlman, and Stephen Doe, and to appoint Nina Pearlmutter also for a one-year term. **Vote:** 5-0.

Shellfish Conservation Committee

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint David Conway to the Shellfish Conservation Committee for a three-year term expiring in July 2019. **Vote:** 5-0.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint Tony Viehmann, Kristen Garvin, Craig Sanford, and Michael Claus to the Sidewalk Committee for a one-year term expiring July 2017. **Vote:** 5-0.

Zoning Board of Appeals

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint to the Zoning Board of Appeals for a three-year term expiring July 2019: Gordon Ayer and Wayne Fessenden. **Vote:** 5-0.

7. Appoint Selectmen Representatives to Boards/Committees.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to reappoint as Selectmen Representatives to the following committees:

Committee	Selectman Representative
Cape Porpoise Pier Committee	Ed Hutchins
Goose Rocks Beach Advisory	Sheila Matthews-Bull
Government Wharf	Allan Daggett
Graves Library Board	Ed Hutchins
Growth Planning Committee	Allen A. Daggett
Investment Committee	Allen A. Daggett and Pat Briggs
K.E.M.S.	Pat Briggs
Planning Board	Pat Briggs
Public Safety Committee	Pat Briggs
S.M.R.P.C.	Stuart Barwise
Shade Tree Committee	Sheila Matthews-Bull
Zoning Board of Appeals	Sheila Matthews-Bull

Vote: 5-0

8. Request to waive tent permit fee for Kennebunkport Consolidated PTA Circus Smirkus event on July 27 and 28.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to waive the tent permit fee for Kennebunkport Consolidated PTA Circus Smirkus event on July 27 and 28. **Vote:** 5-0.

9. Award bids for grinder pumps for Wastewater Department.

Wastewater Superintendent Allan Moir explained that the Wastewater Department has been following a replacement schedule for their E-1 grinder pumps since 2014. They have been replacing 12 pumps every year. He said the E-1 pumps they were using have undergone design changes which reduced their quality so they have been testing the Barnes pump and Liberty pump. Both of these pumps outperformed the E-1 pumps, but the Liberty pump requires ex-

tensive changes in the control panels, whereas the Barnes pump does not. Therefore, he would like to continue purchasing the Barnes pump. Williamson New England Electric Motor Service Corp is the only dealer in New England that sells the Barnes pump.

Motion by Selectmen Hutchins, seconded by Selectman Matthews-Bull, to purchase 12 Barnes pumps from New England Electric Motor Service Corp at a cost of \$20,940. **Vote:** 5-0.

10. Award bids for bait cooler replacement at Cape Porpoise Pier.

Harbormaster Lee McCurdy received three bids for the Cape Porpoise Pier bait shed refrigeration replacement:

Vendor	Cost
Southern Maine Refrigeration	\$20,800.00
Gammons	\$21,902.00
Patriot Mechanical	\$23,856.00

Motion by Selectman Daggett, seconded by Selectman Briggs, to award the bid for the bait shed refrigeration replacement to Southern Maine Refrigeration at a cost of \$20,800.00. **Vote:** 5-0.

11. Acceptance of DOT temporary construction easement for Mat Lanigan Bridge project.

Town Manager Laurie Smith announced that Maine DOT is installing a temporary pedestrian bridge landing at the Dock Square parking lot behind Hurricane's restaurant during the Mat Lanigan Bridge project. When completed, the State will put everything back to its original condition. The State is paying the Town \$6,800 compensation for a temporary construction easement.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to approve the temporary construction easement for the Mat Lanigan Bridge project. **Vote:** 5-0.

12. Consider Street Opening Permit for Michael and Janelle Maka, 20 Windemere Place, to run an underground power, cable, phone to telephone pole.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to approve the Street Opening Permit for Michael and Janelle Maka, 20 Windemere Place, to run an underground power, cable, phone to telephone pole. **Vote:** 5-0.

a. Consider appointment of representative to the MMA Legislative Policy Committee

Ms. Smith said there are currently no volunteers so she volunteered to put her name in as a write in. They meet while the legislature is working. The Board supports her as a write in.

Ms. Smith announced that the Mat Lanigan Bridge project has gone out to bid this week. Bids are due to the State by August 3. Construction would begin this fall with some preliminary work. The actual bridge closure would take place next spring. She said the State worked with the Town to put in incentives and disincentives to get the construction project done sooner. For example, if the contractor gets the work done sooner than the 45-day closure, there is a \$10,000 per day incentive with a \$100,000 bonus if work is done by April 30. Disincentives if the work is not completed after the 45-day closure are \$10,000 a day and \$5,000 a day after May 5.

Mrs. Smith also mentioned that they now have air conditioning in the fire station meeting room.

Ms. Smith said for the next agenda so far there will be the tax commitment, a liquor license, and discussion on the Roomers Ordinance amendments. She asked if the Board still wanted to have the meeting at town hall or the Village Fire Station. The Board agreed to have the next meeting at the Village Fire Station on July 28, at 7 PM.

14. Approve the July 14, 2016, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to Approve the July 14, 2016, Treasurer's Warrant. **Vote:** 5-0.

15. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Daggett, to adjourn. **Vote:** 5-0.

The meeting adjourned at 8:41 PM.

Submitted by

Arlene McMurray
Administrative Assistant

**Presentation to the Kennebunkport Selectmen
Roomer Ordinance Revisions
For Submission to the November Ballot
July 14, 2016**

HISTORY

- There is a current Kennebunkport Roomer Ordinance which has been in place for years
- Permitted in all zones but VR, VRE and CA
- Dwelling must be older than March 6, 1972 to qualify for today's ordinance
- Requires Zoning Board of Appeals approval

REVISIONS RECOMMENDED

Article 2

- Owner must occupy dwelling during rentals
- Can have long term rentals but rentals cannot be for less than 2 days.

Article 4

- Add Roomers to VR, VRE and CA Zones as a conditional use.

Article 6

- Parking: There must be one off-road parking space for each room rented.

Article 7.3

Purpose

- Allows for the use of legally-existing single, two or multi-family structures for the accommodation of Roomers for compensation while insuring the safety of occupants and minimizing any negative impact to surrounding neighborhoods.
- Helps residents on fixed/limited incomes keep their homes while enhancing and diversifying rental accommodations available to workers, visitors and tourists to Kennebunkport.
- Adds an appropriate level of regulation to help manage levels of traffic, parking demand, light, glare, and noise. These impacts, without regulation, have the potential to be detrimental to the livability and desirability of Kennebunkport neighborhoods for year-around residential uses.-

**Presentation to the Kennebunkport Selectmen
Roomer Ordinance Revisions
For Submission to the November Ballot
July 14, 2016**

No more than 2 rooms in a Residential Rental Accommodation may be let out to Roomers provided that:

In Summary...

- There are no separate Kitchen/Cooking Facilities for Roomers.
- There is no Roomer advertising signage located on premises.
- There are no changes to the dwelling unit in its exterior appearance made to accommodate Roomers.
- Roomer bedrooms will be inspected by Code Enforcement, have code compliant Smoke and CO detectors and have up to date building code compliance for primary and secondary emergency egress and/or rescue.
- There is no separate entrance; Rental Rooms must be in the principle structure; utilities must not be separately metered.
- There is one off-street parking place for each room rented, in addition to the requirement of Article 6.10.
- The owner of the Residential Rental Accommodation shall remain in residence while rooms are being rented.
- A License is issued by Code Enforcement, approved by the Zoning Board of Appeals after a successful Property Inspection by Code Enforcement.
- Roomer License is void upon a change of ownership.
- All currently operating Residential Rental Accommodations prior to November 8, 2016 shall be required to gain approvals by Code Enforcement and the Zoning Board of Appeals no later than May 1, 2017.
- A Roomer license will be revoked after a 2nd confirmation of Noise/Barking Dog Citation related to the dwelling unit. A license will be reissued after a 1 year revocation. This will require Zoning Board of Appeals approval.
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ROOMER Revisions

Article 2 Residential Rental Accommodation: The licensed accessory use of no more than 2 bedrooms in a legally existing dwelling or dwelling unit. This dwelling unit shall be an owner occupied dwelling. Rooms rented may be for either short term or long term rental to a roomer who may be unrelated to the owner or occupant of the unit, for periods no less than 2 days.
Roomer – A person residing in and paying rent for a room in a single-family dwelling Residential Rental Accommodation whether or not the person eats meals on the premises. see Residential Rental Accommodation

Article 4 Add to VR (4.3), VRE (4.4) & CA (4.7) as conditional use

Article 6 Add to parking requirements (6.10)

Article 7.13 Purpose. The purpose of allowing Residential Rental Accommodations is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of roomers, for compensation, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Such Rentals and the revenue they make available to homeowners helps makes Kennebunkport affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Kennebunkport and the Seacoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for Residential rental accommodations may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the town because they impair the livability and desirability of Kennebunkport neighborhoods for residential uses.

No more than two (2) rooms in a single-family dwelling, which was in existence on March 6, 1972, may be let out to roomers as an accessory use to a single-family dwelling provided that: A Residential Rental Accommodation may be let out to Roomers provided that:

- A. No separate kitchen or cooking facilities are provided for or use by the roomers;
- B. No sign is located on the premises advertising the availability of rooms for lease or rent to roomers;
- C. No alteration or change of ~~the single-family dwelling~~ the dwelling unit in its exterior appearance is made to accommodate the presence of roomers;
- D. ~~No accessory apartment or home occupation is located in the single family dwelling; The bedroom(s) being rented shall be inspected by the Code Enforcement Officer and shall have code compliant smoke and carbon monoxide Detectors in addition to complying with current building code primary and secondary means of emergency escape and rescue requirements.~~

- E. The rooms occupied by the roomers do not have a separate entrance from the outside;
- F. The rooms occupied by the roomers are within the principal structure;
- G. The roomers use utilities which are not separately metered from those used by the remaining occupants of the dwelling unit and
- H. One (1) off-street parking space per room rented roomer shall be required in addition to the requirements of Article 6.10.
- I. Owner of Residential Rental Accommodation shall remain in residence while rooms are being rented.
- J. A license to operate a Residential Rental Accommodation shall be issued by The Code Enforcement Officer after approval by the Zoning Board of Appeals and after a successful property inspection has occurred subject to section D above. Such license shall be issued to the property owner only, and is subject to sufficient evidence that the property is owner occupied. License shall become void upon a change in ownership or owner residency status.
- K. Dwelling units operating a Residential Rental Accommodation prior to November 8th 2016 shall be required to obtain approval from the Zoning Board of Appeals and the Code Enforcement Officer before being able to accommodate Roomers beginning May 1st 2017.
- L. License shall be revoked upon confirmation of a second (2nd) confirmed Noise or Barking Dog Citation related to use of dwelling unit by a Roomer. Any such License having been revoked shall not be reissued to the same property owner within 1 year (365 days) from the date of revocation, which shall require Zoning Board of Appeals re approval.