

Town of Kennebunkport
Board of Selectmen Meeting
May 11, 2023
6:00 PM

MINUTES

Selectmen attending: Edward Hutchins, Sheila Matthews-Bull, Allen Daggett, Jon Dykstra, Michael Weston.

1. Call to Order:

Selectman Hutchins called the meeting to order at 6:02 PM.

2. Approve the April 27, 2023, selectmen meeting minutes:

Motion by Selectman Daggett, seconded by Selectman Weston, to approve the April 27, 2023, selectmen meeting minutes. **Voted:** 4-0-1. (Selectman Matthews-Bull abstained). **Motion passed.**

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.)

No meeting attendees, either in-person or on Zoom, came forward with any issues.

No motion was necessary. No action was taken.

3.a. Approve the Colony Hotel's liquor license application.

Chairman Hutchins said that the application was previously submitted and met requirements, but now is the proper time to approve it.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve the Colony Hotel's liquor license application. **Voted:** 5-0. **Motion passed.**

4. Public hearing and consideration of a new liquor license submitted by Ultramar Restaurant, Olivos, LLC, located at 77 Pier Rd:

Chairman Hutchins opened the public hearing but no attendees in the room or via Zoom had any comment. Selectman Dykstra asked about the applicant, indicating they didn't have any other liquor licenses. Town Clerk Tracey O'Roak clarified that even though it is the same owner as the Lost Fire restaurant, this is a new LLC, and therefore this answer on the application is correct as this LLC holds no other liquor licenses. Allan

Evelyn asked if the liquor license would cover both the former “Pier 77” restaurant on the main floor and the former “Ramp” restaurant on the basement/ground floor. Selectman Dykstra replied that the application was for both new restaurants. Allan inquired further if this license would cover their food truck. Town Manager Laurie Smith responded that the license was for the two restaurants in the building only. Chairman Hutchins then closed the public hearing as there were no more questions or comments.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to approve a new liquor license for Ultramar Restaurant, Olivos, LLC, located at 77 Pier Rd. **Voted:** 5-0. **Motion passed.**

5. Public hearing on a proposed amendment to Chapter 160-11, unlawful parking, of the General Ordinances regarding parking at the Cape Porpoise Pier:

Chairman Hutchins opened the public hearing and asked Peter Eaton, chairman of the Cape Porpoise Pier Committee, to comment. Peter said parking has been at a premium and an issue along the Maine coast for many years. While in the past, lobstermen used to go out alone, now most have at least one sternman. He recommends that the ordinance state that each commercial boat at Cape Porpoise pier has a limit of one parking space for a non-service vehicle from Memorial Weekend to October 15th. There was an extended conversation among the Selectmen about the parking. Laurie Smith stated that the plan is to have certain spaces designated with signage and also have permit placards that can be placed in the vehicle. There were no comments from the in-person or Zoom attendees. Chairman Hutchins closed the public hearing.

Motion by Selectman Weston, seconded by Selectman Dykstra, to approve the ordinance change. **Voted:** 5-0. **Motion passed.**

6. Revision of the Pier rules to allow for one parking permit per pier member from May 15 – October 15:

Laurie Smith explained that in addition to approval of the Ordinance change in Item 5, the Selectmen also need to approve revising the Pier rules. She suggested an amendment that the lessee of the Cape Pier Chowder House be provided with two parking permits as this business pays a significant amount into the Pier Enterprise Fund.

Motion by Selectman Daggett, seconded by Selectman Dykstra, to revise the Pier rules to allow for one parking permit per Pier member, with two parking permits for the lessee of the Cape Pier Chowder House, from May 15 – October 15. **Voted:** 5-0. **Motion passed.**

7. Public hearing on the following ordinance questions on the June 13 municipal ballot:

Chairman Hutchins opened the public hearing for these items, accepting comments from the Selectmen and/or meeting attendees. He noted that no vote needed to be taken.

a. Administrative Code revision regarding Cape Porpoise Pier Committee members.

There were no comments from the Selectmen or meeting attendees.

b. Administrative Code revision regarding days of annual town meeting.

There were no comments from the Selectmen or meeting attendees.

c. Land Use Ordinance revision regarding accessory dwelling units.

Director of Planning and Development, Werner Gilliam, recapped that the revision would bring the Kennebunkport LUO into compliance with State LD 2003. Growth Planning Committee Chairman Dan Saunders commented that the Committee had reviewed the ordinance revision extensively and agreed that it is consistent with the Comprehensive Plan.

d. Land Use Ordinance revision regarding private road construction.

Werner Gilliam explained that this change relates to road widths for new private roads built outside a subdivision to facilitate the larger fire truck the Town will receive soon. He said that should this revision be approved by the voters, a corresponding change to the subdivision regulations would be proposed, which is within the purview of the Planning Board. The Selectmen asked for specifics about a few hypothetical situations, which Werner answered. Dan Saunders added that the Growth Planning Committee had also discussed this change and agreed that it is consistent with the Comprehensive Plan.

e. Authorize easement deed for St. Ann's Episcopal church.

There were no comments from the Selectmen or meeting attendees.

f. Authorize purchase and sale agreement to purchase land on Langsford Road for boat access.

Attendee John Hitz asked if there was a plan to control access to the boat ramp on this very narrow street. Selectman Dykstra responded there is a management plan that is not finalized, but which includes the provisions that access would be permitted only during certain tides, users be registered with the Town, and that users be provided with a unique time slot for use of the ramp. Use of the ramp will be limited to Town residents and Cape Porpoise mooring holders only. Ramp users will be registered and provided with a code to unlock the gate. Dan Beard, Shannon Dant and Peter Eaton also expressed their strong support for a public boat launch. Chairman Hutchins closed the public hearing for these proposed amendments, noting that the vote will be made by the public on June 13th.

No motion was necessary. No action was taken.

8. Approve the street opening permit submitted by Geoff Bowley / Agent of Fullsend Holdings LLC, to excavate the ledge within Stone Rd ROW:

Geoff Bowley explained that there is an existing parcel on Stone Rd and he is requesting to remove some ledge within the Town Right of Way (ROW) in order to make a curb cut for access to the property.

Public Works Director Chris Simeoni commented that he does not have issues with the request, but said that there should be a requirement that any offloading/onloading of track equipment or work done from equipment on the road should be done on matting. As Chris expects that much of this work will be done from the travel lane of the road, Bowley Builders should submit a traffic direction and control plan that is acceptable to the Town Public Works, Fire & Police Departments. Mr. Bowley said that a traffic plan would be implemented by contractor Foglio Inc. with experience in this area. He elaborated that a pneumatic hammer would be used for the ledge extraction (no blasting) and that the work should take approximately two days.

Motion by Selectman Dykstra, seconded by Selectman Matthews-Bull, to approve the street opening permit submitted by Geoff Bowley / Agent of Fullsend Holdings LLC, to excavate the ledge within Stone Rd ROW with the stipulations cited by Chris Simeoni.
Voted: 5-0. Motion passed.

9. Consider Arbor Day Proclamation:

Chairman Hutchins read the Arbor Day Proclamation, declaring May 11th, 2023 as the 151st Anniversary Celebration of Arbor Day.

10. Accept a \$200.00 donation from Alexander Lachiatto to the Nurses account.

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept a \$200.00 donation from Alexander Lachiatto to the Nurses. **Voted: 5-0. Motion passed.**

11. Accept a \$49 donation from Bill Gainer for lighting the Drown Memorial:

Motion by Selectman Daggett, seconded by Selectman Matthews-Bull, to accept a \$49 donation from Bill Gainer for lighting the Drown Memorial. **Voted: 5-0. Motion passed.**

12. Other business:

Selectman Daggett noted that softball is coming up soon. Laurie Smith said that work was being done to the field to recover from recent flooding but that it should be ready by June. None of the other Selectmen had any other business.

Laurie Smith announced that we have a Candidates' Night for both the School Board and Board of Selectmen candidates on Tuesday, May 30th, at 6 pm at the Village Fire Station Community Room. The meeting will be streamed online and on cable TV as well.

Tracey O'Roak announced that the May 16th RSU Budget Meeting would occur at 7 pm at Kennebunk Elementary School. She also said absentee ballots will be available on Wednesday, May 17th.

Laurie also stated that she met the Army Corps of Engineers at Colony Beach. A portion of the beach parking area has been blocked off because of recent storm damage. Repairing the parking lot with Army Corps funding would likely require a federal delegation and could take years. If the Town pays for the remediation, it will cost about \$50,000. Laurie is working with the Army Corps on permitting but wanted the Selectmen to know the funding choices and methods.

Susan Holleran introduced herself and stated she was a candidate for RSU 21 School Board. She thanked Laurie for organizing Candidates' Night and reminded everyone that on May 15th at 5 pm at Kennebunk Elementary School, there's a Candidates' Night just for School Board Candidates.

No motion was necessary. No motion was taken.

13. Approve the May 11, 2023, Treasurer's Warrant:

Motion by Selectman Daggett, seconded by Selectman Weston, to approve the May 11, 2023, Treasurer's Warrant. **Voted: 5-0. Motion passed.**

14. Adjournment:

Motion by Selectman Matthews-Bull, seconded by Selectman Weston, to adjourn. **Voted: 5-0. Motion passed.**

The meeting adjourned at 7:02 PM.

Submitted by,
Dave Powell,
Technology Specialist