

**Town of Kennebunkport  
Board of Selectmen Meeting  
Village Fire Station-32 North Street  
July 28, 2016 – 7:00 PM**

Minutes of the Selectmen Meeting of July 28, 2016

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

**Selectman absent:** Allen A. Daggett

**Others present:** Deb Bauman, Michael Davis, David Doubleday, Jim Fitzgerald, Werner Gilliam, David James, Arlene McMurray, Becky Nolette, David Powell, Greg Reid, Dan Saunders, Laurie Smith, and others

**1. Call to Order.**

Chair Barwise called the meeting to order at 7:00 PM.

**2. Approve the July 14, 2016, selectmen meeting minutes.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to approve the June 14, 2016, selectmen meeting minutes. **Vote:** 4-0.

**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.)**

David Doubleday talked about his family history living in Cape Porpoise in his wife's grandfather's house. He said he owns property on both sides of Mills Road and was concerned that all of the road and sidewalk improvements would change the character of Cape Porpoise. He passed out questions that he had, and asked the Board to consider them. (See Exhibit A).

David James said residents on North Street received an e-mail from the Town regarding putting in a temporary sidewalk from the west side of North Street from Maine Street to the parking lot. He said neighbors became concerned when it continued to Patten's Berry Farm. He wanted to know the Town's ultimate goal.

Town Manager Laurie Smith explained that their goal is to widen the shoulder to accommodate bicycles.

**4. Consider renewal liquor license application submitted by Sarah and Erik Lindblom, DBA Captain Jefferds Inn, 5 Pearl Street.**

**Motion** by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by Sarah and Erik Lindblom, DBA Captain Jefferds Inn, 5 Pearl Street. **Vote:** 4-0.

**5. Consider amendment to the Land Use Ordinance regarding roomers for November 2016 Special Town Meeting.**

Werner Gilliam, director of planning and development, said he met with the Growth Planning Committee on Tuesday along with Selectmen Daggett and members of the public and made revisions to the ordinance based on their feedback. (See Exhibit B).

Selectman Briggs pointed out that this revision does not mention the penalties for violation of this ordinance, and Mr. Gilliam agreed that penalties should be added.

Dan Saunders, chair of the Growth Planning Committee, stated that the Committee agrees with these revisions.

Dave James added that room rentals are already allowed in Cape Porpoise.

Selectman Matthews-Bull voiced her concerns on how this ordinance will change Cape Porpoise.

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to approve the Land Use Ordinance revisions regarding roomers including tonight's revision to add penalties for violations, and to send this to the Town attorney for review. **Vote:** 3-1/Selectman Matthews-Bull opposed.

**6. Commitment of the 2016 property taxes and establishment of a tax rate.**

Ms. Smith introduced Assessor's Assistant Becky Nolette. Ms. Nolette explained that the State has increased the Homestead exemption and that last year the overlay was \$69,000. She presented the Board with the following options:

\$8.30 mil rate with \$125,874 overlay  
\$8.28 mil rate with \$87,512 overlay  
\$8.27 mil rate with \$68,331 overlay  
\$8.25 mil rate with \$29,969 overlay

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the mill rate of \$8.28 with an overlay of \$87,512 for fiscal year 2017.

**Vote:** 4-0.

Mr. Gilliam introduced new employee Greg Reid. Mr. Reid will be working a few days a week as Assistant Code Enforcement Officer.

**7. Sign assessor's return for County taxes.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to sign the assessor's return for County taxes in the sum of \$1,059,648.01. **Vote:** 4-0.

**8. Discuss RSU 21 cost sharing agreement.****a. Appoint one School Committee member to the RSU 21 Cost Sharing Committee.**

Ms. Smith said in the cost-sharing agreement there is a stipulation that it is to be reviewed every five years, and that time has come. There are three proposed meeting dates: August 10, 17, and 24, if needed.

Ms. Smith said that Peter Fellenz who is on the School Committee volunteered to be on the RSU 21 Cost Sharing Committee.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to appoint Peter Fellenz to the RSU 21 Cost Sharing Committee. **Vote:** 4-0.

Selectman Matthews-Bull let it be known that she thinks Kennebunkport is paying too much.

**b. Appoint two Selectmen to the RSU 21 Cost Sharing Committee.**

**Motion** by Selectman Briggs, seconded by Selectman Hutchins, to appoint Selectmen Barwise and Hutchins to the RSU 21 Cost Sharing Committee. **Vote:** 4-0.

**9. Consider appointment to Government Wharf Committee.**

**Motion** by Selectman Hutchins, seconded by Selectman Briggs, to appoint Tom Mansfield to a one-year term on the Government Wharf Committee. **Vote:** 4-0.

**10. Consider appointment to Growth Planning Committee.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to appoint Paul Hogan as a full member of the Growth Planning Committee with a term expiring in July 2018. **Vote:** 4-0.

**11. Consider appointment to the Zoning Board of Appeals.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to appoint April Dufoe to a term expiring in July 2019. **Vote:** 4-0.

**12. Consider acceptance of Government Wharf financial accounting.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the funds from Government Wharf and set up an enterprise fund. **Vote:** 4-0.

**13. Consider DOT agreement to allow overweight vehicles during Mat Lanigan Bridge construction.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to allow overweight vehicles during the Mat Lanigan Bridge construction and to ask for a performance bond. **Vote:** 4-0.

**14. Authorize Resolution of Intent to Reimburse Expenditures for an Addition and Renovations to the Police and Communications Building with Proceeds of Tax-Exempt Bonds.**

(See Exhibit C)

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, that the resolution entitled, "Resolution of Intent to Reimburse Expenditures for An Addition and Renovations to the Police and Communications Building With Proceeds of Tax-Exempt Bonds," be adopted in form presented to this meeting and that an attested copy of said Vote be filed with the minutes of this meeting, which can be viewed at Town Hall. **Vote:** 4-0.

**15. Other business.**

Mrs. Smith stated when the roof was laid on the new addition at the police department, they found out there was no underlayment under the old roof. Wright Ryan gave a bid of \$25,000 to remove and replace the existing roof.

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the bid from Wright Ryan for \$25,000 to remove and replace the existing roof at the police station. **Vote:** 4-0.

**16. Approve the July 28, 2016, Treasurer's Warrant.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the July 14, 2016, Treasurer's Warrant. **Vote:** 4-0.

**17. Adjournment.**

**Motion** by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Vote:** 4-0.

The meeting adjourned at 7:55 PM.

Submitted by

Arlene McMurray  
Administrative Assistant

## JULY 28, 2016 – EXHIBIT A

Mills Road improvement questions for the Kennebunkport Board of Selectmen:

7/28/2016

- Are road and sidewalk improvements on Mills Road something the board is looking into or is this something the board has absolutely committed to? When and how was this decision made?
- Did the board seek resident input before seeking MDOT funding? Why or why not?
- Briefly outline what the board did to ascertain if a Mills Road sidewalk is needed?
- What data was used to determine that a wider road was desired?
- If a decision is made to make improvements along the Mills Road, is the plan to follow the Federal Highway Administration recommendations for a safe sidewalk? Why or why not?
- Is the intent to provide important additional streetscape elements and pedestrian amenities to keep cars separate from pedestrians? (Granite curbs, mowed strip, lighting, and trees to define the walkway) Why or why not?
- If the plan is to simply widen the road as was done between the Cape and Town: Will that increase traffic speed and result in greater danger to pedestrians? How do we know?
- Would widening be a desirable or undesirable change to the character of the neighborhood? What data supports this?
- Would the improvements negatively or positively impact property values of Mills Road properties? What data supports that?
- If a sidewalk is for pedestrians, what are we doing about bicycles? Joggers?
- Was consideration given to placing a pedestrian way behind the big trees and fences that line the Mills Road in the village? Why or why not?
- If a sidewalk is created will it be maintained as regards snow removal? How will the town regulate/control encroachment into the right-of-way from vegetation on neighboring properties? Will the town better address these issues on existing sidewalks in Cape Porpoise and other parts of town?

Thank you,

David N. Doubleday



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. Individual rooms shall be rented no more than once per week. For purposes of this section a week shall be defined as Monday thru Sunday.

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 8<sup>th</sup> 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 1<sup>st</sup> 2017.
- L. Roomers approved prior to November 8<sup>th</sup> 2016 may continue to operate under the conditions of approval as specified by the Zoning Board of Appeals including the Land Use Ordinance requirements and restrictions in effect at the time of their approval.
- M. License shall be revoked upon confirmation of a second (2<sup>nd</sup>) 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.



JULY 28, 2016 – EXHIBIT C

July 28, 2016


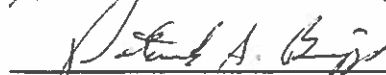
Motion: I move that the resolution entitled, "Resolution of Intent to Reimburse Expenditures for An Addition and Renovations to the Police and Communications Building With Proceeds of Tax-Exempt Bonds," be adopted in form presented to this meeting and that an attested copy of said Vote be filed with the minutes of this meeting.

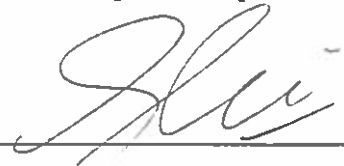
**RESOLUTION OF INTENT TO REIMBURSE EXPENDITURES FOR AN ADDITION AND RENOVATIONS TO THE POLICE AND COMMUNICATIONS BUILDING WITH PROCEEDS OF TAX-EXEMPT BONDS**

Whereas, pursuant to section 5772 of Title 30-A of the Maine Revised Statutes and approval by the voters of the Town of Article 25 at the Annual Town Meeting duly called and held on June 13, 2015, the Board of Selectmen are authorized to issue general obligation bonds in an amount not to exceed \$400,000.00 and notes in anticipation thereof (collectively, the "Bonds"), to fund the costs of an addition and renovations to the Police and Communications Building (the "Project");


Now, therefore, the Board of Selectmen hereby resolves and declares its official intent pursuant to Section 1.150-2(e) of the Treasury Regulations that the Town of Kennebunkport (the "Town") reasonably expects to use the proceeds of the Bonds to reimburse certain original expenditures from the Town's general or other fund, paid not earlier than 60 days prior to adoption of this Resolution or to be paid, which original expenditures have been or will be incurred in connection with costs of the Project; and that the Town reasonably expects that the maximum principal amount that the Town will issue to finance the Project is \$400,000.00; and further that an attested copy of this resolution and declaration of official intent be kept in the permanent records of the Town and be reasonably available for public inspection.

Dated: July 28, 2016:

  
\_\_\_\_\_  
Shelly Matthews-Bull  
  
\_\_\_\_\_  
Robert A. Biss  
A majority of the Board of Selectmen

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A true copy, attest:

  
\_\_\_\_\_  
Tracey O'Roak  
Town Clerk  
(Town Clerk to file an attested copy of this Resolution with the meeting minutes)